

Planning Pre-Application & Policy Advice Guidance Note



ROTHER DISTRICT COUNCIL

1st August 2014



Introduction

We recognise the value of constructive informal pre-application advice in guiding and progressing development proposals. We believe that providing considered advice prior to the formal submission of a planning application can ensure that the quality of a development is improved and that certainty in the outcome can be increased for the applicant. We are committed to providing the highest possible quality of pre-application advice.

Why seek pre-application advice?

We are able to provide you with advice and information on a variety of matters that you will need to consider before you make a planning application. Pre-application advice will help you to:

- Receive, where possible, a clear indication as to whether or not officers of the Council believe the proposal is likely to receive a favourable recommendation in the light of current policies and circumstances, though without prejudice to the Council's formal determination
- Identify any aspects of your proposal that may need to be amended or resolved prior to you submitting a planning application or a revised scheme following a refusal
- Identify the adopted (and where necessary emerging) policies relevant to development proposals
- Identify relevant planning history of the site as well as any planning constraints.
- Receive guidance on Planning Obligations (S106 Agreements or future CIL payments) where applicable
- Receive advice on any consultation or publicity you should carry out before submitting your application including with other statutory consultees
- Identify relevant material planning considerations
- Identify the information that you will be required to submit with your application In association with the Local Validation Checklist
- Engage with the local community and with local members (in accordance with the Probity in Planning protocol) on appropriate schemes

What are the charges for pre-application advice?

To ensure that we are operating effectively and are able to sustain our current levels of service, we operate a schedule of charges in accordance with the terms of the Local Government Act 2003. This ensures that the cost of providing the service is recovered directly from the user, and does not fall as a general cost to the council tax payer. The fee structure has been devised to ensure that the levels of charges are proportionate to the scale of development and reflect the cost of officer time.

The table below outlines the service that the Council will provide depending on the type of case involved.

For significant schemes or strategic scale development, we offer pre-application advice linked to a **Planning Performance Agreement**. We would offer comprehensive support to the applicant throughout the process, to agreed standards, with a phased payment schedule built into the Planning Performance Agreement.

ALL payments will be required in advance of an enquiry being processed.

FEES

Domestic Development	Cost per letter (inc VAT)
Householder – which is not a Listed building	£54
Householder – which is a listed Building	£140

No meetings are available for householder advice

Residential Development (Houses & Flats)	Site Area	Charges are per letter OR when a meeting or meetings are arranged, then per officer involved in the case (inc VAT)*
1 dwelling (including replacement/conversion)	Less than 0.5ha	£140
2 – 9 dwellings	0.6 – 0.99ha	£255
10 – 49 dwellings	1.0 – 1.25ha	£620
50 - 99 dwellings	More than 1.25ha	£1020
Above 100 dwellings require Planning Performance Agreement (PPA)	PPA	PPA

Other Developments	Charges are per letter OR when a meeting or meetings are arranged, then per officer involved in the case (incl VAT)*
Advertisements	£100
Agricultural	£100
Tree Advice (TPO & Conservation Area)	£54
Listed building/Conservation	£140
Change of use (not residential)	£100
Other development proposals not falling within any of the above categories such as variation or removal of conditions, car parks and roads.	£99
New Commercial - Up to 1000 sq. m	£99
New Commercial - Over 1000 sq. m	£520
Developer meetings to discuss plan policies outside the normal consultation process	£620

**Any meetings will be at the discretion of the Council; you will be informed by the Case Officer where and when a meeting will be appropriate. If no meeting is held the above fees quoted are per letter.*

Fees quoted for pre-application advice meetings are per Rother officer per site. If subsequent meetings require additional officers for specific advice on areas such as design or policy then the above rate(s) will apply for those additional officers.

*The number of officers required to attend pre-application meetings will be at the discretion of the Council, as will be the location of the meeting; either at the Council offices or on site. Any additional payment will then be due at **least one day before the meeting date.***

Where a scheme is a mixture of uses and development then the fee will be the sum of the fees for each individual category.

Please be aware that other statutory consultees **may also charge** for pre-application advice. The Highway Authority now operates such a system. Please see the link below for further information:

<http://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/roads.htm>



Planning Charge Exemptions

Enquiries relating to the following would remain exempt from fee:

- Where the development is for the direct benefit of a registered disabled person
- Planning discussions in relation to Council enforcement investigations before the submission of an application or formal enforcement action
- Where the enquiry is made by and for the benefit of a parish, town, district, or county council (including a publicly funded school).
- Where the enquiry is made for a 100% affordable housing scheme by a Housing Association/equivalent Affordable Housing provider working with Rother District Council or an architect/agent acting directly on their behalf
- Where the scheme is by a charitable organisation or community group and is for their own purposes and/or for the direct benefit of the Rother community.

