



# B O S T O N

## B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	18 September 2018
SUBJECT:	Review of the Pre-application Advice Process
PORTFOLIO HOLDER:	Councillor Michael Cooper
REPORT AUTHOR:	Development Manager
EXEMPT REPORT?	No

### **SUMMARY**

In July 2015, Planning Committee reviewed the practice of charging for Pre-application Advice following its introduction in July 2011. The Pre-application Advice Protocol includes a scale of charges for the service. These were last updated in November 2014 following approval by Cabinet.

This report satisfies the ongoing commitment to monitor and review the Protocol and is accompanied by a number of appendices including a short summary showing the level of income and nature of Pre-application enquiries received. The monitoring and review has assessed the Protocol and makes recommendations for this to be updated in light of budgetary constraints as well as suggesting amended pre-application fees.

### **RECOMMENDATIONS**

That the Committee resolves to recommend to Cabinet that the Council:

- Continues the current practice of charging for pre-application advice
- Increase fees for pre-application advice
- No longer providing informal responses to 'Do I need planning permission...' enquiries and requiring the submission of Lawful Development Certificates
- Provide a fee schedule of charges for larger schemes (typically over 51+ dwellings) and for those applications where the applicant specifically requests an enhanced service.
- Updates the Pre-application Protocol.

## **REASONS FOR RECOMMENDATIONS**

The Development Management service has a 'pro-growth' approach to development and it is delivering a successful service that is good value for money. The aim of the Pre-application Advice Protocol was to introduce a managed, clear, fee-paying and consistent procedure for obtaining planning advice. At the time of the introduction it was agreed that the process and fees would be reviewed regularly to ensure that it continues to serve its purpose and works effectively to provide a good quality service in line with budgetary constraints.

## **ALTERNATIVES CONSIDERED**

- Not requiring developers to submit Lawful Development Certificates for general enquiries relating to the need for planning permission and/or consents
- Not increasing fees within the existing charging schedule

## **REPORT**

### **1.0 Pre-application Protocol Review**

- 1.1 In July 2011 the Council introduced a process of charging for formal pre-application advice. This abolished both the previous 'Duty Officer' system in which members of the public could drop in to the Council offices without an appointment to discuss any planning related query with an officer, and also the free advice service for written pre-application enquiries.
- 1.2 The Pre-application Protocol has been adopted by the majority of Borough and District Councils across Lincolnshire. Its intention was to ensure that Development Management provides a consistently high standard of advice within an agreed procedure, with the cost of delivering this service recovered by the fees charged rather than absorbed as a general cost to the service.
- 1.3 The Council and Government recognise pre-application discussions to be 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 likely outcomes 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 expeditiously.
- 1.4 Since the Protocol and charge were first introduced, there have been further budgetary pressures across local government departments as well as pressures on service provision, with the National Planning Policy Framework (NPPF) 2018 requiring decisions to be made as quickly as possible. The NPPF also supports 'front loading' of planning applications and encourages developers to seek pre-application advice.

Planning Performance Agreements (PPAs) should be considered by applicants and local planning authorities where this might achieve a faster and more effective planning service. The NPPF (paragraph 46) identifies that PPAs are likely to be needed for applications that are particularly large or contentious.

- 1.5 A Planning Performance Agreements is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage. PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority, and can also help to bring together other parties such as statutory consultees. A PPA is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed.
- 1.6 It is anticipated that the Council will require the service to remain accessible and approachable and therefore it is recommended that a very general level of advice on development proposals are still provided over the telephone without incurring a fee. Should an enquiry require investigation, a more detailed assessment of policy, or research of the site's planning history, then a fee is requested in accordance with the Pre-application Protocol.
- 1.7 Additionally, there have been changes to legislation as well as changes to the Department's name from Planning Control to Development Management. The Protocol, Appendix A, has been amended to reflect such changes.

