

Approach to Requesting and Negotiating Amendments to Planning Applications



Development Management – March 2022

Introduction

Requesting and negotiating amendments can be an important part of the planning application process, as it provides an opportunity for changes to proposed development to be made in order for planning concerns to be overcome and for planning policy compliant development to be secured.

Development Management case officers undertake consultation and assess planning applications. Having considered all relevant factors a case officer might consider that a proposal as submitted is not acceptable. In those instances a further judgement is required as to whether amendments could be requested in an attempt to make the proposal acceptable, before a final recommendation is made on the application.

This guidance sets out the approach that will normally be taken by officers in communicating with planning agents or applicants and the steps that will be followed. This is detailed on the following page in the form of a Planning Application Negotiation and Communication Framework.

The purpose of the Framework is to provide clarity around the process and to assist with the efficient processing of applications. We are introducing this guidance to ensure that the time spent on individual applications is proportionate to the fee received (which is nationally set) and to enable us to apply our resources across all applications received. Please note that this guidance relates to planning applications only and does not apply in the case of other types of application such as prior approvals.

When and How to Use this Guidance

The case officer will initiate the process once relevant consultation responses have been received and the proposal has been assessed. The case officer will normally only communicate with the planning agent, however where there is no planning agent, the applicant will be the main point of contact.

In the case of applications identified as falling within the Red and Amber categories, agents or applicants will normally receive written feedback in the first instance before a discussion can take place. This feedback will have been agreed with a Team Leader who themselves will not be available for a “second opinion”.

It is expected that both parties approach discussions in a positive and constructive manner and that whatever the professional differences may be, that the principles of mutual respect, courteous behaviour and professionalism are maintained.

The acceptance of any amendments is at the discretion of the Planning Authority. The opportunity to make amendments should not therefore be seen as an alternative to a properly thought through and prepared application. Seeking pre-application advice where it would be of benefit is also encouraged.

Planning Application Negotiation and Communication Framework

Minded to Refuse (Red Category)

- Step 1 Following the receipt of consultation responses and the carrying out of an assessment, the case officer will provide written feedback to the agent or applicant that includes the following:
- Sets out areas of concern with reference to relevant planning policies;
 - Offers the chance to withdraw the application allowing 7 days for a response;
 - Advises that a discussion regarding the feedback provided is available on request.
- Step 2 If requested by the agent or applicant, a discussion regarding the feedback provided will take place. This should be either a telephone conversation or a virtual meeting with the agent or applicant and will normally be limited to 15 minutes. No further dialogue will normally be entered in to.
- Step 3 If the case officer considers the issues remain unresolved and the application has not been withdrawn, the case officer will then proceed to make a recommendation on the planning application.

Minded to Request Amendments (Amber Category)

- Step 1 Following the receipt of consultation responses and the carrying out of an assessment, the case officer will provide written feedback to the agent or applicant that includes the following:
- Sets out areas of concern with reference to relevant planning policies;
 - Suggests changes to the proposed development in order for planning concerns to be overcome;
 - Invites the submission of a single set of amendments, sets a proposed timeframe for receipt and requests agreement to appropriate extension of time if necessary;
 - Advises that a discussion regarding the feedback provided is available on request.
- Step 2 If requested by the agent or applicant, discussion regarding the feedback provided will take place. This should be either a telephone conversation or a virtual meeting with the agent or applicant and will normally be limited to 15 minutes. No further dialogue will normally be entered in to.
- Step 3 The agent or applicant will submit amendments and the case officer will initiate further consultation as necessary. No further amendments will normally be accepted.
- Step 4 The case officer will assess the amendments and then proceed to make a recommendation on the planning application.

Minded to Approve (Green Category)

- Step 1 Case officer to proceed to make recommendation on the planning application.