



Name of meeting: **CABINET**  
 Date: **20<sup>th</sup> SEPTEMBER 2016**

Title of report: **Expanded Formal Pre-application Service &  
 Development Management Officer Member  
 Communication Protocol**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the <a href="#">Council's Forward Plan</a> ?	Not applicable
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	Yes
Date signed off by <a href="#">Director</a> & name	Jacqui Gedman - 8.09.16
Is it signed off by the Director of Resources?	David Smith - 8.09.16
Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Julie Muscroft - 12.09.16
Cabinet member <a href="#">portfolio</a>	Cllr Peter McBride - Economy, Skills, Transportation & Planning

Electoral [wards](#) affected: All  
 Ward councillors consulted: N/A

Public or private: PUBLIC

## 1. Purpose of report

1.1 Two initiatives are proposed by the Development Management Group Leader within Planning Services to improve the speed, efficiency and outcomes of planning proposals. These are:

- An expanded Formal Pre-application Service; and
- A new Development Management Officer-Member Communication Protocol.

Details of both proposals are appended to this report.

## 2. Key Points

### Pre-application Advice

- 2.1 The first proposal is to expand the formal paid for pre-application service beyond Major developments to include all forms of planning proposals. This is consistent with the approach of many other Councils. The formal paid for service will bring together all informal advice currently provided by Planning officers. A written record will be made of enquiries and the planner's responses. This is something the Local Government Ombudsman has recommended as good practice. The pre-application service should improve efficiency, decision making and add value to the design of development proposals. It will require a multi teamed approach from within, the Council. The Planning service will co-ordinate the process and provide concise, but helpful, responses to developers and home owners on the proposals.
- 2.2 The new service to applicants will generate an income stream which will cover the costs of the service and be used to improve service delivery. The charging schedule is consistent with our neighbouring Authorities and is based on an assessment of the hourly rate required to achieve a meaningful input in pre-application enquiries from officers. The SMILE system for informal verbal advice will be retained in the short term but will be reviewed as the proposed system beds in. Developers and householders will be recommended to use the formal service to ensure they receive written advice which has been fully considered and appropriate internal consultations can be carried out as necessary. In the initial stages of the new system, officers will continue to offer an appointment based counter duty officer enquiry system but given the Local Government Ombudsmen advice re written records this service will be kept under review alongside the SMILE system and an assessment made of its value once the new system has been established. We also intend to review the current Planning offer on the website so that applicants can self-serve online or utilise the formal expanded service to gain written advice on development proposals.
- 2.3 In order to ensure this expanded formal service operates efficiently and effectively, internal consultees have been briefed to ensure they give reasonable priority to responses to consultations from Planning officers and making their officers available for meetings as required.
- 2.4 There is a need to update the council's website to include the relevant proformas and advice leaflets, Staff training has been undertaken and will be reviewed to ensure a high quality service is provided to service users. Internal procedures have been revised to ensure these initiatives are introduced successfully and add value to the planning process.

## **Officer Member Communication**

2.5 The second proposal is to introduce a Planning/ Member Communications Protocol to encourage better and more consistent dialogue with Councillors about Planning proposals in their ward and also to ensure Members have the opportunity to be briefed on major development pre-application and applications as they are received into the Planning system. The protocol sets out that each ward will have officers assigned (Team Leaders and their Deputies) who will act as the point of contact for all councillor enquiries from ward councillors. This could be in the form of standing item bi-monthly briefing sessions to each ward they represent if that would be helpful to members.

2.6 As major development proposals are submitted to Planning the case officers will email ward councillors advising of the proposal asking them if they wish to attend initial meetings with the developer to hear the issues and make comments to the developer. This would not predetermine Councillors response to an application but it is good practise to engage with developers at the concept stage of developments where proposals could be amended to reflect local needs and concerns more easily than during the formal application stage. Councillors will not be invited to all meetings on each enquiry but case officers will keep councillors informed of progress. The use of pre-application presentations to Committees will also be increased for complex major developments as will the use of Position Statement reports early on in the life of applications to inform Planning Committees and identify issues and outstanding elements to resolve. Therefore a three staged approach to dealing with complex major applications as follows:

- Stage 1 - Pre-application presentation to Committee,
- Stage 2 - Position Statement Reports
- Stage 3 - Recommendation Committee Reports.

This will help Planning Committees make better informed decisions whilst adding value to design considerations.

## **3. Implications for the Council**

- 3.1 The expanded pre-application service will set out to prospective applicants the service that they can expect from the Planning Service.
- 3.2 Early engagement with technical consultees and Members will improve the quality of developments and decision making.

