

Pre Application Advice Charging Scheme and Post Application Service Introduction (1st February 2014)

The Development Control Service is responsible for providing planning advice, processing planning applications and appeals in relation to the use and development of land and buildings. The service has historically dealt with around 1300 applications each year and some 700 pre application enquiries which are a growing part of the work of the service. From 11 October 2010, a charge will be made by the Council for providing pre application advice.

Why make a pre application enquiry?

We want to promote the use of early discussions with agents and developers as part of the development management approach to facilitating acceptable development. Open and constructive discussions about schemes before they are formally submitted as a planning application can help steer proposals into a form that are more likely to be acceptable to the Local Planning Authority whilst leading to the reworking or dropping of proposals that appear to be fundamentally unacceptable. Entering into pre application discussions will help save time, avoid wasted expense and avoid frustration. More complex proposals or those requiring a site visit may take longer to assess. If we cannot respond within 10 working days we will write to you and let you know when you can expect to receive a full reply.

Further benefits include:

- Avoiding incomplete applications that cannot be registered
- Reducing the number of unsuccessful applications
- Raising the quality of development
- Securing satisfaction with the process
- Reducing confrontation in the planning process
- Gaining community acceptance

We will expect that guidance given by the Council's officers is taken into account in the preparation and working up of your proposals. Where it is evident that pre application advice has not been sought or taken into account in a subsequent planning application, the Council may not be able to negotiate on a scheme and applications are likely to be determined as submitted.

I'm only looking for very general advice. Do I need to go through this process and pay a fee?

Anyone considering developing or building in Chorley should look at the Council's website before beginning the design or application process. The web-site is very useful in respect of FAQs such as 'do I need planning permission?' and provides information on up to date planning policies and the status of Council documents/ policies. The website will direct you to the Planning Portal where you can identify whether you need planning permission.

The Council will continue to provide a general level of advice to members of the public about the planning process without the need to pay a fee. For example, to explain what planning policies would apply to an area / proposal, how to submit a planning application, how the planning process works, and what issues would normally be taken into account when a planning application is decided.

This advice will be given by the Council's duty planning officer (Monday - Friday 09.30 to 13.00 hours) at the Council's Union Street office or by telephone to answer general enquires (contact details are set out below). In addition there are exemptions from the charging for pre-application advice in the paragraph below.

The Planning Portal web-site (<http://www.planningportal.gov.uk/permission/>) has useful tools including an interactive house which allows you to identify whether planning permission is required or not for house extensions.

How does the process work?

To give you greater certainty of outcome from the pre-application process and ensure constructive advice we need you to provide a minimum level of information that will help us with your proposal. This protocol sets out how we will deal with your enquiry and gives a checklist of the information that you should provide. The more information you provide the more comprehensive our reply will be.

The advice that we give at the pre-application stage is given in good faith but it is not the binding on the Council. This is because there may be new information that comes to light during the consideration of a subsequent planning application where we have a duty to consult third parties.

Also, some planning applications are decided by the Development Control Committee rather than by Council officers under delegated powers. Pre-application advice may also become less relevant over time as planning policies change or having regard to an interpretation of the weight that can be attached to various material considerations.

Pre-application discussions are always confidential unless you request that we seek the views of third parties. Although the Council does not automatically publicise the details of pre-application discussions, under the Freedom of Information Act we may from time to time receive requests to provide information regarding enquiries for pre-application advice and of any advice given. Subject to certain exemptions, we are obliged to provide this information, although personal details are protected under the Data Protection Act and will be redacted before disclosure.

The exemptions relate to commercially sensitive and confidential information. It is therefore important that you bring to the Council's attention at the outset in writing any information which you consider may, if disclosed, prejudice your commercial interests or which you consider would breach confidentiality. You should also set out the reasons why and for what period you consider the information falls into these categories. It is then for the Council to decide whether it believes the information falls into these exempt categories, if a Freedom of Information request is subsequently received.

We may also treat as exempt from disclosure information which, if disclosed, may prejudice the effective conduct of public affairs. This can be particularly relevant at the outset of major applications where a degree of exploratory discussion takes place. If the disclosure of this exploratory information was likely to prejudice the process of determination of the subsequent planning application, then it may not be disclosable.

