

MAJOR APPLICATIONS PROTOCOL

1. Introduction

In recent years the Government has sought to improve the time taken for planning applications to be determined as part of the effort to speed up and give greater confidence to the planning system.

A key measure of the Council's performance in Development Control is the percentage of major applications determined within 13 weeks (16 weeks for Environmental Assessments). In 2005 the Council determined only 45% of major applications within 13 weeks which was below the Government target of 60%.

The Council recognises that the scale and complexity of major applications requires a different approach from applications for minor and other applications. This document sets out the way in which the Council will seek to improve its performance in the determination of planning applications for major development.

This protocol promotes a two-stage process for major planning applications. The first stage is a full pre-application submission resulting in a report from the case officer to the developer. The second stage is the formal submission and determination of the planning application. Both processes will be project managed by the Major Applications and Appeals Officer

It also proposes a project team approach to the largest scale and most complex applications.

2. Definition of Major Applications

The definition of major applications is found in Article 8 of The Town and Country Planning (General Development Procedure) Order, 1995. For applications determined by this Council it includes:

- the provision of dwelling houses where the number of dwelling houses to be provided is 10 or more; or
- the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development includes more than 10 houses;
- the provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- the development is to be carried out on a site having an area of 1.0 hectare or more.

Applications for the approval of reserved matters following the grant of an outline planning permission for major development as defined above will be treated as major development where all or some of the reserved matters applications are to be submitted together.

In addition to the above criteria, the largest scale and more complex applications have been identified separately as 'significant majors' and will include:-

- the provision of dwelling houses where the number of dwelling houses to be provided is 50 or more; or

- development comprising the provision of 10,000 square metres or more of industrial, commercial or retail floorspace.
- applications in which more than one department of the council has a significant interest

3. Pre application discussions

Developers will be expected to make and complete a full pre-application submission before an application for planning permission for any major development is submitted.

There is not sufficient time within the 13 week application period to resolve problems identified during the process. Applications which have not been through the pre-application process will be determined on the basis of the submitted material. If they are deficient in relevant information they may be refused planning permission without further negotiation.

Each submission will be assigned a case number and a case officer. It is intended that, wherever possible, the same officers will deal with the proposal from pre application discussions through to a decision, subject to their individual availability. If not, sufficient records would be available for new officers to continue.

With a pre application submission the proposal will be examined against the relevant national planning guidance, development plan policies, supplementary planning guidance and other material planning considerations. A list of potential issues or requirements for major proposals is included in Appendix 1. Key consultees will be identified by the Case Officer in conjunction with the Major Applications and Appeals Officer and their views sought. As a result of these discussions likely heads of terms for any S106 planning obligations will be identified.

It is important for developers to recognise that case officers will be able to offer a better quality of advice in cases where the information supplied by the developer is comprehensive and accompanied by good quality plans. Any additional information required to undertake such detailed discussion should be submitted as part of the initial discussions. If not included, they may be requested before any consultations are undertaken.

Pre application community involvement

In its Statement of Community Involvement the Council expresses the view that there should be greater public involvement with major proposals at an early stage in the decision making process. The aim of this process is to encourage consultation with the community on major applications at the pre application stage, thereby avoiding any unnecessary objections being made at a later date. The Council has already used this approach in requiring the preparation of development briefs on strategic housing developments.

Before planning applications for major development are submitted, the developers are expected to discuss with officers how the community will be consulted at the pre application stage. The purpose of these discussions will be to identify the groups / individuals that should be involved, to agree the form their involvement will take and to

agree a timetable for their involvement. The developer will be expected to undertake any measures for community involvement associated with their proposals.

When submitting the planning application, the applicants will be expected to provide evidence of how the community have been involved at the pre application stage. This should take the form of a statement of community involvement, outlining what has taken place and how the results of consultation have been taken into account in the submitted plans.

The Council recognise that in many cases discussed as a pre application, the developer may consider the information to be commercially sensitive. Such discussions will be considered to be confidential by case officers. There are however some benefits in including the Council's Ward Members for that particular area who have local knowledge. Case officers will therefore seek the agreement of the developer to advise the relevant ward members and ask for any feed back on a particular proposal. This will be in addition to the Council's obligations for public consultations required as part of a planning application. It will not affect the need to consider or dilute the value of such comments in determining an application.

Significant Major applications

For the largest scale and most complex proposals, The Council will set up a project team comprised of officers from the relevant consultation bodies for the type of development proposed and issues arising.

Members of the project team will be identified by the Case Office in conjunction with the Major Applications and Appeals Officer. These personnel will represent disciplines which reflect the issues related to the proposal and the individual characteristics of the site. The discussions will then allow for any alterations to the proposed scheme to be considered. However, in order to avoid endless negotiations which do not appear to achieve anything constructive, the case officer will advise the developer when this point has been reached and close the discussions.