## **4. Consultees and their opinions**

- 4.1 Internal consultees support the use of pre-application discussions for all forms of development and are apportioning appropriate resources

and staff time to ensure they can advise planning officers on each enquiry they are consulted on.

- 4.2 The chairs of the three planning committees have been briefed on the two proposals and are supportive.
- 4.3 At the Agents Forum meeting, agents have given positive sounding to the introduction of a formal written pre-application service.

## **5. Financial Implications**

- 5.1 It is difficult to make a precise estimate of the income that this change will raise, as this will depend upon take-up, but an initial calculation suggests around £50,000 could be achieved in total. We are already generating £25,000 per annum through the existing Pre-application Service. This income has enabled additional staff to come into Development Management service at a junior level. Any increased income will continue to offset those costs and supplement fees generated by planning applications.

## **6. Officer recommendation and reasons**

- 6.1 Cabinet approval is requested to introduce the proposed changes to the Planning Services engagement with service users and members as set out in this report and the two appendices.

## **7. Cabinet portfolio holder recommendation**

- 7.1 The Cabinet member for Economy, Skills, Transportation and Planning, Councillor McBride, has been consulted on both of these proposals. He is supportive of early engagement with developers to bring about better developments in Kirklees. As such he supports the changes being made to improve the pre-application service provided by the planning service as set out in this report and Appendix 1.
- 7.2 The improvements to the way that we share information on development proposals and applications between officers and members can only benefit local communities. As such the introduction of a framework – in the form of the protocol in Appendix 2 - is supported by Cllr McBride. In addition he has requested that officers circulate the protocol to Members in advance of the Cabinet for comment. Any comments that are received will be reported to Members of Cabinet at the meeting.

## **8. Contact officer and relevant papers**

Mathias Franklin - Development Management Group Leader

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Email: [mathias.franklin@kirklees.gov.uk](mailto:mathias.franklin@kirklees.gov.uk)

Paul Kemp - Assistant Director – Place

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### **Relevant Papers**

- Appendix 1 - Pre-application Service
- Appendix 2 - Development Management Officer Member Communication Protocol.

### **9. Director responsible**

Jacqui Gedman – Director for Economy, Skills & the Environment (Place)

Tel: 01484 221000

Email: [jacqui.gedman@kirklees.gov.uk](mailto:jacqui.gedman@kirklees.gov.uk)



1. Complete the form
2. Provide details of your proposal
3. Pay the fee

#### Supporting information

We need supporting information from you so that we can provide you with pre-application advice.

The amount we require depends on the category of your request.

The more information you can provide, the more detailed advice we will be able to provide.

#### Information required for our formal service

- Description of the existing use/s and proposed development, including breakdown of existing and proposed floorspace.
- 1:1250 site location plan.
- 1:500 site plan.

#### Additional material that will help

- An initial design assessment
- Photographs and plans describing the site, buildings, topography, and landscape features, and its context.
- Proposed floor plans (preferably 1:200)
- Proposals for community consultation
- Heritage Impact Assessment

#### After you've applied

We will endeavor to provide you with a full response within 20 working days, or an invite to an initial meeting (dependent on the level of advice being sought) within 10 working days of payment being received. If we will need to consult other specialists it may take longer.

If you require a response before this time, please discuss this with the case officer.

*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably" (para 66 of the NPPF)*

#### Cost

Pre-application costs are separate to those covered by any subsequent planning application fee.

The charge depends on the category of your development.

#### Householder advisory service — £75

Level 1	£300
Level 2	£550
Level 3	£850
Level 4	£1,500

#### Points to note regarding the pre-application service

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately decided by the Council.

Except for householder advice all preapplication enquiries will be made publicly available on request.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given.

**Caution should be exercised in respect of pre-application advice for schemes that are not submitted within a short time of the Council's advice letter.**

The final decision on applications is made by Council Members and in some cases 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).

Links to the full info/advice sheets on the web??  
Annual review

# Kirklees

## The Place to Grow

A great place to live, work  
and invest

## Development Management: A Guide to Pre-application advice



**The purpose of this guide is to provide some helpful information about the planning pre-application advice service available at Kirklees Council.**

*It includes:*

- The different levels of pre-application advice
- What to expect from the service
- How to ask for the advice
- The cost of using the service

## The pre-application advice service at Kirklees

Before you make a planning application, we recommend that you use our pre-application advice service. By using this service, we can provide advice over the acceptability of your proposal, and offer solutions to any issues that may arise. By doing this, it could save you time and money, and improve your chances of having your proposal approved.