## **2.0 Enquiries and Fees Received**

- 2.1 A variety of enquiries come into the Department; not all incur a fee or fall into the Pre-application Protocol. Appendix B shows that in 2017/18, 321 enquiries were logged. 40 (12.5%) of these enquiries incurred a fee. The income generated was £9,520. Up until the end of July for 2018/19, 12 paid pre-application fees have been received from a total of 116 enquires. The income received is £3,483. The average income received since charging was introduced is £15,000 per annum. There has therefore been a drop in the previous year and also, based on income to date, will be the same for 2018/19. The income received since the service began charging is shown in the graph at Appendix C.
- 2.2 The number of enquiries received last financial year and to date is fairly consistent. As reported previously, the data shows that developers are using the pre-application advice service repeatedly, which would suggest that the level of advice being given and the service provided remains of value to the customer - as intended. It is also of relevance that in the majority of instances, the advice given when positive, generally results in an approval of planning permission further reinforcing the value of pre-application advice.

- 2.3 As part of the review, the amount of advice that is given to developers and agents outside of the above figures has also been reviewed. As it is not recorded, it is more difficult to quantify, however it is evident that a number of developers will submit a planning application without seeking pre-application advice. Then, if the development is refused may look to have an informal chat with the case officer to establish what amendments are required. This is both positive and negative for applicants. It is negative in that the advice will not be recorded and if another Officer deals with the resubmission there is no information regarding the advice. It is positive in the Council being open and willing to provide advice and assisting developers. However, for Officers it means that they are rarely able to properly consider the implications of the 'phone discussion due to not having sufficient information, or the enquiry will be received when they are busy doing other work. The service provided should also be fair for everyone with some developers benefiting from a service that others are paying for. The approach has therefore recently been amended so that if the enquiry requires more than a cursory yes/no answer that developers are encouraged to seek pre-application advice. In the majority of cases, this has not raised any concerns.

#### Charge Review

- 2.4 The fees were last increased in 2014 and were not amended at that time. An analysis of fees charged across the Lincolnshire authorities has been undertaken compared to the fees charged at Boston and is shown at Appendix D..
- 2.5 It can be seen from this Appendix that in the majority of instances, Boston Borough Council charges less than other authorities for the provision of pre-application advice. Whilst the fee charged cannot exceed the cost of providing the service, there are no known reasons why the costs associated with this service are less at this Council than others. In order to assist the department in being properly resourced as well as covering the associated costs of those consultees the planning department relies on for advice with a proposal, it is suggested the fees are reviewed. It is therefore recommended that fees are amended as shown within the final column of Appendix D as well as introducing individual costings for the larger schemes to ensure each development meets its own costs.
- 2.6 For schemes comprising larger numbers of dwellings, in particular, the fee charged does not meet the costs in providing the service. This is due to the number of consultees that need to be involved with providing the advice and will include the Planning Officers, Growth Manager and frequently Environmental Health Officer, Planning Policy Officer, Consultant Architect, Lincolnshire Highways and so on. In some instances, such as the Consultant Architect, the Council pays for their time in providing the advice although this is rarely recovered. It is therefore suggested that for large schemes (i.e. 51 plus housing units) an individual cost is calculated based on the number of hours it is anticipated will be required as well as individual costs for relevant consultees.

A schedule of charges for such developments is set out at Appendix E. Such enquires are encouraged through the Planning Performance Agreement (PPA) route in line with the National Planning Policy Framework.

