

## Dealing with Planning Applications: Our Approach to Negotiation

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### 1.0 Purpose of the Report

- 1.1 As part of the Planning Reimagined series of workshops designed to improve the Council's planning process Members discussed how officers could deal with applications which may require amendments.
- 1.2 The agreed way forward was for officers to produce a document that set out clearly how the pre-application advice phase was the best time to refine a proposal, and that under certain circumstances revisions to live applications may also be acceptable.
- 1.3 The resulting document (Appendix A) is submitted for Members consideration and approval. This will help add clarity to this particular element of the planning process with a view to improving the overall service provided.

### 2.0 Forward Plan

- 2.1 The document was added to the Forward Plan initially for consideration in February but was deferred due to other activities affecting the planning service.

### 3.0 Public Interest

- 3.1 The document provides a framework around which revisions to planning applications can be made. It is in the public interest that the planning service operates as efficiently as possible, and this document will help ensure that happens. The result should be additional clarity, a more efficient system thanks to front-loading discussion within the pre-application phase, and a better planning decision when applications are determined.

### 4.0 Recommendation

- 4.1 That District Executive recommend that the Chief Executive approve the use of "Dealing with Planning Applications - Our Approach to Negotiation" document as guidance for all involved in the planning process.

### 5.0 Background



## South Somerset District Council

- 5.1 As part of the Planning Reimagined series of workshops designed to improve the Council's planning process, Members discussed how officers could deal with applications which may require amendments. This discussion considered the importance of working with the Council to refine development proposals at pre-application stage as well as considering the options for revision once an application was formally received.
- 5.2 The benefits of pre-application advice are numerous; spending time and effort on preparing proposal with the benefit of officer advice is more likely to result in a high quality, acceptable development and can mean the Council will process a formal application more quickly. This informal stage allows the principle of a development to be considered and tweaks made to a scheme to refine it so that it can be presented in the most positive manner possible. It can also save a developer time and money with spurious proposals that are unlikely to receive consent.
- 5.3 The informal, pre-application stage provides the best opportunity to revise proposals. Once a formal application is submitted it is at the discretion of the Council whether changes are made whilst they are being processed. The general approach agreed through the Planning Reimagined workshop is that once an application is submitted that has not been through the pre-application advice stage the Council will not normally entertain negotiations. Any such discussions will be at the discretion of the case officer in line with the protocol set out in the document attached to this report.
- 5.4 If pre-application advice was sought and it was advised that the Council would be unlikely to support a particular development, then it will also be standard practice that no negotiation would take place during the formal processing of an application unless circumstances have significantly changed. In this case the application would be determined based on what has been submitted.

### **6.0 Why put this Protocol in place**

- 6.1 This document will give additional clarity to all concerned in the planning process and will set a benchmark to what is expected of participants.
- 6.2 It will advise applicants/potential applicants so they know what to expect and that put simply development proposals need to be refined at the earliest stage rather than when an application is formally running.
- 6.3 When considering alternative approaches, the Council could have left this area unattended which would mean a lack of clarity or structure around this part of the planning process. However, in the interests of transparency, of guiding applicants through the process and assisting all those involved it is considered that this document will be a positive addition to the framework around the operation of the planning service.

### **7.0 Financial implications**



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7.1 There are limited financial implications; as the revision of an application is discretionary the Council is not putting itself at risk of challenge.

## 8.0 Legal implications and details of Statutory Powers

8.1 There is a legislative framework based on the Town and Country Planning Acts and Orders that provides structure to the planning process. This document provides guidance about a discretionary activity and it is considered that the legal implications to the Council are minimal.

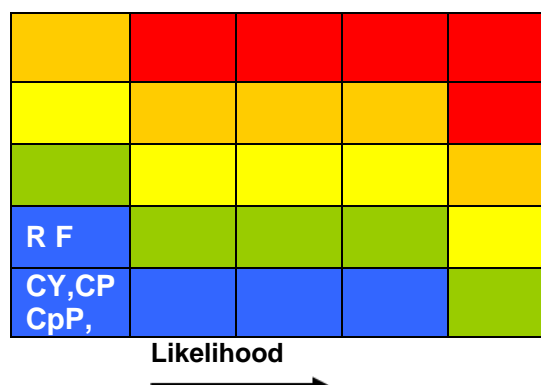
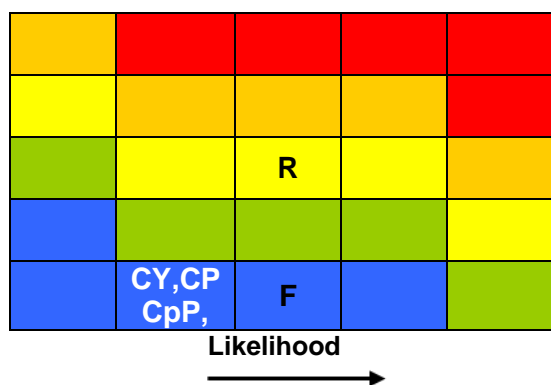
8.2 Given the additional clarity this document will provide it is expected that it will be beneficial to the running of the service and will help limit the Council's exposure to complaints and potential legal challenge.

## 9.0 Risk Matrix

The risk matrix shows risk relating to the Council Plan headings.

Risk Profile before officer recommendations

Risk Profile after officer recommendations



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability

## Council Plan Implications

Adopting this document will help contribute towards a more efficient planning service.

## Carbon Emissions and Climate Change Implications

There are no carbon emissions or climate change implications of this report.



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### **Equality and Diversity Implications**

There are not considered to be any equality and diversity implications of this report.

### **Privacy Impact Assessment**

Data contained within the planning system will not be altered in anyway by the adoption of this document.

### **Background Papers**

- Dealing with Planning Applications – Our Approach to Negotiation
- Planning Reimagined District Executive.