Apart from these exemptions any other recorded information resulting from these pre-application discussions is very likely to be disclosable.

Householder pre-application advice

For extensions/ alterations to dwellinghouses which require planning permission the Planning Service offer advice on the acceptability of the proposals. There is no fee for this service.

In order to ascertain whether planning permission is required householders are advised in the first instance to visit the Planning Portal web-site

(<http://www.planningportal.gov.uk/permission/>) which offers advice on what constitutes permitted development.

PLEASE NOTE: The Council are unable to confirm in writing whether a development does not require planning permission because it falls to be considered 'permitted development'. This is due to the fact that the only way to be certain that your proposal does not require planning permission is by submitting an application for Certificate of Lawfulness (this can relate to either existing or proposed use/development). A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. A fee is required for such an application, and the fee is set by the government, rather than Chorley Council.

Planning History Search

A charge of £60 (plus VAT) will be applied to each property planning history search.

What is covered by the charging Scheme?

The charging scheme covers all requests for pre application advice regardless of whether a meeting or written response is requested. The charging scheme includes the cost of providing specialist design and historic buildings advice where necessary. The scheme also includes advice and consultation with the Strategic Housing team within Chorley.

The following exemptions apply to the charging scheme:

- General planning advice on minor proposals given verbally by the duty officer or at the Customer Service Centre
- Incidental advice or information given by telephone
- Where the works are required to meet the needs of a person's registered disability
- Discussions in relation to enforcement matters
- Informal enquiries relating to listed building dealt with by the Conservation Officer
- Design advice and guidance on extensions to dwellinghouses which require planning permission.

In addition, the charging scheme will not apply to advice given to the following organisations:

- Parish and Town Councils
- Lancashire County Council
- Housing Associations (unless a mixed market/ affordable scheme is proposed)

Unfortunately Lancashire County Council as Highway Authority is unable to provide advice as part of the pre-application process.

Advice in relation to flood risk is available from the Environment Agency. However please note that from 3rd March 2014 the Environment Agency are beginning to charge for advice and as such detailed advice may incur a separate fee. If you wish to receive pre-application advice from Environment Agency, please contact them separately.

Lancashire County Council is the Lead Local Flood Authority for the Borough. You may wish to contact them directly to discuss the flooding risks of your proposal.

	Application types			
	Small e.g. 1/2 dwellings	Medium e.g. 3-9 dwellings	Major e.g. 10-49 dwellings	Large Major e.g. 50+ dwellings
Service Provided	£120 (plus VAT)	£432.00 (plus VAT)	£432.00 Follow up meeting £216 (plus VAT)	£720.00 Follow up meeting £360 (plus VAT)
Written reply	√	√	√	√
Site visit	√ ¹	√ ¹	√	√
1 meeting	√ ¹	√ ¹	√	√
More than 1 meeting			√ ²	√ ²

Note: Also see Appendix 1

For 'minor and small' proposals, a meeting or site visit will be arranged if one is required¹

For 'Major' or 'large major' proposals, additional meetings will be necessary²

Definition of 'Large Major' = development of 50 dwelling or new floor space of more than 2000 square metres³

The table above outlines the service that the Council will provide depending on the type of case involved. A written reply setting out the Council's pre application advice will be provided in every case.

One meeting with a planning officer will be arranged if it is necessary although for 'small' and 'minor' development not all enquiries will require a meeting. Subsequent meetings for 'major'/'large' major schemes will be arranged as we deem necessary and be subject to an additional fee.

The charging scheme includes the cost of specialist advice on design, historic buildings and trees where it is required.

For the most significant schemes or proposals of a strategic scale, the Council will determine the appropriate charge on a case by case basis and will seek to negotiate a Planning Performance Agreement (PPA) for suitable schemes. PPA's will be considered and negotiated on an individual basis in terms of the charging scheme.

How do I obtain pre application advice?