All Major Applications

The pre application discussions will identify the issues that need to be addressed, any additional requirements and heads of terms needed for a s106 Agreement.

In order to give a comprehensive opinion on the planning merits of a proposal, the Development Control case officer will be responsible for co-ordinating the respective consultations. In the event that separate discussions are agreed between the developer and a third party, the planning case officer should be invited or at least copied in on the notes of the meeting.

A check list of the possible issues that can arise is attached in Appendix 2. These are for information and indicative purposes only. Not all will be relevant to some proposals or sites but the case officer will be able to advise on individual cases.

The local planning authority will provide a written response setting out the main issues and the likely officer recommendation for the scheme.

This report will, wherever possible, be binding on the consultees who were given the opportunity to comment on the pre application submission, whether they made comments or not. The case officer will endeavour to seek some indication from the consultees on how long their views will be valid, after which officers will have to consider if there have been any material changes in circumstance. However such obligations may be subject to short term changes if there is a change in policy. This could result in officers revising their comments.

Officers' comments are made without prejudice to the views of the elected Members. The officer's report will be based on the development plan and full reference will be made to the pre-application report if the eventual planning application is submitted to the Planning Committee. The case officer will make an assessment of the impact of the proposal on third parties but the report would carry more weight if Ward Members had been involved in the process

It is important that the developer knows if a particular scheme has the full or qualified support of the professional officers and that the support will not disappear or diminish after the pre-application process has finished. Equally, consultees, should establish levels of subsidiarity so that the consultation responses are made at the right level and will also be consistent .

Formal applications submitted which conflict with the pre application advice or where no pre application advice has been sought will be considered only on the basis of the submitted plans.

Multiple requests for pre application advice

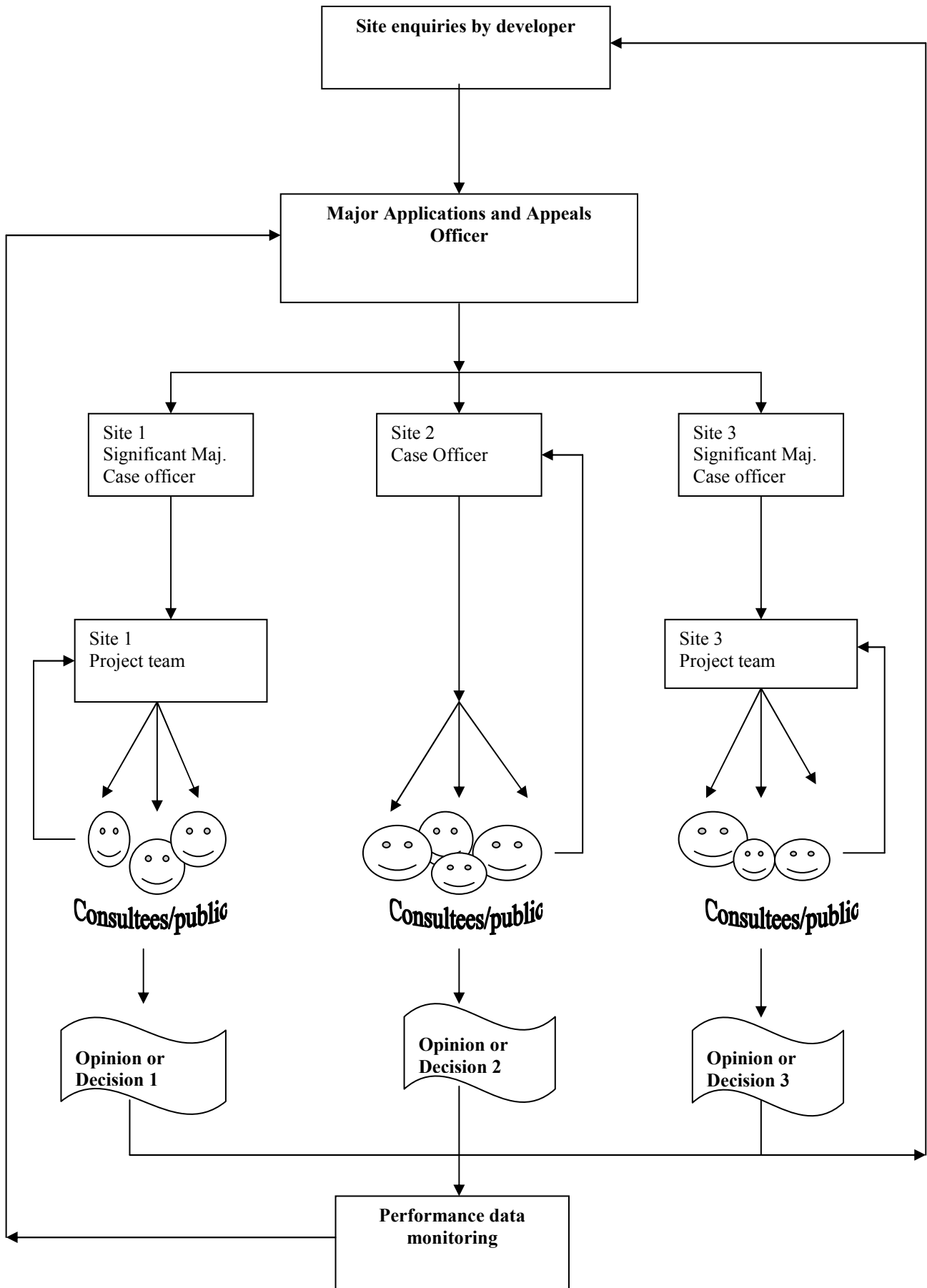
From time to time the local planning authority is unaware that a site for major development is to be marketed until a series of pre-application requests are made. Clearly only one of the competitors for the site will be successful and the additional work will be abortive.

