

Pre Application Advice Charging Scheme and Post Application Service (1st July 2020)

Introduction

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 650 applications each year and some 65 pre application enquiries which are a growing part of the work of the service.

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.

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?

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.

In addition there are exemptions from the charging for pre-application advice in the paragraph below.

The [Planning Portal](#) has useful tools including an interactive house which allows you to identify whether planning permission is required or not for house extensions. The Permitted Development Rights for Householders Technical Guidance provides further guidance on common householder projects, and the full regulations are provided in the General Permitted Development Order.

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 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.

Householders – Is planning permission required?

In order to ascertain whether planning permission is required householders are advised in the first instance to visit the [Planning Portal](#)

Additionally, the Council operates a Duty Planning Officer service during which time householders can obtain informal verbal advice either over the phone or in person at Futures Park, Bacup as to whether your proposal 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'. The only way to be certain that your proposal does not require planning permission is by submitting an application for a Lawful Development Certificate (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 Rossendale Borough Council.

To encourage the use of applications for Lawful Development Certificates, if following the submission of a Lawful Development Certificate application it is determined that the development does not constitute permitted development and a full planning application is required the Local Planning Authority offer the applicant the opportunity to apply for a full application (less the fee already paid for the certificate), providing the planning application is submitted within 20 working days of the issue of the certificate. Planning applications after this period are processed at standard fee.

Planning History Search (buildings/ land)

A charge of £60 (plus VAT) will be applied to each property planning history search. Such a request shall be accompanied by either the full address of the property or a plan which identified the piece of land. Searches will provide the enquirer with a list of application reference numbers and a brief description of the development and the outcome.

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 following exemptions apply to the charging scheme:

- * General planning advice on minor proposals given verbally by the duty officer;
- * 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.

You should also be aware that advice in relation to highways may be available from Lancashire County Council however this will incur an additional fee. More details can be found here - www.lancashire.gov.uk/

Advice in relation to flood risk is available from the Environmental Agency which may incur a separate fee. More details can be found here:

www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions

The Council's fees for its pre-application advice service are shown in the table below.

	Small scale, e.g. householders	Listed Building Consent & Conservation Area works	Medium scale, e.g 1-9 houses	Majors e.g. 10 – 49 houses	Significant Majors e.g. 50+ dwellings
Fee	£90	£216	£450	£2000	£3000
Written reply	Y	Y	Y	Y	Y
Site visit	Y	Y	Y	Y	Y
1 meeting	Y	Y	Y	Y	Y
More than 1 meeting	N	N	N	Y	Y

Note: [Also see Appendix 1](#)

For Small Scale proposals and development within a conservation area or on a listed building, a meeting or site visit will be arranged if one is required.¹ For 'Major' or 'Significant Major' proposals, additional meetings will be necessary and will be charged at the follow-up rate²

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 will be subject to an additional fee.

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. PPAs will be considered and negotiated on an individual basis in terms of the charging scheme.

How do I obtain pre-application advice?

Requests for pre-application advice should be made by emailed to planning@rossendalebc.gov.uk or in writing to the Planning Manager 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 on our website and attached to the back of this guidance document. 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 further 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 35 days from the date your request is accepted as valid. 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. More complex proposals or those requiring a site visit may take longer to assess. If we cannot respond within 35 working days we will write to you and let you know when you can expect to receive a full reply. 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, 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
- 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 favorable 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. Fees 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.

What do I need to submit with my pre-application advice request?

1. 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.
2. 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

3. 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 retrained features and site levels.

4. **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:

* How the proposal accords with planning policies. How the scheme relates to and reinforces local distinctiveness.

* How the proposal is appropriate for the site in terms of the amount of development proposed.

* How affordable housing will be incorporated (where applicable)

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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. This is available at: Rossendale Borough Council; The Business Centre; Futures Park; Bacup. OL13 0BB.

By telephone: 01706 217777.

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

Once you have completed the form and gathered the information set out above. You should submit this with the necessary fee. The fee can be paid:

- Over the phone (01706 217777) by debit or credit card (please note there is a 1.8% charge if using a credit card); or
- by cheque - Payable to Rossendale Borough Council – please quote ‘Pre-Application Fee’ on the back of the cheque; or
- Via on-line banking - A/C Name: Rossendale Borough Council; Sort Code: 01-07-29; A/C Number: 25503391; Please quote: PRE-APPLICATION FEE.

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 Form

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 35 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 aim to let you know.

1. Your name and contact address.

Name:

Address:
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Post code:
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Daytime telephone number:
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Email:
(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.

Rossendale Borough Council

The Business Centre

Futures Park

Bacup OL13 0BB

Email: planning@rossendalebc.gov.uk

Telephone: 01706 217 777

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.

APPENDIX 1: PRE-APPLICATION ADVICE

FEE SCHEDULE (ALL INCLUSIVE VAT)

SMALL SCALE DEVELOPMENT - £90

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

LISTED BUILDING CONSENT AND CONSERVATION AREAS - £216

- Demolition within a Conservation Area – whole or part
- New development within the Conservation Area – Residential and Non Residential
- Alteration to the exterior of the property including:
 - Extensions / alterations to a house or its roof (Including doors and windows)
 - Cladding, rendering or similar treatments
 - Buildings erected in the grounds / curtilage of dwellings
 - Chimneys, flues, soil or vent pipes
 - Satellite dishes or other antenna
 - Certain extensions to industrial buildings or warehouses
 - Certain electricity or telecommunication buildings or installations
 - Advertisements – From Conservation Area aspect

MEDIUM SCALE DEVELOPMENT - £450

- Residential Schemes of 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
- Changes of use above 0.1 hectares

MAJOR DEVELOPMENT - £2000

- Residential Schemes ≥ 10 units and less than 50 units; or if no units are specified, with a site area ≥ 0.5 hectares (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

SIGNIFICANT MAJOR DEVELOPMENT - £3000

- Developments of 50 or more dwellings or \geq 2000 sq m or \geq 2ha
- Retail, Commercial & Industrial Schemes \geq 200sq m or \geq 2ha
- Education / hospital / leisure / recreation schemes \geq 2ha
- 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

PLANNING HISTORY SEARCH - Fee £72

PLANNING ENFORCEMENT HISTORY SEARCH - Fee £72

APPENDIX 2: POST-APPLICATION FEES - FEE SCHEDULE 1st JULY 2020

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 use all reasonable endeavours to provide a response within 20 working days of receipt of a valid application. For applicants who want to pay the standard fee of £97 the Council will seek to provide a response within a period of 8 weeks.

PLANNING ENFORCEMENT CONFIRMATION OF COMPLIANCE (RECORDS CHECK ONLY) (11 Weeks) - Fee £72

PLANNING ENFORCEMENT CONFIRMATION OF COMPLIANCE (RECORDS CHECK ONLY) – EXPEDITED PROCEDURE (20 Working Days) - Fee £180

PLANNING ENFORCEMENT CONFIRMATION OF COMPLIANCE (RECORDS CHECK AND ON-SITE APPRAISAL) (11 Weeks) - Fee £300

PLANNING ENFORCEMENT CONFIRMATION OF COMPLIANCE (RECORDS CHECK AND ON-SITE APPRAISAL) – EXPEDITED PROCEDURE (20 Working Days) - Fee £432.