We prefer requests for pre application advice to be made by email to 'dcon@chorley.gov.uk'. Alternatively you can make them in writing to the Head of Planning with a subject heading of *Pre Application Advice*. Alternatively, you may wish to complete and send to us the Pre Application Advice form which is available at back of this guidance document by e-mail. This form sets out the information required for a request to be accepted.

Upon receipt of your request for pre application advice, we will aim to contact you within 5 working days either to request details or to confirm that your request is complete and has been allocated to a Case Officer for action.

What do I need to do before advice can be given by the Council?

If you are not the site owner you should visit the site and make a detailed analysis to establish site characteristics, constraints and opportunities and the surrounding context.

Plans and tree constraints surveys (where applicable) will be required if a planning application is submitted. Therefore, these survey plans are also likely to be useful in the process of designing a scheme.

You should prepare draft design principles for the site based on the findings of the site survey work.

It is a national planning requirement that applicants are able to demonstrate how they have taken account of the need for good design in their development proposals. This is established in Government's National Planning Policy Framework. We therefore ask you to explain your design approach as part of your draft development proposals.

Once you have undertaken the above assessment you should be in a much better position to begin designing your scheme. You may then wish to approach the Council to seek advice from a Planning Officer.

We will expect the following to be provided to enable your request to be actioned:

- Payment of relevant fee by debit card or cheque (cleared)
- Completed Pre Application Advice form
- Site Survey & Analysis
- Sketch or indicative plans of proposal
- Supporting studies/ information (for major schemes if you want specialist advice)
- Supporting statement

(see detailed comments regarding information requirements detailed below)

These details will be used to promote a design led approach to the scheme and will enable the Council to assess whether a development team including specialist officers should be brought together.

For the most significant schemes or strategic scale development, a Planning Performance Agreement may be appropriate in which the process of dealing with the proposal in accordance with a timetable, principles and procedures are agreed together. A Planning Performance Agreement would be drawn up at the pre application stage and would lead the process through the application stage.

What can I expect from the process?

Requests for advice will be allocated to case officers according to their complexity. Major schemes will normally be dealt with by a senior officer. To ensure that the process is as seamless as possible, the case officer will usually deal with any subsequent planning applications.

We will aim to arrange to provide a written reply or arrange a meeting within 20 working days from the date your request is accepted as complete. Where a meeting is held, a written summary of the main points will be set out within 10 working days of the meeting. Our preferred method of written communication is via e-mail and this will be used where possible.

In the case of major development proposals, it may be necessary to consult statutory consultees and other groups prior to providing advice. In such cases, the pre application process may take longer in order that we are in a position to provide a comprehensive response.

The case officer (and development team where applicable) will assess the submitted information and will aim to provide you constructive comments on the scheme in relation to the following so far as they are relevant:

- Relevant development plan policies and other Council strategies that may have a bearing on the proposal
- Site constraints, e.g. statutory designations such as conservation areas, AONB's, Tree Preservation Orders and other constraints including listed buildings, flood zones and right of way.
- Relevant planning history
- The details of the proposal, i.e. the acceptability of the land use, design and amenity considerations and highways and access issues where appropriate
- Infrastructure requirements, including the need for affordable housing, open space and contributions towards Council or County Council services
- S106 requirements and the Community Infrastructure Levy Liability (please see for full details of the Council's CIL Charging Schedule).
- We will indicate the likely information requirements (plan and supporting details/studies) to assist with the validation of any subsequent planning application. We will also explain how the development management process operates, the consultation process, decision making arrangements including committee information and the likely timetable for assessment of a planning application.

What if a subsequent decision on an application does not follow the advice I was given?

Advice given will be based on the case officer's professional judgment and assessment of the information provided. Pre application advice whether favourable or not is given on a 'without prejudice' basis since the Council must on submission of an application go through the statutory procedures and formal consultation and assess the outcomes before a decision can be made. Whilst advice can be given in good faith, we cannot guarantee that a subsequent planning application will be successful. Additionally there may also be changes to planning policy that arise between advice being given and an application being submitted which may have implications on the proposals. We nevertheless believe that pre application advice is an extremely important part of the planning process. Fee for pre application advice will not be refunded and do not affect any statutory planning application fee subsequently required.