### The pre-application service can:-

- Identify and address any issues at an early stage
- Reduce the likelihood of submitting invalid applications
- Speed up the time it takes for your application to reach a case officer
- Help to determine your application more quickly
- Reduce the number of conditions needed
- Speed up the determination of any discharge of conditions

= Meaning a quicker, more efficient and less stressful application experience !

If you are unsure whether you need to apply for planning permission please see “Do you need planning permission?”

<http://kirklees.gov.uk/business/planningapplications/about.asp#anchor1>

### The 5 categories of our pre-application service

On payment of a fee we provide 5 categories of pre-application advice, ranging from the Householder Advice Service to advice on large -scale major development proposals.

- **Householder Advice Service** This service is available so that you can seek advice on any householder proposals, which include extensions and any other development within the curtilage of an existing dwellinghouse (excluding change of use). Our Service offers:

- Background research on your property
- Written record of advice you have received
- The planner will visit your property if they consider it necessary

- **Level 1** Minor proposals
- **Level 2** Small scale major proposals
- **Level 3** Major proposals
- **Level 4** Pre-application agreements

## What level of pre-application advice do I need ?

### Level 1: Minor Proposals

*Proposals that fall into this category include the following:*

- 1 to 9 dwellings (full applications), or less than 0.5ha in site area (outline applications) for residential developments (including change of use from other buildings to residential)
- Floor space to be built is less than 1,000sqm or the site area is less than 1 hectare
- All other minor developments

### Level 2: Small scale major proposals

*Proposals that fall into this category include the following :*

- 10 to 99 dwellings (full applications) or between 0.5ha and 4ha site area (outline applications) for residential developments (including change of use from other buildings to residential)
- 1,000 to 9,999 sqm (full applications) or between 1ha and 2ha (outline applications) for the following:
  - Office/Research and Development/Light industry
  - Retail distribution and Servicing
- All other small scale major developments

### Level 3: Major Proposals

*Proposals that fall into this category include the following :*

- 100 to 199 dwellings (full applications) or 4ha site area or more (outline applications) for residential developments (including change of use from other buildings to residential)
- 10,000 sqm or more (full applications) or 2ha or more (outline applications) for the following:
  - Office/Research and Development/Light industry
  - Retail distribution and Servicing
- All other large scale major developments

### Level 4: Pre-Application Agreements (PPA)

*Proposals that fall into this category include the following :*

- 200 or more dwellings (full applications) or 4ha site area or more (outline applications) for residential developments (including change of use from other buildings to residential)
- 10,000 sqm or more (full applications) or 2ha or more (outline applications) for the following:
  - Office/Research and Development/Light industry
  - Retail distribution and Servicing
- All other large scale major developments

## What should I expect from the service ?

- You will benefit from a dedicated case officer, a response covering the proposal ‘in principle’ which will identify specific detailed points about the proposed development, the issues that may need to be resolved and information requirements.
- It gives you an opportunity to understand how our policies will be applied to your development.
- It can identify at an early stage where there is a need for specialist input, for example, about listed buildings, trees, landscape, noise, transport, contaminated land, or ecology.
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more quickly.
- It may lead to a reduction in time spent by your professional advisors in working up proposals.
- It may indicate that a proposal is completely unacceptable , saving you the cost of pursuing a formal application.
- The pre-application service for level 2 and above includes engagement with elected members, including ward councillors.

### Level 1: Minor Proposals

- ⇒ The planning officer will be familiar with the proposal plans and other information you have submitted.
- ⇒ Any relevant planning history will be researched.
- ⇒ Any necessary internal consultations will be undertaken.
- ⇒ An initial meeting arranged, which may involve relevant consultee(s) and written summary of advice within 5 working days of the meeting
- ⇒ Validation requirements agreed at initial meeting to ensure all information is included for formal submission.

### Level 2: Small scale major proposals

*As per level 1 plus . . .*

- ⇒ Site visit carried out by the planning officer.
- ⇒ Engagement with elected members
- ⇒ An initial meeting, plus a follow up meeting, including a written record of the discussions.

### Level 3: Major Proposals

*As per level 2 plus . . .*

- ⇒ Where practical, the same planning officer will deal with your subsequent planning application.
- ⇒ A meeting with consultees, if necessary, will be arranged.
- ⇒ Screening and scoping for EIA carried out.
- ⇒ Briefing(s) arranged for elected members.
- ⇒ Early reporting of progress to planning committee arranged.

