

A checklist of the information that we need from you to give advice

- An accurate plan, preferably Ordinance Survey based, showing where the site is and who owns it
- Full details of the nature of the proposals, shown on appropriate plans at a suitable and easily identifiable scale.
- Photographs of the site or relevant part of the site are always helpful
- Details of any known previous planning history which could be relevant
- The topography of the site, i.e. flat or sloping
- Assessment of the site and its surrounding, showing all the buildings and trees and other important features e.g. stone walls, hedges etc.
- Assessment of the project; reasons for the scheme as submitted including any financial or other circumstances

In conclusion

- All potential applicants are encouraged to negotiate an acceptable solution where possible, before submitting a formal application
- If, however, applications as subsequently submitted do not follow that advice, we will not seek to further negotiate a solution
- Any application which has been the subject of pre-application advice will not be registered unless all necessary supporting documents identified in the pre-application process have been submitted with the application
- Where an application is submitted without pre-application advice, it is determined on its merits
- The more information provided at pre-application stage the more comprehensive the reply will be

All requests for pre-application advice should be made to:
Spatial Planning, Roebuck House, Abbey road, Torquay, TQ2 5DP.
Tel: (01803)207801
Fax: (01803)208858
Email: planning@torbay.gov.uk

Pre – Application Enquiries

How we deal with enquiries about the need for planning permission and our code of practice for pre-application enquiries.

Introduction

- The purpose of this document is to provide clarity about how the Council will deal with the public, applicants, agents and third parties in considering prospective development proposals in advance of the submission of a formal application for planning permission. It sets out details of the way in which the Council will undertake negotiations and what third parties to the process can expect.
- This document will help to minimise delay, promote consistency and ensure effective communication.
- Potential applicants are encouraged to negotiate, where possible, an acceptable scheme prior to an application being submitted. It is the Council's normal practice not to enter into negotiations that would result in substantial change to a proposal once an application has been submitted, unless to do so would clearly be in the public interest.
- In general terms the council receives two types of enquiry in advance of submission - '**Do I need planning permission?**' and '**I do need planning permission and how likely am I to get it?**'
- Both of these enquiries generate a considerable amount of work for the Council. For example, in 2010 we received 678 enquiries about the need for planning consent and 727 formal requests for pre-application discussion. At present the service is free. An announcement will be made if and when the Council decides to charge for these services.
- Experience has shown that many problems encountered in the process of approving an application can be avoided if proper steps are taken prior to submission. Torbay Council strongly encourages pre-application enquiries with agents and applicants but the complexity of the query will determine the time needed to respond.

Do I Need Planning Permission?

- In relation to the enquiries about the need for planning permission, unless the answer is obvious and beyond doubt, officers need to receive the request in writing. A standard form ('Do I Need planning permission and/or Building Regulations') has been prepared which can be downloaded off the internet or obtained from Spatial planning. This explains the information required.

Am I Likely to Get Planning Permission?

- These requests must be submitted on a pre-application form. They must be accompanied by a site plan clearly indentifying the site in question along with other appropriate drawings or supporting documents. The more complicated the proposal, the more information will be required. A contact telephone number and/or email address should be given. Quality in the information provided at the outset will help us to respond more speedily.
- On receipt, the request will be registered, the site plotted (the reason why an accurate site location plan is required) and a reference number allocated. Any similar requests for the same site will then be quickly identified. Your correspondence will be acknowledged within 3 days and you will be advised of the reference number and the officer allocated to deal with your request.
- Most planning applications are for extensions and alterations to people's homes and many of these proposals are straightforward and will not need to be the subject of extensive negotiation in advance of submission. We aim to respond to such enquiries within 21 days of receipt. If officers need to arrange a site visit before responding and this involves access to private land not easily visible from public land, they will use the contact number or email address given to arrange such a visit. Site visits will not always be necessary in order to respond to such pre-application enquiries.
- We will aim to give a comprehensive response by including the views of all relevant officers and consultees, i.e. conservation, the Highways Department, building inspectors, drainage, etc. For this reason, it is likely that less straightforward requests will take longer than 21 days. In such cases, the planning officer will contact you to confirm the likely timescale for responding in full.
- If a meeting is arranged, notes will be taken detailing attendees, advice sought and given, and other matters discussed. Planning officers will

confirm the outcome in writing within 7 days of the meeting. Any request by a third party to request such notes (or letter) may be granted during the pre-application stage unless confidentiality has been requested (for example, if the developer's interest in the site is commercially sensitive). Confidentiality will not be expected to apply once a proposal has become the subject of an application.

- In the event that a planning application is subsequently received, any pre-application advice enquiry letter from the planning officer will be referred to in any subsequent Committee report and included in the Schedule of Representations.
- A written reply will be given to ALL pre-application requests on a without-prejudice basis, and will not bind the Council to any decision based on that reply. Whilst officers will use every endeavour to accurately predict the outcome of an application at pre-application stage, there will be times when after considering representations received in response to the statutory advertisement/consultation process the Council may reach a different conclusion.
- The Council has adopted a 'Local Code of Good Practice for Members and Employees Involved in the Planning Process' and this leaflet is available on the Council's web page <http://www.torbay.gov.uk/constitution> This document makes it clear.

This leaflet last updated 12/01/11