What if I disagree with the advice received?

We recognise that you may not like the advice you receive. In most cases, it is differences of opinion about the planning merits of the scheme rather than factual errors that give rise to disagreement. These can only be resolved by submitting an application and going through the formal planning process.

Site Survey and Analysis

In order to establish the material considerations in respect of the development and to provide a co-ordinated response it is advised that the following is undertaken and provided before detailed pre-application advice can be provided:

- I. A location plan identifying the site should be provided to a scale of 1:1250 or 1:2500. Photographs of the site are also helpful
- II. An accurate survey of the site including the buildings and features within and surrounding the site (for example trees on adjacent land but close to the site)

boundary) and an analysis of the constraints and opportunities of the site should always be undertaken. The analysis should also include:

- a) identification of existing and proposed character area's including views into and out of the site;
- b) accurate site levels;
- c) an assessment of the impact of the proposed development on trees located within and adjacent to the site

Plans of the Proposed Development

Plans showing the layout of the proposed development at a scale of 1:200 or 1:500 for large schemes including an indication of the size and scale of development and how this will relate to any existing and retained features and site levels.

Supporting statement

Your proposal should be accompanied by a supporting statement to explain and justify the design approach chosen. The supporting statement should include an explanation of:

- i. How the proposal accords with planning policies.
- ii. How the scheme relates to and reinforces local distinctiveness.
- iii. How the proposal is appropriate for the site in terms of the amount of development proposed.
- iv. For residential schemes of fifteen (five in rural areas) or more houses (new build or conversion) it will be necessary to demonstrate how affordable housing will be provided.

If you are having difficulty providing the above information it may be possible for us to give you advice based on simple sketch drawings of your proposal. You should contact us to discuss whether or not this will be possible.

How do I request pre-application advice?

The Council has produced a simple form and checklist for you to complete at this end of this guidance note. This can be e-mailed to dcon@chorey.gov.uk with 'Pre-application advice request' in the subject header. The fee can be paid by card by ringing 01257 515151 and saying you wish to pay a planning pre-application advice fee. Please refer to the fee table above for the relevant fee payable and appendix 1 at the end of this document for further guidance on the fee structure.

It can also be sent to the address below, marked 'Pre-application enquiry':

Planning Service
Chorley Borough Council
Union Street
Chorley
Lancashire
PR7 1AL

By telephone: 01257 515151

On the internet at: www.chorley.gov.uk

Once you have completed the form and gathered the information set out above. You should send this and the necessary fee to the address above together with a cheque for the requisite fee payable to Chorley Borough Council. Alternatively you can pay the fee by card over the telephone as set out above.

Once your request has been received it will be processed by the Council. Each pre-application enquiry we receive is given a unique reference number and allocated to a named

officer. You may be contacted by the planning officer to request a meeting or a site visit, or further information to help us process your enquiry.

If you need further advice on how to complete the form or about the pre-application enquiry process please contact the Council's duty planning officer on the telephone number above.

Pre-application Advice

This form should be used if you are seeking pre-application advice for all residential and commercial enquires.

Pre- application advice is a discretionary service offered by the Council. So that we can provide the service to a consistent and high standard, the Council has decided that some of the cost of providing the service should be recovered from those who directly benefit. The fee is based on the type of development that is proposed.

We will aim to reply to your enquiry within 20 working days from the date your request is accepted as complete or 10 days from the date of a meeting. However more complex enquiries take longer than this. If we are going to take longer than 10 days we will let you know.

1. Your name and contact address.

Name:

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Address:

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Post code:

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Daytime telephone number:

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Email:

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(Please provide a suitable e-mail address, if available, as all correspondence will then be sent electronically).

2. Site address.

Address :

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Postcode:

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3. Description of proposed works.

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We require the following information as a minimum. You must tick each box to confirm that you have included each part.

For a minor, major or large major, including erecting new houses and change of use
Site survey and Analysis

- A location plan at a scale 1: 1250 or 1: 2500
- An accurate survey of the site
- Plans of the Proposed Development
- Supporting Statement

4. Confirmation of details

- I have included the correct fee

Signed: Date:

Once you have completed the form you can either, post it, email it or hand in at our reception.