#### Charging for 'Do I need permission' enquiries

- 2.7 A large proportion of these enquiries received relate to the need (or otherwise) for planning permission and other consents (i.e. advertisements, listed buildings etc) i.e. permitted development advice. These enquiries are recorded but do not incur a fee and have always been a mainstay of the free advice that is given to potential projects. This is outside of and different to the 'pre-application' process but the statistics in Appendix B provide a useful background for comparison. Approximately 70% of all enquiries relate to informal opinions.
- 2.8 The Council is somewhat unique in providing this service free of charge as the majority of authorities across England direct such enquiries towards the submission of a Lawful Development Certificate. Legal advice has been received elsewhere that where legislation specifically exists for an action, in this case advising whether a development is 'lawful', that the lawful way of providing an answer is via the legislation. In this case, through the determination of a Lawful Development Certificate application.
- 2.9 A Lawful Development Certificate (LDC) is a formalised route for a developer to establish whether or not their development complies with legislation. The applicant receives a decision notice that is binding upon the Planning Authority. There is a charge for this, set out by Government and for proposed developments is half the application fee.
- 2.10 This compares to the informal advice that is currently provided. This is not binding upon the Planning Authority whether or not it is provided in writing. The Council's response to these enquiries is caveated with the disclaimer that this is only an opinion and is not a substitute for a formal determination through the LDC process.
- 2.11 The amount of work involved in providing the informal advice is almost the same as with a LDC application although the latter also has a site visit undertaken. However, as the advice is not binding, enforcement action could still be taken by the Council. It is for this reason, as well as there being a legislative route in order to obtain the answer, that most Councils no longer provide this service. There have been instances where people have undertaken building works following informal advice that permission was not required, later being advised that permission is required. In some instances enforcement action has been taken which can result in reputational damage. Very few planning authorities across the country now provide these informal opinions as they do not have any legal basis.

- 2.12 Approximately 230 informal opinions are provided each year of which approximately 110 relate to householder enquiries. If the 230 applications had been submitted as a LDC, at least £27,000 in income would have been received. This sum is calculated on the basis of the fee for householder proposals, which is the application type with the lowest fee at £117 (being half the full householder application fee). Any other LDC application would incur a higher fee. In reality, many of those seeking informal advice would probably choose to not apply for a LDC which would affect the income, but the Council would benefit from Officers not spending unpaid time dealing with the enquiries.
- 2.13 At the time of writing the previous report there was concern, although it was acknowledged that there was no evidence, that "...introducing a fee could potentially increase unauthorised development and uses due to the authority not being accessible for general advice..". However, other councils who do not provide informal advice have not found this to be the case.
- 2.14 It is therefore recommended that the Council no longer provides informal advice and instead directs the public to either submit a Lawful Development Certificate for formal determination as well continuing to direct householders to the Interactive House on the Planning Portal website ([https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission/90/interactive\\_house](https://www.planningportal.co.uk/info/200125/do_you_need_permission/90/interactive_house)).

### **3.0 Response times**

- 3.1 The Pre-application Protocol currently states that we will endeavour to respond to the majority of enquiries within 21 days. Excluded from these timeframes are large schemes which are normally subject to Planning Performance Agreements and by their very nature require a significant amount of work from a number of different partners.

	2017-2018		April 2018 to end of July 2018	
Days	Total Number of Enquiries	Percentage	Total Number of Enquiries	Percentage
>42	30	9.1%	11	10.8%
0-21	215	65.3%	61	59.8%
22-42	84	25.5%	30	29.4%
<b>Grand Total</b>	329		102	
<b>Average Number of Days</b>	19.65		21.32	

- 3.2 The table above results show that in the last financial year and financial year to date, the majority of enquiries (>70%) responses have been dispatched within the stated timescale.

- 3.3 In certain circumstances, particularly with major or more complex enquiries, the need to arrange meetings, carry out consultations and/or submission of additional information can mean that the 21 day target is not achievable. This is explained to the enquirer when they first receive an acknowledgment. In such situations the case officer aims to provide an interim response or contact the enquirer to agree a revised timescale to suit all parties. These circumstances are not addressed within the above figures.

#### **4.0 Customer satisfaction**

- 4.1 Since the last review of the Pre-Application Advice Protocol no further formal customer satisfaction information has been obtained by way of surveys. However, applications submitted after pre-application advice has been given are generally determined in accordance with that advice.
- 4.2 Since the last reports were presented to Committee and Cabinet, no formal complaints have been received in relation to the Pre-application Protocol procedures, fees, timescales or advice.

