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# Development Team Service & Bespoke Arrangements

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## An Overview

The Development Team Service [DTS] is designed to cater for the most significant and complex development proposals across a range of development categories.

The DTS [Retail/Leisure] caters for large scale proposals [greater than 1000sqm floorspace] and enquiries relating to variation of restrictive conditions.

The DTS caters for a wide variety of major project schemes including residential [50+ residential units] and commercial [10,000+ sqm floorspace] developments.

The DTS options will usually involve one or more meetings with the process being project managed by a more senior planning officer. It includes in-depth research, consultation with statutory\* and non-statutory bodies and comprehensive advice put together by officers from different departments.

Where it becomes apparent that a development proposal is likely to require a series of meetings over an extended period of time and considerable involvement from both parties, we will be happy to consider the use of more bespoke arrangements to assist in providing the developer with greater certainty. This can include agreement on a fixed fee for advice to cover the life of the pre-application project or the option of 'Payment in Kind' where you can fund a dedicated planning officer responsible for leading on your project from pre-application stage onwards.

Depending on the complexity and scale of the proposal, the DTS team may comprise of officers from:

- Local Plans
- Highways
- Environmental Health
- Design and Conservation
- Regeneration
- Building Control
- Legal

At the end of the process, you will receive written advice from a senior officer that will carry significant weight when any planning application based on that advice is submitted to the Council.

The DTS is intended to speed up the planning application process for complex cases and provide developers with a greater level of certainty following the submission of a planning application. It moves the emphasis of the planning process away from arbitrary deadlines, towards a planned timetable and negotiated solutions that are agreed by both parties.

We believe strongly that for more complex applications, the opportunity to obtain good quality advice that will carry weight in the decision making process is worth the investment in the pre-application process.

## **What is the DTS?**

We understand that developers are generally seeking certainty in the planning process on which they can formulate detailed viability appraisals; this service aims to provide that certainty.

Whilst we cannot guarantee the outcome of a planning application, we aim to provide an efficient, professional and tangible pre-application service that will deliver a wide range of benefits.

### **What we will do:**

- ❖ Provide a point of contact, a named planning officer, who will be responsible for project managing the pre-app process.
- ❖ Identify all the relevant officers required in the development process and ensure that you receive a co-ordinated response.
- ❖ Arrange meetings promptly and within timeframes that take account of your commercial needs.
- ❖ Keep to agreed timescales and deadlines for providing written or verbal responses.
- ❖ Identifying key policy issues that need to be addressed at an early stage, therefore affording you the opportunity to ensure that your proposal complies with the spatial policy framework.
- ❖ Identify and advise on key urban design Issues, so that your proposals are developed properly and respond to their context.
- ❖ Identify and agree heads of terms for S106 agreements, prior to the submission of your application.
- ❖ Facilitate the involvement of the local community and, where appropriate, councillors in the development of your proposals
- ❖ Identify the decision-making process, including arrangements for consultation and participation, S106 drafting requirements, committee lead in times, committee deadlines and referral constraints.
- ❖ If required, negotiate a Planning Performance Agreement with you so that you will know the timetable for the determination of your planning application.
- ❖ Keep and make available for you a detailed written record of the advice given on your proposals.
- ❖ Minute meetings

### **What we expect you to do**

- ❖ Attend meetings as and when required, ensure that you have the appropriate representatives at those meetings who are empowered and have the authority to make decisions, and have the relevant expertise to respond to various elements of your proposal.
- ❖ Keep to agreed timescales and deadlines for the submission of information.
- ❖ Agree to attend and be represented at public meeting and exhibitions.

- ❖ Provide high quality illustrative material.
- ❖ Ensure that the advice given is taken into account when submitting a planning application including all policy and urban design considerations.
- ❖ Recognise that the quality of advice we provide is directly intrinsically linked to quality of information provided by you during this stage.

## **The Involvement of Consultees**

It is important to recognise that statutory consultees (such as English Heritage and the Environment Agency) do not have a duty to respond to consultation within a given deadline prior to the submission of a planning application. Many external consultees have also, or are in the process of introducing, standing charges for pre-application advice which will need to be paid separately of any charges by the city council. However, every effort will be made to involve them early in the process, and through an agreed protocol to ensure that they have the correct information necessary for them to provide a timely and meaningful response.

## **Involving the Local Community**

The city council firmly believes in the value of public consultation. In our experience, objections are often based on a lack of information, fear of the unknown and concern at being overlooked by developers. Part of the DTS service will therefore be to provide you with advice on consulting the local community and local community groups. This process should help to reduce those risks. We will also offer guidance on how you should carry out your own consultation processes to complement that of the Council's, so that you can be satisfied that your responses are robust, have reached the same people that the Council would consult, and have included hard to reach communities.

