

Agents Forum-Minutes for Monday 28th September 2009



Meeting the teams....

Service Support team:

- General Admin-Neal Chantrill and Amy Watts
- Recording and Preparation- Sue Morris and Jay Lakhman
- Plan checking and Consultation-Frances Elcoate, Manju Patel & Steve Holmes.

Planners:

- Steve Lewis Roberts - Head of Development Control
- Peter Blitz - Team Leader
- Principal Planners - Neil Thompson and Graham Smith who mainly deal with the major applications.
- Planning Officers - Claire Stapley, Louise Winson, Helene Baker, Karen Brightman, Debbie Liggins, and Andrea Williamson who deal with all types of applications within Charnwood.

Admin Support:

- Sharon King, Ann Brewin and Maggie Chaplin support the planners in the day to day processing of their applications; they also deal with the processing of appeals.

ACTION - Provide an updated team list with email and direct line contact numbers for planners and admin/service support.

Pre-Application Advice.....

Our pre-application advice is free, whereas some other local authorities charge a fee for their advice. We believe that the advice given is an important factor when considering and applying for planning permission.

We ask for pre-application advice requests to be given to us in writing, including a sketch proposal and site location plan.

We try to acknowledge all letters, and subsequently try to research the site in question wherever possible. The case officer will decide whether a site visit or meeting is required to give a response.

Our target time to arrange a meeting with the applicant or agent is within 10 working days of receipt of the pre-application request, and to respond within 30 working days.

Discussion of charging for pre application advice.

- Agents agreed the pre-application advice was important but that it took too long-suggestion of 21 working days!
- Mixed views on charging for advice-seen to be mainly directed to major applications rather than minor or householder.

Registering planning applications.....

50% of our applications are invalid, but we understand that changes within the Government legislation make the provision of the correct information and the registration process difficult.

We advise all agents to follow our **application check list** as this details the requirements to validate an application.

When we receive an application, we inform the applicant of the application becoming invalid, this prevents questions and calls from customers regarding the status of their application and reasons for invalidity.

91% of our applications are registered within a 3 day period; however invalid applications take up extra time!

We have just received information from the Audit Commission stating that we are unable to de-register an application once registered, and if it is withdrawn and resubmitted then that will be the "free go." As per the fee regulations.

- Use an updated version of application requirements-one that is used by all as each local authority interprets the 'National Standard' differently.
- Make the letter to applicants and the invalid letter more customer friendly.

Application Checklist.....

Agents and applicants must follow the National Application Requirements given to local authorities by Central Government. If application does not meet National Application Requirements it will become invalid or withdrawn.

Local requirements are set to change from April 2010, and the changes would be county wide (with the exception of Blaby).

Forms.....

Forms are easier to submit via the Planning Portal, because there are 26 paper versions-soon to be 27/28!

Re-occurring issues that can lead to a delay in registering an application:-

- Conservation area consent is very rarely required, usually if it is demolition of a building greater than 115 cubic metres or a major alteration to a dwelling involving demolition.
- The Agricultural Holding certificate is not signed.
- The neighbour has not had notice of the work served on them, especially when the building is attached.
- The certificates are not signed correctly.
- The date written on the form is too old- the date must be less than 21 days on submission.
- Full applicant details must be on the form and details of who the land owner is.
- All questions must be answered unless specified that they are not included in the application.

The vast majority of these problems do **not** occur when applications are submitted via the planning portal.

Details required on plans.....

When submitting plans, we ask you to think how an interested party views the plans. Ensure that the plans clearly show what is proposed, this can prevent confusion when being inspected by the public and unnecessary letters of concern which can cause delay.

Ask the questions- can they judge how the application will affect them? Is everything included in the proposed plan (including the red boundary line)?

Please refer to good examples of application plans displayed on our website.

Regular errors on application plans which cause delays.....

We find several constant errors occurring on application plans-

- Critical dimensions are missed off- we need them to assess the size of what is being built, but also the parish councils and our consultees, who we consult via email.
- Do Not Scale signs- We need to scale drawings, and know how big the application proposal is going to be! **Please do not put Do Not Scale** on plans- if using plans similar to that of Building Control please state that it is for 'Planning Purposes'.
- Incorrect Scaling- Please ensure that your measurements are to the correct scale, and if they are in a PDF format they are the best as they give us an exact size to print and scale from.
- The neighbour relationship is missing- this is not always clear and needs to be marked with dimensions of how close to the boundary the proposal is.
- Ensure that the details of the application are correct- mainly that the plans match the elevations.
- Please include elevations!
- Missing floor plans- conversion of roof spaces into rooms/storage- if the application implicates the roof space then please include application plans for the roof- this is also included on the Local Requirement List.

Fees.....

If you want to work out fees, please use the planning portal calculator, there is also information regarding fees on our website!

We are unable to register an application without the correct fee!!

We can take payments in cash when brought into the council offices, cheque, and card; we don't take payments by card.....yet!