#### **5.0 Conclusion**

- 5.1 It is recommended that the Planning Committee resolve to Cabinet that the Council continues providing pre-application advice and that the Pre-Application Advice Protocol is updated to take account of changes in legislation, guidance etc.
- 5.2 It is recommended that the Council direct enquirers who wish to ascertain whether or not a development requires planning permission or not to a Lawful Development Certificate. This will provide a legal binding decision as to whether or not the development is permitted development.
- 5.3 It would appear customers are satisfied with the service that is being provided and we are considered to be accessible, approachable and good value for money.
- 5.4 The reason for introducing the Pre-application Advice Protocol was to bring in a clear, managed and consistent approach to advice. Officers consider that this has been successfully achieved and the current procedure is working well.

#### **FINANCIAL IMPLICATIONS**

The proposal, if accepted, will likely increase the revenue received by the department in relation to providing pre-application advice as well as receipt of applications for Certificate of Lawfulness. It is not possible to define the sum as this will be dependent upon the number of enquiries and applications received.

**LEGAL & EQUALITY IMPLICATIONS**

The provision of a pre-application advice service is non-statutory, and is provided at the discretion of the Local Planning Authority. However, the National Planning Policy Framework 2018 highlights its importance and encourages it.

**ANY OTHER IMPLICATIONS**

None

**CONSULTATION**

No consultation undertaken.

**APPENDICES**

Appendices are listed below and attached to the back of the report: -

APPENDIX A	Pre-application Advice Protocol
APPENDIX B	Types of Informal Enquiries Received
APPENDIX C	Pre-application Fees Received
APPENDIX D	Review of Pre-application Fees across Lincolnshire Councils
APPENDIX E	Fees Relating to PPAs

**BACKGROUND PAPERS**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

**CHRONOLOGICAL HISTORY OF THIS REPORT**

Name of body	Date
Planning Committee	13 January 2015



## Appendix A

### **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 at this level and to a consistent and high standard, it has been 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 wider service. The current statutory planning application 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.

### **I AM 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, 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.

It is not the Council's intention to discourage development or to make professional officers inaccessible, but to give professional reliable advice in response to specific enquiries when a written opinion would be of assistance in return.

Ideally, the officer who deals with your pre-application advice would become the case officer on the subsequent planning application. This will assist consistency of advice and expeditious handling of the submitted application if it is the same character of development which was the subject of advice and if the pre-application advice has been followed. Any subsequent planning application made following receipt of pre-application advice should therefore include a copy of or provide a clear reference of the pre-application advice you have received.

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

To give you constructive advice and greater certainty of outcome from the pre-application process, 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 could provide. The more information you provide the more comprehensive our reply will be.

The advice that we give at any 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 or issues might be raised that had not been anticipated at pre-application stage. Also, some planning applications will be 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.

The Council considers it is important to seek the views of statutory consultees on a confidential basis. This is in the interests of those seeking pre-application advice, as it will help to ensure that as many of the key issues as possible are identified at the earliest feasible stage in line with the National Planning Policy Framework 2018. The Council will therefore consult statutory consultees, where necessary, unless you request it not to do so. However some statutory consultees, such as the Environment Agency, have their own charge for pre-application advice. In these cases, the Council will not consult with them and the written advice will reflect this.

## **WHAT TYPE OF ENQUIRY CAN I SUBMIT?**

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

Dependent upon your needs, you may wish to adopt a two-stage approach to seeking pre-application advice. This does not affect the fee, Stages One and Two are dealt with together as appropriate but sometimes we receive very detailed proposals at the pre-application stage where the principle of development is in conflict with planning policy. In order to only establish whether the principle of development is acceptable we require the following minimum information:

- Identify the location/address of the site.
- A basic plan of the site and your proposals

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”. We will be unable to provide this level of detailed advice without significantly more information.

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**

Stage two of the process relates to matters of detail such as the layout, design, scale or density of development and you may wish to go straight to this level of information.

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

You should prepare draft design principles in a Design and Access Statement for the site based on the findings of the site survey work and to explain the design approach. Guidance produced by CABI in 'Design and Access Statements: How to Write, Read and Use them' can be useful.