Our address:
Planning Service
Civic Offices
Union Street
Chorley
Lancashire
PR7 1AL

Email and telephone:
dcon@chorley.gov.uk
01257 515151

In dealing with enquiries such as this we assess proposals against local and national policy and guidance. However since we cannot pre – judge a possible future planning application, our comments should be read as informal officer advice.

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998. The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

Failure to secure the correct planning consent where required may result in enforcement action being taken. Carrying out certain types of work without the correct consent is a criminal offence.

APPENDIX 1: PRE-APPLICATION ADVICE
PROPOSED FEE SCHEDULE 1ST FEBRUARY 2014 (PRICE INCLUDING VAT IN BRACKETS)

CATEGORY A - SIGNIFICANT MAJOR DEVELOPMENT

Initial Fee: £720 (£864 with VAT) Follow up Fee £360 (£432 with VAT)

- Developments of 50 or more dwellings or ≥ 2000 sq m or ≥ 2 ha
- Retail, Commercial & Industrial Schemes ≥ 200 sq m or ≥ 2 ha
- Education / hospital / leisure / recreation schemes ≥ 2 ha
- Schemes with 2 or more land uses on sites of 1.5ha or more
- Changes of Use of building(s) with a gross floor area $\geq 1,500$ sq m
- Any Scheme requiring an Environmental Impact Assessment

CATEGORY B – OTHER MAJOR DEVELOPMENT

Initial Fee £432 (£518 with VAT) Follow Up Fee £216 (£259 with VAT)

- Residential Schemes ≥ 10 units and less than 50 units; or if no units are specified, with a site area ≥ 0.5 ha and less than 2ha
- Non-residential schemes with a floor space of ≥ 1000 sq m and less than 2,000 sq m; or on sites ≥ 1 ha and less than 2.0ha
- Schemes with 2 or more land uses on sites ≥ 1.0 ha and less than 1.5ha
- Changes of Use of building(s) with a gross floor area $\geq 1,000$ sq m and less than 1.5ha

CATEGORY C - MEDIUM SCALE DEVELOPMENT

Fee £432 (£518 with VAT)

- Residential Schemes of ≥ 3 dwellings and less than 10 dwellings
- Non-residential schemes or changes of use with a floor space of ≥ 100 sq m and less than 1,000 sq m

CATEGORY D – SMALL SCALE DEVELOPMENT

Fee £120 (£144 with VAT)

- Residential Schemes of < 3 dwellings
- Advertisements unrelated to the premises on which they are displayed
- New Telecoms Installations
- Non-residential schemes or changes of use with a floor space of less than 100 sq m
- Flat Conversions

CATEGORY E- HOUSEHOLDER ENQUIRIES WHICH REQUIRE PLANNING PERMISSION (please see Householder pre-application advice section above)
NO FEE

- Extensions/ alterations to dwellinghouses which do not constitute permitted development
- Domestic outbuildings which do not constitute permitted development

CATEGORY F- PLANNING HISTORY SEARCH

Fee £60 (£72 with VAT)

APPENDIX 2: POST-APPLICATION FEES
PROPOSED FEE SCHEDULE 1ST FEBRUARY 2014

Monitoring of Legal Agreements

The principle of providing good quality consistent advice also applies to monitoring of legal agreements under section 106 of the Town and Country Planning Act, which take a significant amount of officer time. At present, this is ultimately a cost to the citizens of the area as no costs are recovered from applicants. Therefore charging allows for an improved and regulated advice system. The Planning Obligations Management Fee (for monitoring Obligations) is 2% of the value of the 106 agreement, or £500, whichever is the higher.

Discharge of Conditions

The Council offers a 20 working days service for discharging conditions attached to planning approvals at a fee of £360. In these cases the Council will aim to provide a response within 20 working days. Please note however, the response time by the Council may be subject to the response time of organisations outside the Council that may need to be consulted. For applicants who want to pay the standard fee of £97 the Council will seek to provide a response within a period of 11 weeks.