

## **EAST LINDSEY DISTRICT COUNCIL**

### **PRE-APPLICATION PROTOCOL AND FEES**

**April 2019**

#### **WHY IS PRE-APPLICATION ADVICE IMPORTANT AND WHY IS THERE A FEE?**

The Council welcomes and encourages discussion before those proposing development submit an application for planning permission.

In order that the Council can provide this discretionary service to a consistent and high standard it has decided that the substantial cost of providing this service should be recovered from those proposing development and should not fall as a general cost to the council taxpayer. The current statutory planning fees do not cover the cost of pre-application advice.

The Council considers pre-application discussions are of significant benefit to the applicant by identifying the planning issues and requirements at the earliest possible stage. Pre-application discussions provide greater certainty for applicants and developers about the likely outcome from the planning process. They also help to improve the quality of design, encourage greater public consultation, and enable the Council to process subsequent planning applications more quickly.

Note: If 6 months has elapsed between enquiries with no ongoing discussions then a new fee is payable

#### **I'M ONLY LOOKING FOR VERY GENERAL ADVICE. DO I NEED TO GO THROUGH THIS PROCESS AND PAY A FEE?**

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 a 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 who is available during office hours (Monday to Thursday 08.45 to 17.00 hours and 08.45 to 16.45 on Friday) at the Council's Horncastle office or by telephone to answer general enquiries (contact details are set out below).

#### **HOW DOES THE PROCESS WORK?**

To give you greater certainty of outcome from the pre-application process and constructive advice we need you to provide a minimum level of information that will help us to assess 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 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 Planning Committee and not by Council officers under delegated powers. Pre-application advice may also become less relevant over time as planning policies change.

Pre-application discussions are always confidential unless you request that we seek the views of third parties.

## **STAGE ONE –THE PRINCIPLE OF DEVELOPMENT**

We would recommend that you adopt a two stage approach to seeking pre-application advice. Sometimes we receive very detailed proposals at the pre-application stage where the principle of development is in conflict with planning policy. To be able to establish whether the principle of development is acceptable we require the following minimum information:

- An Ordnance Survey extract at scale 1:1250 showing the location of the site.
- A basic plan of the site at scale 1:500 that identifies important features such as trees or watercourses and shows the position of existing buildings and structures.
- If the proposal involves the formation of an access, confirmation from Lincolnshire County Council highways that the principle of this is acceptable.
- If the development is in an area of flood risk, confirmation from the Environment Agency that the principle of development is acceptable. You can check if the site is in a flood risk area on the Council's website [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)
- Photographs of the site

We would recommend that you fully investigate the planning history of the site as this may reveal information that is relevant to your proposal. You should also check the designation of the site in the Council's Local Plan ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)) and any policies relevant to your proposals. If you wish to find out the planning history of a site you can either submit a search through the authorities land charges section or alternatively you can make an appointment to view the planning history yourself without charge.

One of the common questions that we are asked at this stage is "how many houses could we get on the site?" or we may be told "my client needs to get six houses on the site". Clearly we will be unable to provide this level of detailed advice without significantly more information and will only be able to advise on whether or not the principle of development is likely to be acceptable.

Sometimes, for example on a sensitive site in a conservation area, we may not be able to advise on the principle of development without the additional information referred to under stage two below. We will inform you if this is the case.

## **STAGE TWO – THE DETAIL**

If the principle of development is established in stage one, or if more detail is required to make that judgement, then stage two of the process relates to matters of detail such as the layout, design, scale or density of development.

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

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 demonstrate good design in their development proposals. This is established in Government's National Planning Policy Framework (July 2018) ([www.communities.gov.uk](http://www.communities.gov.uk)). We therefore ask you to explain your design approach as part of your draft development proposals. For more information see the guidance produced by the Council on Design and Access Statements ([www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)).

Once you have gone through the above checklist 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.

For schemes other than householder proposals such as extensions the Council will expect you to demonstrate that the following has been undertaken and provided before stage 2 pre-application advice can be offered:

### **Site Survey and Analysis**

(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 areas 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. Guidance produced by the Council and CABE for Design and Access Statements, and Government's National Planning Policy Framework (NPPF) ([www.communities.gov.uk](http://www.communities.gov.uk)) may be useful. The supporting statement should include an explanation of:

- (i) How the proposal satisfies the 'Sequential' and where necessary the 'Exception' test of the NPPF for development in areas of flood risk and what mitigation measures are proposed.
- (ii) How the proposal accords with planning policies.
- (iii) How the scheme relates to and reinforces local distinctiveness.
- (iv) How the proposal is appropriate for the site in terms of the amount of development proposed.
- (v) If existing community services and facilities (including foul and surface water drainage, schools, roads, open space and recreational facilities) have the capacity to support the proposed development or what is proposed to ensure that capacity can be increased.
- (vi) How the proposal will not harm any archaeological or ecological interests.
- (vii) How the development will promote sustainable drainage and foul water methods.