Once you have gone through the above checklist you should be in a much better position to begin designing your scheme. This is when you should approach us to seek advice.

For schemes other than householder proposals such as extensions, the Council will expect the following to have been undertaken and provided before detailed 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 natural features and 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 detailed proposal should ultimately be accompanied by a supporting statement to explain and justify the design approach chosen. The extent to which these indicative requirements are necessary will depend upon the nature of the proposal and they are given here as a guide rather than a list of required submissions before we will accept your enquiry. The supporting statement could include an explanation of:

(i) How the proposal satisfies the 'Sequential' and where necessary the 'Exception' test of the National Planning Policy Framework 2018 for development in areas of flood risk, reference to the Council's Strategic Flood Risk Assessment (2017) 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, sporting and recreational facilities) have the capacity to support the proposed development or what is proposed to ensure that capacity can be increased. For example, how the proposed development can be safely accessed from the nearest public highway and how any adverse impacts upon the local highway network, resulting from the proposed development, may be mitigated

(vi) How the proposal will not harm any archaeological or ecological interests.

(vii) How the development will promote sustainable drainage and foul water methods (SuDS), deal with the effects of climate change or any history of site contamination.

## **AFFORDABLE HOUSING**

Affordable housing is highlighted as a priority within the Boston Community Plan 2008 – 2018 and Lincoln's Sustainable Communities Strategy 2008-2023. The Boston Community Plan 2008 – 2018 and The Lincolnshire Housing Strategy 2017 – 202 both refer to a priority of increasing the supply and availability of affordable homes.

Therefore, there will be no pre-application charge for schemes where funding is sought from Homes England. In other circumstances, a scheme which proposes to deliver 100% affordable housing; is a rural exceptions site or where a Registered Provider is the applicant will also be exempt from a pre-application charge.

## **HOUSEHOLDER PROPOSALS**

For those schemes that involve 'householder development' ('ancillary development of an existing house or within the curtilage of an existing house') the Council will normally expect you to do some preliminary work prior to any advice and guidance being offered please provide the following:

(i) A site location plan clearly identifying the location of the site should be provided, preferably to scale.

(ii) A proposed sketched layout plan (either to scale or including metric dimensions) showing the application property and its residential curtilage together with the house and curtilage of immediate neighbouring properties.

(iii) A sketch of existing and proposed elevations (either to scale or including metric dimensions).

(iv) Details of access and parking arrangements (if appropriate).

(v) External photographs (Desirable).

### **Change of Use**

For those schemes that involve a change of use the Council will normally expect you to do some preliminary work prior to any advice and guidance being offered, please provide the following:

(i) A site location plan clearly identifying the location of the site should be provided, preferably to a scale.

(ii) A proposed sketched layout plan (either to scale or including metric dimensions) showing the application property and its curtilage together with immediate adjacent development.

(iii) A sketch of existing and proposed elevations where external changes are proposed (either to scale or including metric dimensions).

(iv) Existing and proposed floor plans clearly annotated specifying the use of each room (either to scale or including metric dimensions).

(v) Type and nature of business along with hours of operation, estimated number of visitors / customers and staff.

(vi) Details of access and parking arrangements (If appropriate).

(vii) External / Internal photographs (Desirable).

### **Listed Building Consent and Development within Conservation Areas**

For those schemes that involve Listed Building Consent the Council will normally expect you to do some preliminary work prior to any advice and guidance being offered, please provide the following:

- (i) A site location plan clearly identifying the location of the site should be provided, preferably to scale.
- (ii) A proposed sketched layout plan (either to scale or including metric dimensions) showing the application property and its curtilage together with details of adjacent development.
- (iii) A sketch of existing and proposed elevations where external changes are proposed (either to scale or including metric dimensions).
- (iv) Existing and proposed floor plans clearly annotated specifying the use of each room (either to scale or including metric dimensions).
- (v) Information should be submitted to demonstrate an understanding of the impact of the proposal on the building's historic significance and / or the character of the Conservation Area.
- (vi) Details of access and parking arrangements (If appropriate).
- (vii) External / Internal photographs of key features.