The local planning authority will not usually engage in lengthy individual pre-application discussions with several possible developers where a site is being marketed

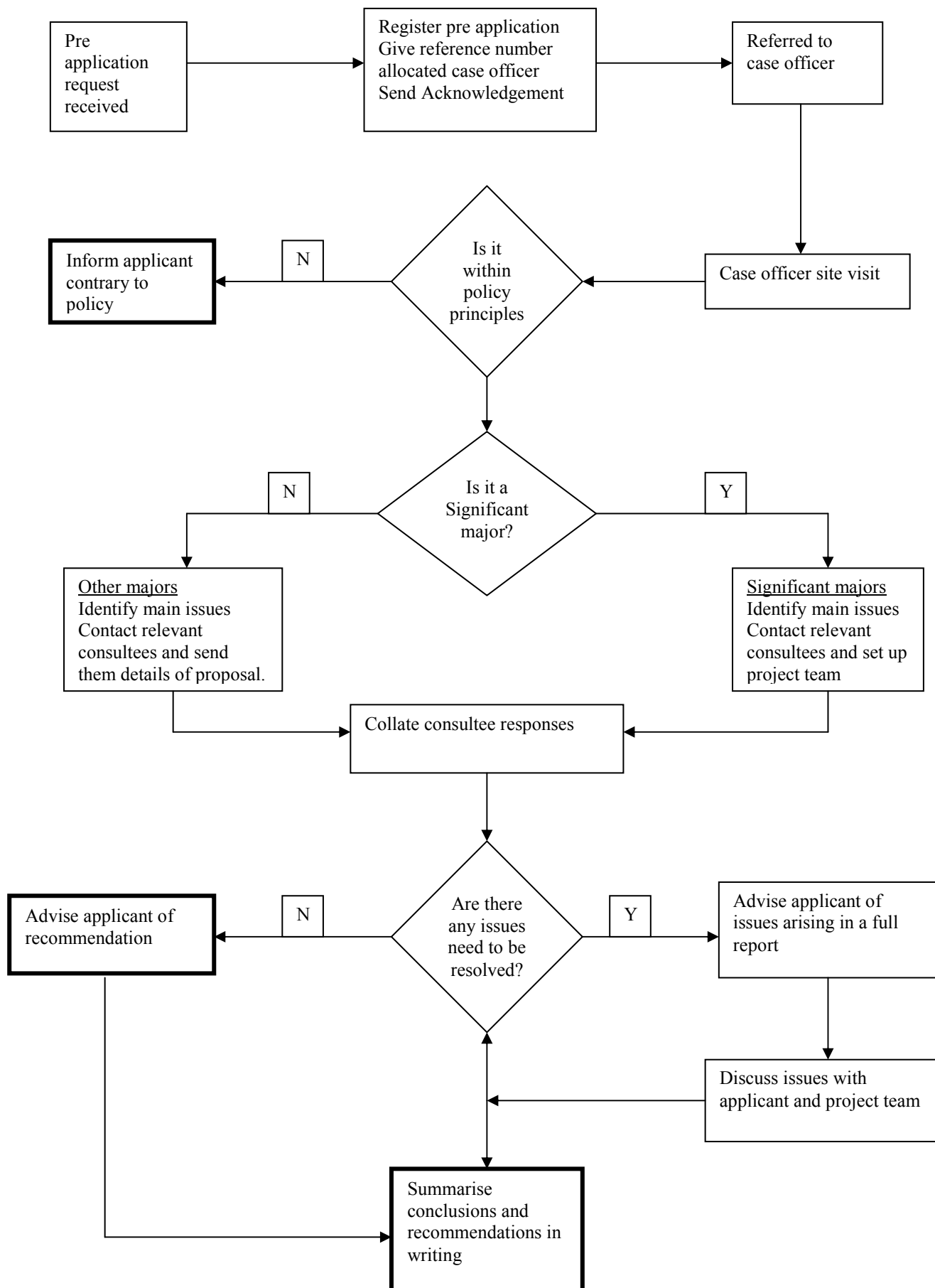
The Council will seek to provide some general planning guidance for individual sites which can be distributed to potential purchasers. This guidance will take the form of a standard response drawing attention to the development plan and other key planning considerations. In exceptional circumstances there may be some opportunity for limited discussion with a planning officer or the Regeneration Officer at this stage in the development process.