## **The Role of Councillors**

Given that applications using the DTS will almost certainly be determined at Development Management Committee, it is beneficial that Councillors are introduced to proposals early in the process so that they have an understanding of them. However, due to probity issues, the involvement of councillors must be handled carefully. Where this route is appropriate, the case officer will arrange for Councillors to be part of the pre-application consultation process at the appropriate time working in conjunction with Member Services and Legal Services. This will generally be combined with community consultation by the developer or via a Members Briefing Session.

The views of Committee members as to the acceptability or otherwise of a proposal cannot be solicited and officers will always advise Councillors of the need to remain impartial. Consequently, you should not lobby those Councillors or seek to meet outside of the framework of this advice service, as this may be perceived by the public to be prejudicing the councillors' impartiality.

[Details of our Councillors and the wards that they represent.](#)

## What are the outcomes?

The two key outcomes of this process will be a well-designed planning application and the advice letter, signed by a senior officer, which will be a material consideration in the determination of any subsequent application. However, some additional benefits that will arise include:

- ❖ Avoiding incomplete applications.
- ❖ Earlier decisions on applications.
- ❖ Higher level of certainty.
- ❖ Cost savings.
- ❖ Reduced confrontation.

The main benefit is that, by providing the necessary time within a co-operative climate to negotiate changes to a proposal, the development can meet policy objectives and the expectations of the local community. Room is created for the agent to respond to his / her brief within a sound urban design context and to develop the scheme to strengthen its relationship to that context and create places of lasting quality.

## How to Apply for Our DTS

Submit a completed [Pre-Application Request Form](#) indicating which service you require.

When we receive your request, we will screen your proposals to check that they are suitable for the level of service. We aim to respond to your application within 10 working days and to arrange the first meeting within this timescale.

### What information do you need?

We strongly encourage you to contact us at the concept stage so that you gain the most out of this service. We aim to provide a service that caters for all stages of a scheme, but proposals that are well developed without input from us may be ill conceived and difficult for us to advise on.

It is likely that if you present us with a scheme that is developed to an advanced stage we can only recommend the use of the one of the DTS service options. Our ability to influence and provide meaningful advice and guidance will also clearly be more limited.

For an initial discussion at scheme concept stage, all you will need to supply are details of the site location, preferably indicated on an Ordnance Survey Map, with a written description of your proposal.

## What are the stages?

We believe that there are five key stages to this service. For less complex schemes, these stages will be less distinct and probably combined. Flexibility is key, and the process can be tailored to meet the needs of each development proposal. These stages do not represent the

whole of the service. In between, we will continue to communicate with you by phone, by email, or in writing.

### **Stage 1 - Agreeing a project plan**

This meeting is to ensure that your proposals are supported in principle by strategic policy at national and local level and are consistent with any regional policies such as work by the LEP. This enables us to advise you if your proposal is likely to fail on principle, thus allowing you to avoid unnecessary cost.

If your proposals can be supported by the development plan, we will then agree a project plan, deadlines and a set of commitments on both sides, so that you can be informed of the likely number of meetings and the approximate cost of the DTS. These elements are also likely to form the basis of a Planning Performance Agreement. This is an agreement between the Council and the applicant, which sets a timescale for processing and determining major applications that are likely to take longer than the statutory period to determine. We will also identify relevant consultees and discuss with you the methodology and process for carrying out effective consultation.

#### **What you need to provide:**

- OS map of the site.
- A description of the development.
- Initial indication of the timescales you or your client is working too.

#### **What outcomes are expected?**

- Planning statement, covering strategic policy issues.
- DTS project plan.

### **Stage 2 - Addressing the issues**

At this stage, our advice concentrates on ensuring that your proposal addresses established urban design principles. This includes appreciating the context, creating an urban structure, making the connections and detailing the place. At this stage, the Design Statement that will accompany any planning application should be developed.

We will also give advice on whether the policy issues identified in Stage 1 have been addressed and begin to drill down into more detailed local policy and planning issues. Dependant upon how far advanced your scheme is, we will begin to identify the relevant consultees, and if appropriate initiate an informal consultation process.

This approach will also assist in setting basic parameters which can then inform the preparation or completion of technical surveys necessary to support the planning application.

More detailed analysis of the technical issues can then follow and inform the draft concept scheme.

**What you need to provide:** Draft Design Statement, including a design analysis. Any initial survey findings.

**What outcomes are expected?** Design Statement and concept scheme to inform preparation of surveys. Agreement on the scope and methodology of surveys.

### **Stage 3 - Consultation**

At this stage, we would seek to carry out the consultation process. This includes statutory as well as non-statutory consultees. 11

This is the appropriate stage for you to carry out your own consultation with the local community. We will advise you on how you should do this, how we will involve Councillors in this process and how to address issues raised as part of the consultation process in preparation for a formal submission.

**What you need to provide:** Illustrative material of proposed scheme, possibly including options.

**What outcomes are expected?** Consultation response report and amendments to concept scheme.

### **Stage 4 - Planning application preparation**

At this stage, we will work with you to develop your scheme in detail so that it addresses the policies in the development plan and represents good quality design and best practise. At the end of this stage, we will make sure that your proposal is ready for submission by checking that it is complete so that the application can be validated on receipt. We will also ensure that the heads of terms of any S106 agreement have been agreed in principle and any Planning Performance Agreement signed.