### **Residential Development**

For those schemes that involve Residential Development the Council will normally expect you to do some preliminary work prior to any advice and guidance being offered, please provide the following:

- (i) A site location plan clearly identifying the location of the site should be provided, preferably to a scale.
- (ii) Existing and proposed sketched layout plans (either to scale or including metric dimensions) showing the application site and its relationship to adjacent development.
- (iii) A sketch of proposed elevations (either to scale or including metric dimensions).
- (iv) Proposed floor plans clearly annotated specifying the use of each room (either to scale or including metric dimensions).
- (v) Details of access and parking arrangements (If appropriate).
- (vi) Photographs of relevant features of the site (Desirable).

### **Non-Residential Development**

For those schemes that involve Non-Residential 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.
- (ii) A proposed sketched layout plan (either to scale or including metric dimensions) showing the application property and its curtilage together with that of the adjacent development.
- (iii) A sketch of existing and proposed elevations where external changes are proposed (either to scale or including metric dimensions).
- (iv) A sketched detail of the proposal (either to scale or including metric dimensions).
- (v) Photographs of relevant features of the site (Desirable).

### **Advertisement Consent**

For those schemes that involve Advertisement Consent, 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 scale.
- (ii) A proposed sketched layout plan (either to scale or including metric dimensions) showing the application property and its curtilage together with that of the immediate neighbouring properties.
- (iii) A sketch of existing and proposed elevations (either to scale or including metric dimensions), with the signage in situ.
- (iv) Details of type of illumination (If applicable).
- (v) A sketch of each individual sign (either to scale or including metric dimensions).
- (vi) Photographs of relevant features of the site (Desirable).

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

We will aim to respond to pre-application enquiries within three weeks of receipt of all the necessary information and the appropriate fee being received. More complex proposals, which require advice from external consultees or those requiring a site visit, may take longer to assess. If we cannot respond within this time we will contact 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 and may include meetings in person at the site or in the Council's offices. Essentially we will respond to you by the same method that you contacted the Council. 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. If as a result of changes, the proposal has changed materially, a new fee will be requested as if it is a new enquiry. Likewise we do not wish to discourage very general investment or development inquiries and there would be no charge for an initial introductory meeting.

Some developers have told us that they are wary of receiving advice and then the determination on any subsequent application going a different way. The advice you receive cannot be regarded as being binding on the Council, or any consultee that may have contributed to it, since it is a confidential service and may not have been with full consultation from all statutory consultees or neighbours. Clearly, if you have not followed the pre-application advice, you cannot expect the decision to follow that advice.

However, in order to ensure consistency of advice, all advice will be signed off by a senior officer before it is dispatched.

### **HOW DO I ARRANGE PRE-APPLICATION ADVICE?**

The Council has produced a simple form and checklist for you to complete. This is available from <http://www.boston.gov.uk/index.aspx?articleid=3875> or

Development Management –  
Boston Borough Council,  
Municipal Buildings,  
West Street,  
BOSTON PE21 8QR

Telephone 01205 314305

Email: [planning@boston.gov.uk](mailto:planning@boston.gov.uk)

Once you have completed the form and gathered the information set out in stages 1 and/or 2 above you should send this and the necessary fee to the address above. The fee may be paid by calling the number below via credit or debit card or posting a cheque for the requisite fee payable to 'Boston Borough Council'.



**Please note: Pre-application enquiries without the required fee will be returned to you without any action having been taken.**

For help on methods of paying the fee ring the Development Management team on 01205 314305 or email [planning@boston.gov.uk](mailto:planning@boston.gov.uk)

Once your request has been received it will be processed by the Council. Each pre-application enquiry we accept is given a unique reference number and is 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 service through the contact details above.

## **YOUR INFORMATION**

Records in relation to pre-application enquiries are retained for a period of 3 years (+current year) in accordance with our Retention and Disposal Policy. For information regarding how we use and store your information, please refer to our Privacy Statement; [www.boston.gov.uk/planning](http://www.boston.gov.uk/planning).