Where there is only one developer with an interest in the site, the local planning authority will carry out a normal pre-application dialogue. Similarly, where a potential developer is looking at competing sites, the local planning authority will respond in full only when a single site has been identified.

Major Applications Management Profile



MAJOR APPLICATIONS PRE APPLICATIONS PROCESS CHART



MAJOR APPLICATIONS PROCEDURE

Submission of planning applications.

It is essential to identify planning applications for major development early and accurately.

The local planning authority will, wherever possible, endeavour to process major planning applications within 13 weeks [16 weeks for those with an Environmental Statement. .

The validation process will be carried out within 3 days of receipt of an application for major development. The application will be checked for completeness and then allocated to a case officer by the Major Applications and Appeals Officer. The MAAO will have an initial meeting with the case officer to agree key planning issues and the strategy for processing the particular application.

If the documentation is incomplete or not to an acceptable standard it will be returned to the applicant/agent with covering letter identifying the deficiencies. Applications for outline planning permission may be invalid if the relevant information for any reserved matters identified as forming part of the application has not been provided.

Since the local planning authority will determine applications on the basis of the submitted drawings and will not accept material changes, the developer is expected to provide all information required when applying for full planning permission.

A full check list of all necessary submissions will be provided at the pre application stage or a list of possible supporting documentation provided with the planning application forms. Failure to provide the necessary information to support a planning application will result in a delay in validating the submission.

For those applications likely to require a S106 Agreement if granted permission, the Council will expect a detailed draft Heads of Terms to be submitted with the application. Failure to do so will result in the application being returned as incomplete.

Processing Major Planning Applications

Publicity

The local planning authority will identify the level of publicity for a major application at an early stage.

For all major planning applications the Council will

- display a site notice(s) on or near the land for at least 21 days prior to determining major development planning applications;
- serve notice on any known owner or occupier of adjoining land, and
- publish an advertisement in the Wiltshire Times.

If the public, parish councils and Ward Members have not been involved in the pre-application debate, new issues may arise at the planning application stage which may require additional submissions by the applicant. The local planning authority will advise

the applicant at the first possible opportunity of any new issue which may affect the decision.

There has been an increase in requests for public meetings, exhibitions and briefing sessions for planning applications for major development. These are to be encouraged but should be organised by or with the applicants. Case Officers will not be expected to attend as their role is to remain objective in considering the issues and recommending an outcome for the application. No extension of time for processing the application will be allowed and it is suggested that such public meetings take place prior to the application submission or within the first three weeks of the process.

A Statement of Community Involvement will be expected as part of the application submission.

Consultations/negotiations

All necessary consultations will be identified by the Major Applications and Appeals Officer supported by the case officer and be carried out as early as possible.

Where there has been a pre-application submission a list of the consultees will have already been produced. Some will already have knowledge of the application and the issues it raises. This will allow a speedy response.

All consultation responses will be limited to 21 days from the date of notification. Failure to respond within the time limit may result in limited weight being given to comments. The case officer, will, wherever possible, remind consultees by e mail five working days before the deadline.

The MAAO / case officer will project manage their passage through the planning process. Significant key dates will be identified including the earliest possible Planning Committee date. Some 'significant major' applications may require a special committee meeting date.

The progress of major planning applications will be monitored by the Major Applications and Appeals Officer. Not all major applications need to be considered by committee but a target committee date will be identified for each application in week 1 should the need arise. The Major Applications and Appeals Officer will review the progress with the case officer in week 3 and week 8. The former would be seeking to identify outstanding issues and problems whilst the latter would be looking towards finalising a decision by week 12 (15 for ES applications).

The case officer will advise the applicant at the earliest opportunity of the proposed target Planning Committee date, if appropriate.