You are able to get 1 free go if the application is re-submitted within 1 year of its refusal.

If the application is withdrawn and then re-submitted and refused you will have to re-pay the fee if you want to continue and re-submit again.

A refusal on an appeal will give you 12 months to re-submit your application.

Design and Access Statement.....

We have guidance links on our website to CABE, which outlines what should be covered within a Design and Access Statement.

Why is it required?

- A design and access statement can make the applicant evaluate the quality of the proposal.
- It enables the applicant to justify the plans to everyone (the local authority, neighbours, our consultees etc).
- Can be the starting process for discussions regarding changes to the application.
- And illustrates the way that the proposal is going to be used and managed.

What they need to cover?

A design and access statement must cover certain points-

- The process- how the proposal came to fruition, and how the design was evaluated.
- The use of the proposal and the amount of space used.
- The layout of the proposal and how it is set out within the area/space proposed.
- The amount of units that is going to be built on the area of land proposed.
- Landscaping points, and how it will enhance the scheme.
- And appearance, which includes architectural details.

The Design and Access statement **MUST** be included in the proposal, even if it is basic. It is a tool in which to sell the proposal. It is advised that pro-forma design and access statements are not used on major applications.

However the inclusion of different policies is a good starting point for major applications.

Access- this is vehicular and transport links. This is bus routes, rail routes and **must** be inclusive for everyone.

The decision process.....

All of our applications are made through a delegated decision process, unless there is significant public interest in the application or an officer or councillor has a related interest or a ward member wants the application to go to committee.

The Development Management Committee sits together every four weeks, and because of changes to the committee system, there is no longer a Regulatory Committee.

We endeavour to issue all decisions the day after committee, with the exception of a Section 106 Agreement.

Decisions.....

To make a decision, the case officer balances different objectives that are required within planning law.

95% of our decisions issued are delegated decisions. The 5% that go to committee are not specifically chosen, nor can the demand for an application to go to committee result in it being put before the councillors.

When a decision is made it is either, Grant, Grant Conditionally or Refuse, and when an application goes to committee the members must provide reasons for every decision that they make.

Once a decision is made and issued the following day, all information is available on our web site, including information relating to any Discharge of Conditions.

Discharge of Conditions.....

To discharge conditions a fee is required, this is set by Local Government. An application to discharge any conditions can not proceed without its fee being paid.

We have a target date of 5 working days to process any basic conditions, an example being small scale materials. We have a target time of 8 weeks for large scale conditions which are part of major developments or have several factors which relate to the specific conditions. If we exceed 12 weeks you are able to request your fee payment back.

Officers try to look as critically as possible when examining and conditions, it is therefore beneficial for you to include as much information as possible when submitting an application for Discharge of Conditions.

Suggestion of officers going out on site to see materials that are related to conditions- Birmingham Council was an example.

If the materials are put on the initial drawing would they be conditioned!?

Suggestion that 21 working days would be a more appropriate target instead of 8 weeks which is seen to be too long.

Appeals.....

An appeal when lodged, has to go through several procedures-

- A public enquiry
- An informal hearing
- Written representations

The new 'Fast-Track' appeal system only applies to House-Holder application.

When we have an appeal case we send all our information to the inspectorate via a link to our website, who then independently reviews the application and decision.

It is important to remember that if an application is taken to appeal, the costs incurred could go to the other party involved, i.e. - the applicant or the authority.

The Website.....

All information that we receive is transferred onto our website, within 3 working days of us receiving it.

We use 'My Charnwood' which shows flood risk areas, conservation, historical restrictions, listed buildings and tree preservation orders within the proposed area of development.

As a council service we also provide 'Self-Assessment Forms', these forms are provided to make the application process easier for both Agents and applicants alike. We provide a variety of forms for work in and around the dwelling.

We also use Interactive maps on our website. This highlights any restriction, footpaths and development rights etc.

This program is not totally user- friendly, but it is worth using and persevering with!!

Comments.....

Section 106 Agreements? The agreement should, preferably be signed within the 8 or 13 week time limit. If we know that it is going to be required, we will begin proceedings and start drafting a copy with the applicant or agent. a decision could be granted conditionally at committee depending on when the agreement is signed (within a specific time frame).

We will also try wherever possible to give relevant information relating to a 106 agreement at the pre- application stage.

We follow specific targets given to us as an authority from Central Government.

However, if we do not receive a Section 106 Agreement and it has been requested, the application will be refused.

Suggestions....

- Is it possible to get a formal letter of acknowledgement after the relevant information is provided for an invalid application!?
- Should there be a 'cooling off' period before contacting the applicant about an application?

What we can do.....

- We can look at how Blaby Council issue their Householder applications-are the more efficient!?
- We can look at other councils local requirements
- We can hold more Agents Forum meetings if the information discussed is seen as useful.
- At the next meeting, invite other local authorities, members of the planning committee and more Development Control staff members.