

Negotiating submitted applications

Planning department



East Cambridgeshire
District Council

As a council we are committed to being "open for business"
Overall, over 80% of all planning applications received by this council are granted permission and a significant number of these will involve some form of negotiation.

Version 1

Date	Amended by

Introduction

Negotiations during the course of an application are an important part of the planning process. They enable schemes to be amended and improved to:

- meet the requirements of technical consultees and adopted policies and guidance
- address responses and concerns of neighbours, town/parish councils and councillors
- allow for a pragmatic response to the needs of developers
- ensure that together we maximise the opportunity to deliver the best possible schemes for the benefit of the district and its residents

The facility to make amendments is, however, not an alternative to a properly thought through and prepared application. Our preference is in accordance with National Planning Policy and guidance for negotiation to take place before you submit your application as this speeds up the process.

Pre applications

We welcome and encourage discussions before you submit an application via our pre-application advice service.

Pre-application advice will generally give more certainty at an earlier stage and help resolve issues so that speedier decisions can be made. Officers, due to workloads and other pressures, are not able to give significant time to provide such advice outside of this process. Further advice on this service is available from the Pre-application advice page located on the council's website at [Pre-Application Advice](http://www.eastcambs.gov.uk/planning/pre-application-advice) (www.eastcambs.gov.uk/planning/pre-application-advice)

A very important part of the planning case officer's role is to make a recommendation on the acceptability or otherwise of the planning application. Having considered all relevant factors, the planning officer might conclude that the proposal is unacceptable for a number of reasons. In this case a further judgement is required on whether negotiations are appropriate to be carried out in an attempt to make the scheme acceptable.

When we will negotiate

A number of factors will influence this judgement, but the main ones are policy considerations and the scale and nature of the amendments required.

Planning applications under consideration typically fall into one of the following categories:

Category 1

Scheme acceptable as submitted

- Approval without negotiation.

Category 2

Scheme fundamentally unacceptable as submitted

- Refusal without negotiation.

If the proposal is clearly contrary to policy for example, it is unlikely that negotiations can overcome this. In these cases the planning case officer will proceed to progress your application to a determination. Similarly, if the scheme is substantially sub-standard, perhaps in a number of different respects, the presumption is that it will be progressed towards a decision without negotiations being undertaken. The reasons for refusal will advise the applicant or agent what the problems are so that they can seek to address these in a re-submitted application, if they wish to do this. Conversely this also gives you the earliest opportunity to seek review of the decision via the appeal process. Please note no advanced warning will be given in such circumstances.

Category 3

Scheme unacceptable as submitted but needs only minor amendments to make it acceptable which would not materially alter the application and which would (generally) not require re-consultation

– Approval following negotiation.

If your scheme only requires a relatively minor change to make it acceptable, the presumption is that negotiations will be undertaken to obtain satisfactory amended plans before the application is put forward for a decision. Whether any amendments are considered to be 'minor' is addressed in more detail below.

How we assess if a scheme needs only minor amendments.

In the first instance we ask two questions;

Question 1

Would the amendment materially alter the application?

If yes, a fresh application is needed and amended plans will not be accepted.

Question 2

Would any re-consultation with the town or parish council or neighbours on any amendment be needed?

If yes, a fresh application may be needed depending on the level of change proposed. Officers will determine if this is the case and if so amended plans will not be accepted.

Whether the amendments comprise a material alteration and/or whether re-consultation is needed is a matter for the planning case officer. It depends on the nature and scale of the amendments and any comments that have been received from third parties. The council will consider the use of extensions of time should it be considered appropriate to do so to progress a scheme but the council will only accept a single amended set of plans to overcome any issues raised by officers in such circumstances).

Where amendments will not be accepted

Some common examples where amendments will not be accepted;

- significant changes to the character or appearance of the development:
 - design changes that have a singular or cumulative material impact on any neighbours or the public realm
 - significant changes to the application site boundary or red line
 - significant changes to the site layout
 - significant changes in scale such as the increase in the footprint of a new building or extension

- material changes to the description of the development
- addition of new elements to the originally submitted proposal (which would require re-consultation) including but not limited to:
 - additional extensions
 - additional openings facing neighbouring properties
 - additional information such as Traffic Impact Assessments
 - additional survey work such as ecological surveys or other such surveys or reports

Please note we will generally accept minor amendments (without re-consultation) to an application where those amendments are made to address the concerns of neighbours, elected members, or the town/parish council.

Category 4

Scheme is unacceptable as submitted but needs minor amendments or further information to meet the objections or concerns of a consultee and no other third parties need to be reconsulted

– Approval following negotiation.

Sometimes, people who are consulted on an application (including external consultees such as the Highway Authority, Environment Agency, Natural England, Historic England etc and internal consultees such as other council departments) require changes to be made to the plans or additional information to be submitted. In cases such as this negotiation and amendments may be acceptable in certain cases, and this is addressed in more detail next.

When we will accept amendments to address the concerns of a consultee

In the first instance we ask three questions;

Question 1

Can the amendment/additional information be provided within the statutory time period for determination (or a sensibly agreed extension of time)?

If the answer is yes, we move to Question 2. If the answer is no, amended plans and/or additional information will not be accepted.

Question 2

Can the comments of the consultee on the amendment/additional information supplied also be reasonably received within the statutory timeframe (or agreed EOT)?

If the answer is yes, we move to Question 3. If the answer is no, amended plans and/or additional information will not be accepted.

Question 3

Will anyone other than the consultee need to be re-consulted?

If the answer is yes, amended plans and/or additional information will only be accepted at the discretion of the Case Officer, Team Leader or Planning Manager.

Making amendments to your application

If you are asked to amend your plans and the case officer confirms that they will accept such amendments as part of the current application, the case officer will give you a date by which you must submit the plans and any additional information.

If the amendments are not received by the date given we will determine your application as it stands.

We will not accept amendments after the date given to you by the case officer.

Please note that the dates given by the case officer will vary according to the case officer's workload and priorities at the time. In some cases the time period given for amendments to be submitted may be very short. In all cases we will try our best to advise applicants of the need for amendments as early in the process as possible.

Please also note that only one round of negotiation and, if necessary, re-consultation with a consultee, will be entered into per application.

Applicants and agents are also encouraged not to submit amended plans unless invited to do so by the case officer. If amended plans are received without being requested it is a matter for the discretion of the case officer whether those plans are accepted or not.

All applicants and agents are further advised that no guidance note can cover all eventualities. In extraordinary circumstances, exceptions to the above approach may therefore be allowed at the discretion of the relevant Team Leader or Planning Manager.

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