The application will be determined on the basis of the original submission and the case officer will work towards the first appropriate planning committee date at the end of the consultation process. If the application does not need to go to planning committee then a decision will be made at the earliest appropriate time.

If, in the light of consultation responses received, the developer wishes to amend the scheme, this will only be possible where the amendment is minor and would not require further consultation. As a rule of thumb the local planning authority would consider re-

consultation where those changes would in themselves have required planning permission. This will be at the discretion of the case officer.

In all other cases, if the developer wishes to amend the scheme or unsolicited revised plans are submitted at a late stage the application will be determined on the basis of the original submissions. Alternatively, the developer may be offered the opportunity to withdraw the application and complete a fresh submission. It is important that the developers realise that making a successful pre-application submission is the key to a smooth planning process

If, in the light of consultation responses received, the case officer requires additional information or amendments to the scheme, the developer will be advised at the earliest possible opportunity, given a limited period in which to provide identified information, and given a revised planning committee target date. It is essential that the case officer controls the process so that the essential public and consultee involvement happens in the first part of the 13 week period i.e. the process is front loaded so that the target dates can be met.

It is also necessary for the case officer to be the sole point of contact for the application. The tendency is for developers to contact more senior officers or individual consultees. To maintain continuity, the case officer alone will be responsible for progressing the application until such time as a draft report has been prepared for the Major Applications and Appeals Officer. Similarly, all contact on behalf of the applicant will be through their nominated agent or, in the absence of an agent, with the applicant themselves.

It is important that Ward Councillors are kept informed of major planning proposals and applications and updated throughout the application process. The case officer will advise the Ward Councillors at the appropriate stage. In the interests of probity, discussions with ward councillors will focus on factual and procedural issues only rather than the merits of the case.

Wherever possible, applications will be determined by officers under the Council's Scheme of Delegation. However, the Scheme requires certain applications to be presented to committee for determination and allows for a local Councillor to call an application in to committee. Councillors have been asked to exercise this discretion appropriately and only where it can be demonstrated that there are valid planning reasons for doing so. Such requests should first be discussed with the case officer.

Recommendation/Decision

The case officer will prepare a case report at the earliest opportunity for consideration by the Major Applications and Appeals officer.

This report will identify the main issues involved in determining the application and will indicate the status of the application as a 'major'. It will identify the consultees responses, publicity responses, planning history and the issues arising as well as the heads of terms for any s.106 agreements. The report will weigh up the issues and conclusions and make a recommendation.

The recommendation and report will be referred to the Major Applications and Appeals Officer for a delegated decision or for checking for a committee meeting. Where appropriate, the formal decision notice will be dispatched within 24 hours of the decision.

In some cases the resolution to grant permission will have to be referred to the Secretary of State or, in the case of a Planning Agreement, to the Council's Legal Department. The applicant will be informed if this is the case.

Developer Contributions (S106 Agreements)

Many planning permissions for major developments will involve off site works, additional planning gain or some financial contributions by the developer. These are often secured by means of a Planning Agreement under S106 of the Town and Country Planning Act 1990 (as amended). The types of gain must be related to the site and to the development and satisfy the tests set out in Circular 5/2005. Such off-site works or contributions cannot be used as a 'wish list' and will need some justification if challenged by the developer.

These types of contributions have in the past been negotiated after the planning merits of the case has been assessed and the resolution made to grant planning permission. The process of negotiations on the legal agreement with interested parts of the authority is therefore time-consuming and invariably the planning application is out of time when the legal agreement is completed.

There are various ways of speeding up the process.

The local planning authority will make constructive use of negative conditions in place of legal agreements as appropriate.

The local planning authority has for a number of years used negative or 'Grampian style' conditions in place of legal agreements in appropriate circumstances. These have included specific works such as local highway improvements and general requirements such as the provision of a green travel plan or affordable housing. The local planning authority will continue the use of such conditions wherever possible rather than legal agreements.

The Council will therefore normally seek to restrict the use of S106 Agreements to those cases where a financial contribution and/or transfer of resources is necessary and cannot be achieved by a Grampian condition.