For residential schemes of fifteen or more houses (new build or conversion) it will be necessary to demonstrate how affordable housing will be provided.

It will be helpful if you can provide supporting evidence (e.g. letters from Lincolnshire County Council or the Environment Agency) as this will reduce the time it takes for us to respond to your enquiry.

## **Householder proposals**

For those schemes that involve householder development the Council will normally expect you to do some preliminary work prior to any advice and guidance being offered:

- (i) A site location plan clearly identifying the location of the site should be provided, preferably to a scale of 1:1250 or 1:2500. An accurate survey of the site including the buildings and features within and surrounding and an analysis of the constraints and opportunities of the site will also help our assessment of your proposal.
- (ii) Plans of the proposed development at a scale of 1:100 or 1:50.

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 MUCH DOES IT COST?

The schedule of fees is set out in the table below:

<b>TYPE OF DEVELOPMENT*</b>	<b>NET FEE**</b>	<b>VAT</b>	<b>GROSS FEE</b>
Householder development including alterations and extensions	£75.92	£15.18	£91.10
Changes of use	£158.13	£31.62	£189.75
Development of 1 dwelling	£165.00	£33.00	£198.00
Development of 2-9 dwellings, or residential development on sites of less than 0.50 hectare including changes of use to residential	£458.33	£91.67	£550.00
Development of 10-49 dwellings, or residential development on sites of between 0.51 and 1.0 hectare including changes of use to residential of 2-9 units	£916.67	£183.33	£1100.00
Development of 50+ dwellings, or residential development on sites of more than 1.1 hectare including changes of use to residential	£1833.33	£366.67	£2200.00
Non-residential development up to 499 square metres floor area or 0.50 hectare site area	£158.13	£31.62	£189.75
Non-residential development between 500 and 999 square metres floor area, or between 0.51 and 1.0 hectares site area	£458.33	£91.67	£550.00
Non-residential development between 1,000 and 4,999 square metres floor area, or between 1.1 and 2.0 hectares site area	£916.67	£183.33	£1100.00
Non-residential development over 5,000 square metres floor area, or over 2.1 hectares site area	£1833.33	£366.67	£2200.00
Alterations to non-residential development where no new floor space is created	£75.92	£15.18	£91.10
Variation or removal of planning conditions	£75.92	£15.18	£91.10
Telecommunications development	£137.50	£27.50	£165.00
Certificates of Lawful Development	£137.50	£27.50	£165.00
Advertisements	£75.92	£15.18	£91.10
Listed building advice	£137.50	£27.50	£165.00
<b>Enquiries relating to start-up business</b>	<b>Free</b>		

\* Where a proposal covers more than one category of development the highest of the relevant fees will be charged.

\*\* All fees are subject to VAT at 20% as shown

\*\*\* If 6 months has elapsed between enquiries with no ongoing discussions then a new

fee is payable

<b>EXEMPTIONS AND REDUCTIONS</b>	
Proposals by parish and town councils	No fee
Proposals relating to the needs of persons with disabilities	No fee
Proposals by registered social landlords	50% reduction

### **HOW LONG DOES IT TAKE?**

We aim to respond to pre-application enquiries within 15 working days once all the necessary information and the appropriate fee has been received. More complex proposals or those requiring a site visit may take longer to assess. If we cannot respond within 15 working days we will write to you and let you know when you can expect to receive a full reply.

Depending on the nature and scale of the development, pre-application advice will be offered by letter or email or by meetings in person at the site or in the Council's offices. The case officer will judge the appropriate means of conducting pre-application discussions to provide you with constructive and relevant comments and advice to assist you in the submission of a planning application. Site meetings cannot be offered in all cases particularly where there is little prospect of planning permission being obtained as a matter of principle. Meetings about such development are time consuming and reduce the availability of officers to provide a satisfactory level of service to our customers.

Sometimes we may recommend that you amend your proposals and a further meeting or site visit may be necessary. There is no charge for subsequent meetings on the same pre-application enquiry and the stage 1 and 2 process set out above will be counted as a single enquiry for fee purposes.

### **HOW DO I BOOK PREAPPLICATION ADVICE?**

The Council has produced a simple form and checklist for you to complete. This is available:

In writing from: Planning Service East Lindsey District Council, The Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH

By telephone: 01507 601111

On the internet at: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

Once you have completed the form and gathered the information set out in stages 1 and 2 above you should send this and the necessary fee to the address above together with a cheque for the requisite fee payable to East Lindsey District Council.

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 planning 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.