The charging scheme is implemented at the discretion of Rother District Council although the relevant charge will only be waived in the most exceptional circumstances.

How do I obtain pre-application advice?

On the planning website there is a template form which you can submit online and submit payment electronically - please follow the link at <http://www.rother.gov.uk/article/8842/Pre-application-advice-and-fees>

Alternatively you may wish to send a written enquiry with a cheque made payable to Rother District Council to:

Rother District Council
Planning Division
Town Hall
Bexhill on Sea TN39 3JX

Please include any **email address** as this will assist us to provide you with a quicker response

What information do I need to submit?

To benefit from this service, please note that you will need to provide clear information (including sketches and photographs) regarding:

- the existing site and /or building
- the type and scale of development proposed (including dimensions)
- scaled drawings for larger schemes (new dwellings, commercial buildings, substantial extensions etc)

In relation to Major development proposals additional advice relating to the design process is available at

<http://www.rother.gov.uk/article/8842/Pre-application-advice-and-fees>

You should also advise us whether or not you are the owner of the site (or their agent) or a prospective purchaser.

For proposals affecting Listed Buildings or Conservation Areas, you will also need to submit further drawn, photographic and written information for:

- Listed Buildings - the works proposed, the areas of the listed building affected, the existing plan form of the listed building and any relevant research
- Conservation Areas – the existing site in its surroundings, the proposed development in relation to its surroundings

Remember the better the quality of information provided the more detailed and informed the advice will be.

Further advice, including a Listed Building Advice Note, is available on the Council's website at

<http://www.rother.gov.uk/article/1322/Conservation-Design-Environment>

Where no meeting is to be held it will not be possible to enter into protracted correspondence. We can only provide a response on the basis of the information received. Therefore it will be essential that you provide adequate and sufficient details and plans with your initial request.

What can I expect from the process?

Upon receipt of your completed request for pre-application advice with fee, we will aim to respond to you within 18 working days.

Requests for advice will be allocated to planning case officers according to complexity and the availability of staff. Major schemes will normally be dealt with by a Principal or Senior Planner. To ensure that the process is as seamless as possible, the case officer will usually deal with any subsequent planning application. In the case of significant

development proposals, it may be necessary to consult statutory consultees and other groups prior to providing advice. In such cases, the pre-application advice may take longer and/ will be subject to their availability in order that we are in a position to provide a comprehensive response. Major schemes will be outside these timelines if they are subject to a Planning Performance Agreement (PPA) with alternatives dates and milestones.

Please note that where planning applications are submitted more than **6 months** after the advice is given, or where there has been a change in national or local planning policy, this may affect the weight attached to pre-application advice previously given.

Pre-application views and opinions are given 'without prejudice' to the consideration by the Council of a formal planning application, which will be subject to wider consultation and publicity. Advice given does not constitute a guarantee about the decision that will be made.

Any officer opinion on the need for planning permission will be informal advice only and cannot constitute a Certificate of Lawfulness of the proposed or existing use.

It must be stressed that any advice offered by the Council is no substitute for applicants undertaking their own investigative or surveying work. It is the applicant's responsibility to ensure that any subsequent planning application is properly detailed and explained (and is accompanied by any relevant technical reports if appropriate), and that it complies with all our adopted guidelines and policies and complies with the requirements of the Local Validation Checklist.

If you would like to involve Councillors please contact the Planning Division first. Rother District Council has adopted the Probity in Planning protocol. A link to this document is below:

<http://212.104.140.187/media/pdf/i/3/pl130620 -7.1 - Probity in Planning.pdf>

Confidentiality

Requests for pre-application advice and the response provided will not be placed on the Council's website. There is however, the possibility that under the Environmental Information Regulations, we will be asked to provide information about enquiries for advice and copies of any advice given. We will need to decide whether such information can be treated as exempt from disclosure, for example if it is clear that its release could adversely affect the interests of the person supplying the information. Therefore if any of the information you submit is **commercially sensitive** at this stage please indicate whether and for how long this information needs to remain confidential when making your request for advice.

If as a result of pre-application advice the developer/applicant submits a planning application the pre-application advice will be made available for public viewing on request.

Contact Details

Development Management
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

planning@rother.gov.uk

www.rother.gov.uk/planning



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