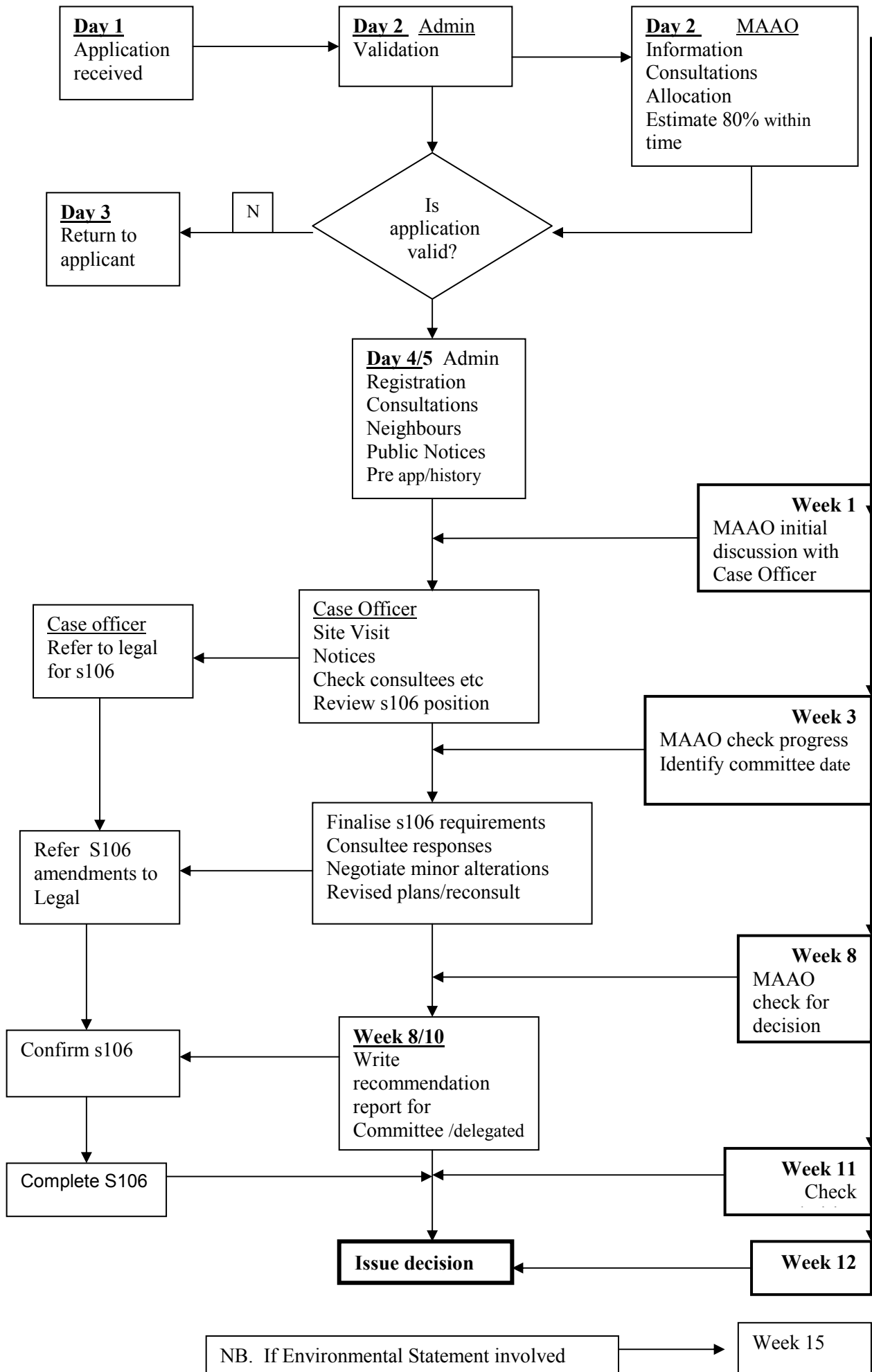
The developer will include draft clauses for legal agreements in their formal planning applications .

For those cases where a legal agreement is necessary the Council will expect to receive detailed draft **Heads of Terms** as part of the application submission. The simplest way to speed up the process is for the developer to have agreed the contents of the legal agreement before submission of an application and for the legal process to be run in parallel to the determination of the planning application. This would allow for the legal agreement to be completed in time for the formal planning decision to be issued.

In order to cut through the complexity of the supplementary planning guidance and give certainty in the preparation of draft legal agreements, the developers will be encouraged to consider the content of agreements as part of the pre application discussions. A list of the more common requirements is attached in Appendix 2. The Council is considering the use of standard s106 Agreements in the future and the adapting the Government suggestion of a standard s106 Agreement recently published in August 2006 'Planning Obligations: Practice and Guidance' in the near future for the most common topics required in Planning Agreements. Developers are advised to enquire with the case officer during the pre application discussions if this option is available.

The Council will, where appropriate , refuse planning permission for applications for major development where an associated section 106 agreement has not been completed by week twelve.

Major Applications Process Chart



Appendix 1

[These are for information and indicative purposes only. Not all will not be relevant to some proposals or sites but the case officer will be able to advise on individual cases.]