### Level 4: Pre-Application Agreements (PPA)

- ⇒ Exchange of PPA agreement detailing approach, number of meetings, and project milestones.
- ⇒ A project team approach
- ⇒ Validation fast track



## **Ward Member Communication Protocol APPENDIX 2 - Officer-Ward Member Communication Protocol**

### **Introduction**

- 1.1 Successful planning and development involves timely decision-making and the involvement of local communities together with their elected members to frame key planning decisions. As a result of the neighbourhood planning process, some communities are already forming ideas to influence the future development of their communities, the content of Section 106 agreements (and (n future ) the application of CIL monies and they therefore have an important role in the shaping of new planning proposals, especially the larger and more sensitive planning applications.
- 1.2 The Government has signalled clearly the importance it places on pre-application involvement. The Localism Act 2011 includes a formal requirement for applicants to undertake pre-application engagement on development over a certain size. The National Planning Policy Framework (NPPF) states that applicants will be expected to work closely with those directly affected by their proposal to evolve designs that take account of the views of the community. Ward members are integral to the pre-application process and should be involved throughout the life of an application, responding to the proposal and the proposed Section 106 agreement, as appropriate.
- 1.3 This protocol, therefore, is intended to provide a framework for all to follow, whilst allowing flexibility to reflect local circumstances, and sets out the basis on which officers can engage with ward members. It will ensure that ward members are informed, communicated with and have the opportunity to be actively involved throughout the life of planning proposals and applications in their area. This is especially important for those members who have no direct involvement with planning committees. It builds on existing best practice and emerging neighbourhood planning process. The intention is to have planning officers aligned to wards as the initial point of contact for member enquiries or comments on planning matters. Whilst community and ward member involvement is crucial for the shaping of proposals that best fit the aspirations of local communities, there is still the need to have regard to available resources, for decision making to be timely and the need to deliver schemes which are strategically important to Kirklees. There is a careful balance to be struck between a member's role as democratically accountable to their constituency electors and to the wider public of Kirklees for whom they are decision makers. This is particularly relevant to Councillors who sit on Planning Committees. It is very important for those Councillors to ensure they retain an open mind and to consider the strategic interest of the district as a whole.

## Ward member communication principles

- 1.4 The planning officer aligned to a ward will be responsible for setting up communication arrangements with ward members within their area to ensure that ward members are informed of and have an opportunity to be involved in development proposals in their ward. On occasions it may be necessary to inform a neighbouring ward about a proposal where it is likely there will be significant impacts.
- 1.5 The preferred means of communication with Members will be via email. In the first instance, the named planning officer will contact the ward members to see how this can best be facilitated. Again, this will need to be managed within existing resources and mindful of the necessity for timely decision making.
- 1.6 Members will be required to register on the Council website to ensure they receive information on the applications in their ward and can track progress of those applications as appropriate. Training on how to register with the website can be provided if required.
- 1.7 Wherever possible any meetings should be scheduled in advance, with an agreed agenda, to allow an efficient and productive meeting to take place. All meetings must be managed within existing resources.

## Pre-application stage

- 1.8 The Government considers that pre-application discussions are of significant benefit in assisting in the identification of planning issues at the earliest practical stage and to help shape the proposal so they best meet local needs. Ward member engagement is essential in this process. Kirklees Council expects pre-application consultations to have taken place, proportionate to the size, scale and impact of a scheme and has produced a good practice guide for developers, which should always be considered at the pre-application stage. This builds on the advice within the Development Management Charter and sets out the decision making process for planning applications.
- 1.9 The NPPF states: *“applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of a new development should be looked on more favourably.”*
- 1.10 Pre-application engagement is not mandatory. Therefore, a developer may choose to engage at the pre-application stage or can simply submit an application without any initial discussion. They could also decide not to take forward an application following a discussion.
- 1.11 Development Management receives many speculative pre-application enquiries, often with little detail and many of them do not lead to a formal application. Generally, pre-application enquiries will not be regarded as confidential. This will be set out on the Council’s pre-application webpage. In the first instance, or where there are issues of commercial confidentiality (demonstrated by the developer), officers will initially meet with developers/ applicants. Ward members will be informed that an approach has been made and be invited to further meetings.