**What you need to provide:**

- Draft planning application.
- Draft heads of terms.

**What outcomes are expected?**

- Complete planning application.
- Draft S106 heads of terms.
- Agreed Planning Performance Agreement (where necessary)

### **Stage 5 - Advice letter**

At this stage, we will provide you with a written summary of the issues that have been discussed and the matters agreed. This will normally be in the form of a letter signed by a senior officer. If you request it, we will check the draft of the letter with you before we issue it. We will be happy to receive comments, and consider changes to the wording, but we cannot change the actual

advice given. The letter should provide a basis for the submission of a formal application, thereby speeding up the registration process.

## How much does the DTS cost?

In order that the Council can provide an enhanced pre-application service to a consistent and high standard, we have decided that the cost of providing the service should be recovered directly. Fees have been set at a level that reflects the cost of providing the service. Our aim is that you will receive an efficient, professional and tangible return for your investment.

The charges are currently split into three categories

**DTS (Retail):** is £1,500 for the first meeting and £750 for each meeting thereafter.

**DTS:** The current fee is £1,200 for the first meeting and £600 for each meeting thereafter.

**Bespoke Agreement:** The fee for pre-application advice will be negotiated on an individual basis at the first meeting

The additional charge for the first meeting covers the wide range of internal preparation, administration and other tasks that are needed to support the service. The additional cost for the retail service also reflects the additional costs of engaging with our retained retail consultants.

The approximate number of meetings required for each scheme will be agreed at the outset as part of the project plan (to be agreed in the first meeting). Therefore, you will be able to estimate the likely overall cost of the pre-application process.

We will invoice you for meetings and we require payment before any subsequent meeting takes place. We will not issue our advice letter until all invoices are settled. We reserve the right to introduce pre-payment for customers where there have been invoicing problems.

In some cases, we recognise that you may want to hold the initial meeting with the council to determine whether the DTS or PPA/Bespoke Agreement route offers the best option. In these circumstances, the council will consider your request and if we agree that this approach is suitable, we will facilitate the first meeting to agree a route forward will be agreed. However in adopting this approach, you agree to pay the full DTS fee for that first meeting within 5-working days and before any further meetings take place or written correspondence is given by us.

## How long does it take?

Our aim is to say yes to good development openly and quickly and with that in mind, to assist this process, we strongly encourage the use of pre-application discussions so that you can develop a scheme that has the best chance of success when it is submitted to the Council to be determined. We believe that this is the best way to reduce the period for determining planning applications and to increase the chances of a successful outcome.

### Pre-application discussions

For this reasons set out above, the timescale for pre-application discussions using the DTS approach will be dependent upon the project in question. The project plan will however allow the parties to reach agreement on the timescale for the pre-application process.

### **Development Management**

Government sets target times for the determination of planning applications. For major developments, it is 13 weeks from the date we receive a complete application. For applications with an Environmental Impact Assessment, it is 16 weeks. For all other applications, it is 8 weeks.

### **Planning performance agreements**

For complex, major developments, where it is likely to take longer than the statutory period to determine them, we will negotiate with you to enter into a Planning Performance Agreement. This is an agreement between the Council and the applicant that sets a realistic timescale for processing and determining the application. This gives sufficient time for the Council to deal with these complex applications, but also provides more certainty to the applicant as to when a decision is likely to be made. These agreements are encouraged by government.

- [Draft Planning Performance Agreement \(PDF, 126KB\)](#)

### **Complaints Procedure**

If you feel that you have not received the level of service that we have promised you should, in the first instance, contact the lead officer directly. He/she will listen to your concerns and seek to resolve your issues with you.

If you remain dissatisfied, you should contact the Team Manager who will look into your concerns and respond to you in writing.

If this does not resolve the issue, you should contact the Strategic Manager for Planning Services who will arrange a meeting to discuss and address the issues you have raised. It must be emphasised that this is to address any concerns about the pre-application advice procedure and not the substance of the advice given. We can only review the advice if you feel that it is completely erroneous and not that you disagree with it.

The Council operates a [corporate complaints procedure](#).

### **Freedom of Information / Environmental Information Regulations**

- Under the Environmental Information Regulations 2004, pre-application material may only be withheld from the public if its disclosure could prejudice commercial interests or can, in law, be regarded as being actionably confidential and even then has to be subject to a test of public interest.

The Council retains absolute discretion on the disclosure of any information it holds.



If you wish us to treat pre-application material as confidential, you will need to set out the reasons why and for how long any information relating to the advice needs to remain confidential in the space provided on the pre-application application form.

Once a planning application has been submitted and is in the public domain, information submitted and advice given can no longer be treated as confidential.

## **Further Information**

If you need more information about the Development Team Service, please contact Thomas Coates, Team Manager for Development Management. He will be happy to explain the process and provide you with advice on moving your project forward.

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