[illegible]

DOCUMENTATION – check list

Appendix 2

[For information and indicative purposes only. Not all will not be relevant to some proposals or sites but the case officer will be able to advise on individual cases. See also validation list]

Types of documentation	Details	Needed?
Relevant forms Application Form Part II information for Industry, retail, agricultural Certificates	<ul style="list-style-type: none"> - Outline Applications require information on Use, Amount of development, Indicative layout, scale parameters and Indicative access points. - O/L and Full application - Design and Access Statements – see below 	
Plans e.g. Location plan edged red Layout plan/block plan Floor plans, Elevations, Sections, Landscape plans Others	<ul style="list-style-type: none"> - Scales must be at a recognised metric scale 	
Supporting documentation Planning Statement Design and Access Statement Environmental Statement Traffic Impact assessment Flood Risk Assessment Retail Impact Assessment Sequential test Statement of Need Statement of Community Involvement Sustainability Appraisal Photographs/ montage Others e.g Affordable housing Statement/ open book appraisal, where appropriate Conversions Marketing report Structural Report Ecological evaluation Employment Land availability report	<ul style="list-style-type: none"> -Relationship of proposal with policies -Principles of design and access adopted in scheme; reference DCLG Circ1/2006 -Reference to EA regulations -Vehicular and pedestrian movements -Flood plain or Flood Zone areas -PPS 6 requirements <ul style="list-style-type: none"> - How the community have been consulted - Environment, social & economic implications Housing sites over 25 dwellings [Policy H2 and SPG] Conversions of existing buildings outside settlements to residential Protected wildlife habitats, features or species affected by proposal Where loss of employment land/sites proposed	

Types of documentation	Details	Needed?
<p>Environmental issues</p> <ul style="list-style-type: none"> Air Quality assessment Contamination report Light pollution assessment Noise Impact assessment Sound Insulation Assessment Stability report Sunlight and daylight assessment <p>Green Travel Plan</p> <p>Historical</p> <ul style="list-style-type: none"> Archaeological report Building assessment listed buildings conservation areas Ancient monuments <p>Landscape</p> <ul style="list-style-type: none"> Landscape assessment Tree survey <p>Open space assessment</p> <p>Regeneration Statement</p> <p>Utilities</p> <ul style="list-style-type: none"> Utilities Statement Energy Statement Trade effluent <p>Others</p>	<p>Proposal which may raise issues of disturbance, noise, pollutants or nuisance to the surrounding area.</p> <p>How development will be managed to minimise impact on the environment</p> <p>Statement assessing archaeological investigation, character and appearance of listed buildings, their setting, conservation area and works/alterations to listed building</p> <p>Landscape/tree appraisals, provision, long term maintenance and management.</p> <p>Areas of existing and proposed open space both within and adjacent to the site.</p> <p>Regeneration benefits from the proposal.</p> <p>How proposal connects to the utility infrastructure, projected energy demand/efficiency and trade waste.</p>	
<p>S106 Draft Agreement</p> <ul style="list-style-type: none"> Highways works Affordable Housing, Recreation facilities Open space, Maintenance sums Percentage for Art Environment – flood alleviation etc <p>Others</p>		

Major Applications Consultation List

Appendix 3

These are for information and indicative purposes only. Not all will be relevant to some proposals or sites, others may be added in some cases. The case officer will be able to advise on individual cases.

Consultee	Criteria
Statutory External	
Please refer to GDPO for Statutory list C 1/2000	Article 10 Listed buildings and conservation areas
Other external	
English Nature	<ul style="list-style-type: none"> ➤ SSSI's ➤ Local Nature Reserves ➤ Protected species ➤ Hedgerow removal
Wiltshire Wildlife Trust	<ul style="list-style-type: none"> ➤ Protected species ➤ Local Nature Reserves ➤ Hedgerow removal
Highways Authority WCC	<ul style="list-style-type: none"> ➤ Access onto a public highway ➤ Increase in traffic generation ➤ Parking arrangements ➤ Manoeuvring arrangements
WCC Libraries and Museums	Archaeological surveys
WCC Education	Impact of education services
WCC Strategic Planning	<ul style="list-style-type: none"> ➤ Retail issues ➤ Strategic implications
Wiltshire Constabulary Architectural Liaison Officer	➤ Secure by Design
CABE	➤ Significant designs
Town Civic Trusts	➤ Local heritage sites
Residents Associations	➤ Local areas

