

Development Management Amendments Protocol



Introduction

Cannock Chase District Council is committed to delivering a positive, proactive, timely and transparent Development Management service.

The Council seeks to support high-quality development within the District while ensuring that planning applications are determined efficiently, consistently and robustly.

This Protocol sets out the Council's approach to negotiations, amendments and the submission of additional information during the consideration of planning applications. It is intended to provide clarity for applicants, agents, consultees, elected Members and the public on when amendments may be accepted and when applications will be determined as submitted.

The overall purpose of this Protocol is to:

- improve the quality of development within Cannock Chase District;
- encourage early and effective pre-application engagement;
- ensure planning applications are properly prepared before submission;
- reduce unnecessary delay during the application process;
- avoid repeated redesign during the life of an application;
- support timely and robust decision-making;
- make efficient and proportionate use of Council resources.

The value of pre-application advice

The National Planning Policy Framework (NPPF) confirms that local planning authorities should take a positive and creative approach to development proposals and seek to approve sustainable development where possible.

Pre application engagement is a key part of this process. It is useful in:

- establishing whether the principle of development is likely to be acceptable;
- identifying relevant planning policy considerations;
- resolving design, amenity, access, heritage, ecology and technical matters at an early stage;
- identifying what information should accompany the application;
- reducing the need for amendments once an application has been submitted;
- improving the prospect of a timely decision.

Early resolution of issues is significantly more efficient than seeking changes after submission.

The Council offers a pre-application advice service, full details of which are available on the Council's website. All prospective applicants are strongly encouraged to use this service before making a planning application.

Negotiations and amendments during an application

While negotiations during the consideration of a planning application can play a constructive role in the planning process, they are not a replacement for a well-prepared, comprehensive, and clearly presented submission.

Therefore, the application stage will not be used to :

- resolve fundamental issues that should have been addressed at pre application stage
- enable iterative redesign of unacceptable proposals

Once a planning application has been validated, applications are expected to be determined promptly and efficiently, in accordance with Government expectations.

Accordingly, the Council is seeking to determine applications within the statutory timescales, unless an extension of time is genuinely required in accordance with this protocol. The statutory timescales are typically 16 weeks for applications subject to Environmental Impact Assessment, 13 weeks for major applications, and 8 weeks for other applications.

Planning performance Agreements (PPA)

Where it is clear at the outset that an extended period will be necessary to process an application, the local planning authority and the applicant should consider entering into a planning performance agreement (PPA). These need to be agreed prior to submission, so prospective applicants are encouraged to make early enquiries if it is considered that a PPA would be helpful, particularly on major or complex proposals.

Our approach

Cannock Chase District Council will exercise its discretion in deciding whether to accept amendments or additional information. Upon receipt of an application the Council will expect it to be:

- supported by relevant information, with reference to the Council's local validation list; and
- capable of being fully assessed against relevant planning policies and determined as submitted

On that basis, the Council's normal position is not to seek or accept amendments after validation. We emphasise this approach by encouraging all to engage in the pre-application service.

We will not accept unsolicited amendments. Please do not submit amendments in response to an objection or consultation responses unless specifically requested by the Case Officer. Amendments will only be accepted in accordance with this protocol, and where there is sufficient time to consider them.

When we will negotiate

Where an application is capable of being approved as submitted, we will seek to determine the application within the timescales set out by the Government.

Where an application requires a small amendment or a limited amount of additional information to be capable of being approved, the Council will exercise discretion and consider the following to decide whether it is appropriate to offer to negotiate with the applicant:

- a. whether the proposal is acceptable in principle
- b. whether pre application advice was sought and whether that advice was followed
- c. whether issues could reasonably have been resolved prior to submission
- d. the scale and nature of the changes required
- e. whether changes would create new planning issues
- f. whether the amendment is necessary to allow a robust and lawful decision to be made

Where negotiation is agreed:

- Only one opportunity to amend will normally be provided unless the application relates to major development wherein the scale and complexity of the scheme may require more than one amendment
- A clear deadline will be set for submission
- Failure to meet the deadline will result in refusal
- An extension of time will be agreed upon submission of the amendment
- Processing of amendments will incur a charge;

Proposed Charging schedule:-

Fee Type	Cost
Householder/LDC / Advert	£75.00
Minors (including COU)	£100
Majors	£250 per amendment

When we won't negotiate

The Council will not negotiate where:

- significant amendments are required
- the proposal is unacceptable in principle

Where refusal is likely:

- applicants may be invited to withdraw

- this is not an opportunity to negotiate or submit further amendments

Applicants will instead be directed to the pre application service for a revised proposal.

Unsolicited Amendments

The Council will not accept unsolicited amendments.

Applicants and agents should not submit amended plans, revised documents or additional information in response to objections, consultee responses or officer concerns unless this has first been specifically requested or agreed by the planning case officer.

Prior approval and time sensitive applications

Some applications we deal with are time sensitive with consent being deemed to have been granted automatically if a decision is not made within the original timeframe. These include a number of prior approval applications for permitted developments. We will not normally negotiate or accept amendments or additional information on these applications. Exceptions will only be made at the officer's discretion where timescales will not be affected.

Discharge of conditions applications

The Government expects such applications to be determined within eight weeks. Such applications will be determined on their merits as submitted with only minimal negotiation or amendments permitted.

If applicants and their agents are concerned about the likely outcome of their discharge of condition applications, it may be advisable to make separate applications for individual conditions. That way conditions can be discharged as soon as it is confirmed the details are acceptable.

Applications affected by Cannock Chase SAC

Where application sites sit within the Zone of Influence for Cannock Chase SAC it is the responsibility of the applicant to provide a mitigation strategy where necessary with appropriate professional expertise. Such a strategy, together with all supporting information should be submitted with the application at the validation stage. Due to the complexities of this issue, prospective applicants for proposals within the 15km Zone of Influence for Cannock Chase SAC are advised to seek pre application advice.

The Council is responsible for undertaking the Habitat Regulations Assessment for development within these areas.

Where net dwellings are proposed within the 15km zone of influence for Cannock Chase SAC, you are advised to read the frequently asked questions document and complete a S.111 agreement with your planning application unless your proposal is likely to require a s106 agreement. Further information can be found from:

[6. A guide to the CIL Process | Cannock Chase District Council](#)

Extension of time requests from the Council

It is recognised that sometimes it will be necessary for the Council to request an extension of time to determine the application.

We will seek to limit these to the following situations:

- a committee decision is required, in which case the application will be scheduled for the first available committee date
- a legal agreement is required
- where there is a delay in a consultation response, and that consultation is essential, for example, Natural England advice
- where we have agreed to one opportunity to negotiate on an amendment or additional information as set out above

While we are committed to procedural fairness, we must also strive to make timely decisions wherever possible. Requests for extensions or further negotiations that fall outside this protocol will not be accepted, as doing so would impact the Service's overall ability to determine applications within a reasonable timeframe.

Local Government Act 2003

The Council has the power to charge for discretionary services under Section 93 of the Local Government Act 2003.

The processing of amendments and additional work beyond the standard determination process constitute a discretionary activity. Charges will be applied on a cost-recovery basis only and will not exceed the cost of providing the service.

Conclusion

This Protocol reflects Cannock Chase District Council's commitment to:

- efficient and timely decision-making
- high-quality development outcomes
- effective use of pre application engagement

Applicants and agents are expected to work within this framework to ensure a clear, efficient, and proportionate planning process.