- 1.12 The level of involvement may vary, depending on the scale and sensitivity of the proposal. On the largest of schemes it may be appropriate to set up community and ward member consultative arrangements; on other schemes, regular contact with ward members, with officers present will take place.
- 1.13 Where meetings are required, planning officers will make the arrangements and send out meeting invitations to all ward members within that ward, or where appropriate, a nominated planning member, giving sufficient notice wherever possible.
- 1.14 Brief notes will be kept of all meetings and circulated, to safeguard the interests of all parties and to reduce the risk of future challenge.
- 1.15 Additionally, there will be technical meetings, for example around transport assessments, design or biodiversity which need to take place to ensure there is timely delivery of decisions. Officers will keep ward members informed of the progress of applications but Members should not expect, nor will be party to all meetings with applicants.
- 1.16 Officers will keep members informed about progress of pre-application proposals and inform members of: draft heads of terms of Section 106 agreements (where they are available); key dates such as pre-application presentations at the planning committee, as appropriate; likely formal submission date; and any planning performance agreements.

#### **Notification of new major development proposals**

- 1.17 Planning officers will send an email to ward members detailing all new major schemes in the affected ward(s) along with details of the draft heads of terms (where they are submitted). Additionally, members will receive by email information of all new applications detailed on the Council's website, allowing members to identify any further applications in which they have an interest. The focus of this new notification procedure is improving ward member engagement on major development proposals. In rare instances ward members may inform the assigned planning officer of application which do not fall within the definition of major but which are locally significant forms of development of which they wish to be made aware should pre-application enquiries be received. In these rare instances officers will brief members via email on proposals received. Again, this will need to be managed within existing resources and be mindful of the necessity for timely decision making.
- 1.18 Planning officers will check the boundaries of the development and where the proposed development is close to a ward boundary or likely to have significant impacts on adjoining wards, the appropriate ward members will be informed.
- 1.19 Where members have expressed an interest in an application, members will be invited to comment, by a given date. It is important that members respond within the stated deadline to allow for the expeditious and efficient progress of an application.
- 1.20 Where a meeting is requested, the planning officer will set up a meeting on a ward by ward basis and all members from that ward will be invited to attend. A single meeting where all ward members are invited makes best use of the available resources. Individual members may still request special briefings on individual major planning

applications or pre-application enquiries where they do not attend the developer's pre-application meeting with officers.

### **On-going involvement of ward members**

- 1.21 For larger and more complex applications it may be appropriate to establish a series of meetings between ward members, developers and officers to discuss key concerns so that regular updates are provided to all parties. This should be agreed on a case by case basis and will be arranged by the planning officer.
- 1.22 Use of a three phase process for large and strategic applications at the planning committee- namely, pre-application presentation, position statement and final determination- may also be used to further involve and update ward members. Speaking provisions at both the pre-application stage and final determination stage gives an opportunity for ward members to address the planning committee to communicate any issues they may have. Ward Members already have the ability to speak at Committee. In addition to this it is (subject to any prior amendment to the Constitution to vary public speaking at Pre-application presentations) proposed that a nominated community representative (such as a chair of a residents association or Civic Society) should also be given 5 minutes to speak at any pre-application presentation by a developer to Planning Committee. This will need to be embedded in Protocols for Speaking. This will require approval by the Council through an amendment to the Constitution.
- 1.23 There will be no opportunities for speakers either for or against the proposal if an application is presented to Planning Committee with a Position Statement report. A Position Statement report will set out the details of the application, the consultation and representations received to date and the main issues with the application. Members of the Committee will be asked a series of questions related to each of the main issues to help inform officers and the applicants. This does not predetermine Councillors and does not create any issues of challenge to a subsequent decision on the application by the Committee.
- 1.24 The view of ward members on the draft heads of terms on Section 106 agreements will be reported to the Planning Committee as part of the decision making process.
- 1.25 Upon determination, members will be informed by email of the decision on major or sensitive schemes.

### **Establishment of Consultative Committees for strategically significant applications**

- 1.26 Major development proposals can benefit from regular contact between developers, members and community organisations through the establishment of appropriate community consultative forums. A consultative forum may help to identify key issues and alert communities to proposals, so they have opportunity to input from the earliest stage.
- 1.27 The establishment of a community consultative forum is not a mandatory requirement, but is established good practice on strategically important applications,

where the size, scale, complexity and impact of proposals is significant such as the emerging Local Plan major Urban Extension proposals. Ward members, planning committee Chairs and Executive Board Members, Development Management Officers will agree the remit, form and membership of the forum.

### **Post application**

- 1.28 Where Officers are made aware ward members should be informed when major or sensitive schemes are about to start on site.
- 1.29 Ward members should be informed if there are appeals on major or sensitive applications.
- 1.30 Other matters post application can be important to local communities and should take into account prior engagement and issues raised previously, as to whether further engagement is needed.

### **Review**

- 1.31 These arrangements will be monitored and reviewed every 12 months from introduction.

**Flow Chart for Major pre-application enquiries**