Consultee	Criteria
Internal WWDC	
Policy Section	<ul style="list-style-type: none"> ➤ Principles of development ➤ Major proposals ➤ Urban design
Conservation Officer	<ul style="list-style-type: none"> ➤ Works to Grade 1 and II* buildings ➤ Setting of Grade 1 and II* buildings ➤ Significant demolition in a Conservation area ➤ Significant changes in a Conservation area
Economic Development	<ul style="list-style-type: none"> ➤ Business parks ➤ Commercial spaces over 1,000 sq. m or 1 ha in towns and any rural commercial units ➤ New starter business units ➤ Town centre redevelopment and regeneration ➤ Loss of employment sites ➤ Residential units close to industrial premises ➤ Tourism proposals
Environmental Health	<ul style="list-style-type: none"> ➤ Noise generation ➤ Pollution ➤ Contaminated land
Technical Services	<ul style="list-style-type: none"> ➤ Local surface water drainage issues
Recreational Services	<ul style="list-style-type: none"> ➤ Sports pitches ➤ Pavilions ➤ Sports centres
Community Services	<ul style="list-style-type: none"> ➤ Community Halls ➤ Percentage for Art
Housing	<ul style="list-style-type: none"> ➤ Affordable housing
Building Control	<ul style="list-style-type: none"> ➤ Land stability ➤ Disabled access

Acknowledgement letter

Appendix 4

Bradley Road • Trowbridge • Wiltshire BA14 0RD • Tel: 01225 770344/770382
Fax: 01225 770314 • DX: 116891 Trowbridge 3 • www.westwiltshire.gov.uk



Our Ref: ??????

Your Ref:

Date: ??????

Dear Sir /Madam

Pre application advice for at

Thank you for submitting details of the above proposal for informal discussions before submitting an application.

Your pre application submission has been given the reference number quoted above and been allocated to M to co-ordinate a response. If you have any queries please can contact them on 01225 77344 extn or e-mail at the address below.

In order to give the best possible advice, the case officer will have to visit the site and probably undertake further consultations with other statutory bodies or disciplines. It may therefore be several weeks before they can get back to you with any constructive comments.

The case officer will endeavour to give the best advice available at this time, based on current policies and considerations. Such views should be valid for 3 months unless there have been any material change in planning circumstances. However, in the event that an application is subsequently submitted, the Council's policy is consider the application on the basis of the accompanying plans and information only. You are therefore advised that should you chose to ignore the pre application advice or truncate discussions before they are concluded, there will be no opportunity for further negotiations during the application process.

Yours sincerely

MRS C M CAISTOR
Principal Planning Officer (Major Applications & Appeals)

For further enquiries the above officer can normally be contacted on Ext 205 or by e:mail on planningoffice@westwiltshire.gov.uk

Standard Consultee Letter

Appendix 5

Bradley Road • Trowbridge • Wiltshire BA14 0RD • Tel: 01225 770344/770382
Fax: 01225 770314 • DX: 116891 Trowbridge 3 • www.westwiltshire.gov.uk



Our Ref: ?????

Your Ref:

Date: ?????

Dear Sir/madam

Pre application advice for at

I have received a request for pre application advice for the above proposal.

The proposal appears to raise issues in respect of I would, therefore, be grateful for your comments within 21 days of the date of this letter.

This Council is seeking to provide clear advice to developers about the acceptability of their potential development before the formal submission of the planning application. We anticipate, that by doing this, any problems and solutions can be identified at this stage and addressed in the formal submission of the planning application. There will not be sufficient time to renegotiate a scheme once the application is submitted. This should help speed up the planing application process.

I would therefore be grateful, when formulating your response, if you could also indicate which officer has dealt with it and if the opinion can be confirmed for a period of at least 3 months. Thank you for your co-operation

Yours sincerely

M

Planning Officer

For further enquiries the above officer can normally be contacted on Ext or by e:mail on planningoffice@westwiltshire.gov.uk

Standard Advice Letter

Appendix 6

Bradley Road • Trowbridge • Wiltshire BA14 0RD • Tel: 01225 770344/770382
Fax: 01225 770314 • DX: 116891 Trowbridge 3 • www.westwiltshire.gov.uk



Our Ref: ?????

Your Ref:

Date: ?????

Dear Sir/madam

Pre application advice for at

I refer to the request for pre application advice for the above proposal.

[insert text]

I would stress that this letter does not constitute a Certificate of Lawful Development under either Section 191 or 192 of the Town and Country Planning Act 1990 (as amended). If you wish to obtain a formal determination you can make an application under the above legislation on forms available from this office. A fee is normally payable.

The above is based on the information currently available to the officer. It is made without prejudice to any decision that the Planning Committee may make on a subsequent formal, application. This view may also change in the light of representations made, consultations responses or any other information revealed in the course of an application.

Yours sincerely

M
Planning Officer

For further enquiries the above officer can normally be contacted on Ext or by e:mail on planningoffice@westwiltshire.gov.uk

