

Perth and Kinross Council

PLANNING : PRE-APPLICATION ADVICE GUIDANCE NOTE

INTRODUCTION

The provision of pre-application advice by the Development Management section of Planning and Regeneration is a discretionary activity, which is not required by planning legislation. It is however supported by the Scottish Government and the Royal Town Planning Institute and it is valued by the Council.

Within the definition of pre-application consultations, a variety of customers place a range of demands upon Development Management which require variable responses, dependent upon certain circumstances, e.g. the nature of the enquiry and the type and location of the proposed development.

It has to be acknowledged that Development Management must tailor its response to these enquiries to ensure that clear and precise advice is given which is commensurate with the circumstances, and that Development Management needs to ensure that resources are used as efficiently and effectively as possible.

This protocol lays out the terms of the pre-application service which is to be provided with effect from 28 November 2011.

The Development Management Objectives for providing pre-application advice are:

- To assist the general public in using and complying with the planning process.
- To simplify the submission of any subsequent planning application.
- To improve the design and environmental quality of a proposed development.
- To support economic development.
- To record the enquiry and response.

How can the customer best participate in pre-application consultations?

- Use the Council's website – it may be possible to find the answer to some of the customer's questions there.
- Make the enquiry in writing – this enables both the customer and the Council as planning authority to have an adequate record of both the proposal and the response.
- Prepare sketch proposals – the more information the customer provides, the more measured the response can be.

- Use an architect or planning consultant – they should be familiar with the Council's procedures and policies, together with national planning guidance.
- Take careful note of the advice given – the response will usually be qualified.
- Have reasonable expectations – it is not always possible to respond quickly and a definitive view of the likely outcome can seldom be given as a formal planning application is required before a full assessment can be made.

OBTAINING PRE-APPLICATION ADVICE

General

Customer Service Centre advisers and duty planning officers are available to give general advice on procedures, the need for planning consent and routine enquiries to visitors to Pullar House during office hours.

Telephone enquiries can be made to the Customer Service Centre on 01738 475300 during office hours and email enquiries made be directed to DevelopmentManagement@pkc.gov.uk.

Whilst planning officers are generally available to deal with straightforward ad-hoc enquiries, written enquiries are nevertheless preferred. By containing as much information as possible (including drawings or sketches), such enquiries are likely to obtain a more comprehensive response.

Meetings in connection with pre-application enquiries shall be minimised to ensure that resources are used efficiently, effectively and proportionately. All enquiries should be in writing in the first instance providing an adequate background to and details of the proposal. A meeting will only be held if the planning officer deems it necessary to assist in providing a response to the enquiry within the terms of this protocol. In practice, meetings are only likely to be held where an application involves a 'major' development or one which is considered to be of importance in terms of economic or community development.

The Need for Planning Permission

Development Management will normally be able to confirm the need for planning permission for a particular development. However, it is strongly recommended that enquiries of this nature are made in writing and are accompanied by a drawing of the proposed development, containing the appropriate information and dimensions, so that the need for planning permission can be confirmed in writing. It should also be noted that a legally binding determination about the need for planning permission for a proposed development can only be obtained by applying for a certificate of lawfulness under section 151 of the Town and Country Planning (Scotland) Act, 1997, for which there is a fee.

Responses to Pre-Application Consultations

A written response to a pre-application consultation will:

- Identify the applicable Development Plan land use zoning and the main relevant policies.
- Identify where possible material considerations which may have an influence on the determination of a specific planning proposal, over and above the routine material considerations (such as visual impact or road safety).
- Identify where possible any special or unusual procedural implications.
- Indicate, if possible, whether any planning application will be decided by the Development Quality Manager, acting under delegated powers, or is likely to be decided by the Development Control Committee.
- Offer any comments which the planning officer feels able to make dependent upon the nature of the proposed development and the applicable circumstances. The response will not normally contain an indication of whether a proposal will be favourably considered by a planning officer in the event that a planning application is submitted. A definitive view of the likely outcome can seldom be given as a formal planning application is required before a full assessment can be made. This process includes internal and external consultations, a site inspection and the opportunity for notifiable neighbours to make representations on material planning considerations.
- Refer to the submission of a planning application as being the appropriate way to obtain the Council's decision.
- Contain the following disclaimers (where applicable):
 - No site inspection
 - No consultation with other Council Services (eg regarding noise, contaminated land, public open space requirements, etc)
 - No external consultation (eg with Scottish Natural Heritage)
 - No opportunity for neighbours or public to comment
- In particular, all written responses to pre-application consultations will contain the following disclaimer:

“I have not necessarily identified or had the opportunity to assess all of the material considerations which might influence the determination of any planning application. The Council is not bound by this advice in the event that you submit a planning application.”

Responses will generally be restricted to one written answer per development proposal, unless a planning officer considers that further consultation will facilitate the processing of an imminent planning application.

Nick Brian
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