## **PRE-APPLICATION ADVICE - FEES SCHEDULE**

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

\* 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%

THE TABLE WILL BE INSERTED IN HERE ONCE THE FEES HAVE BEEN AGREED

## **EXEMPTIONS AND REDUCTIONS**

No fee will be charged for:

- Proposals by parish and town councils and non profit making organisations
- Proposals relating to the needs of persons with disabilities
- Proposals solely for affordable housing as set out on p.4 of this protocol



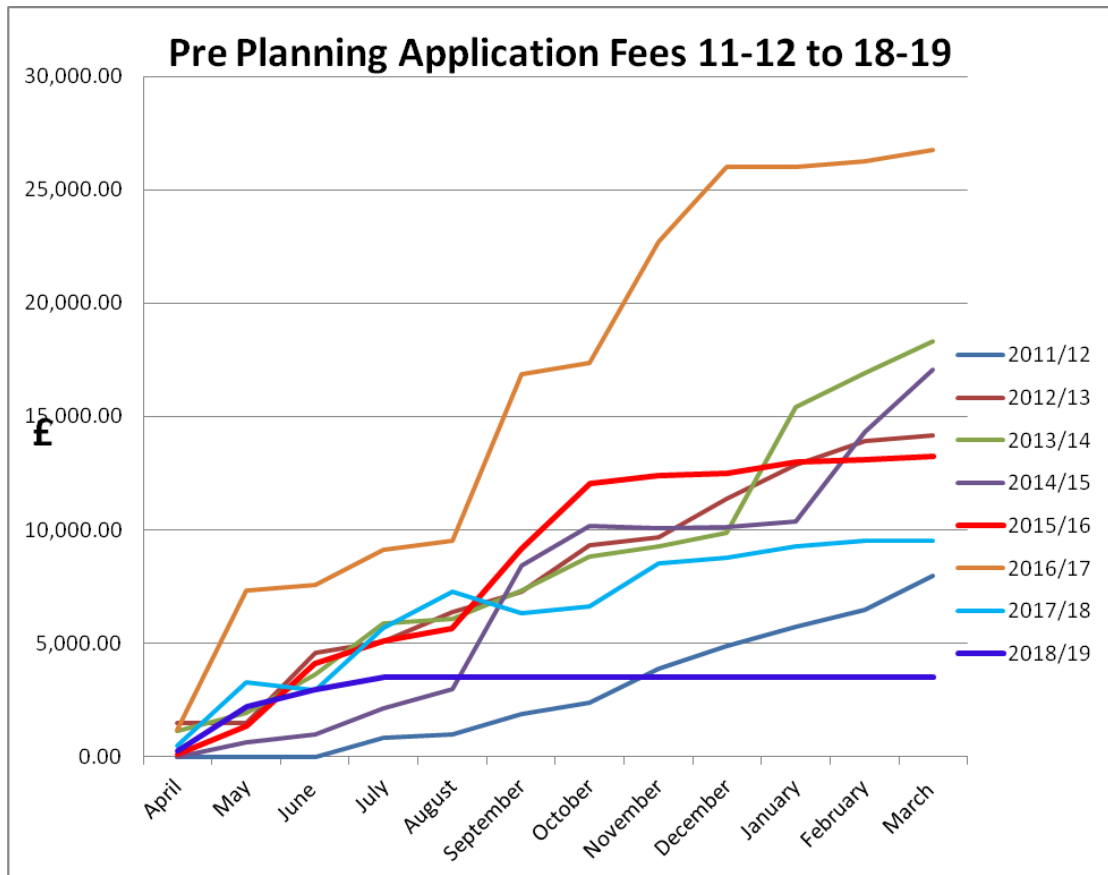
## Appendix B

<b>2017/18</b>		
<b>Count of Application Type</b>		
	<b>Total</b>	<b>Percentage of Total</b>
AHC Advice	7	2.2%
Application Advice	15	4.7%
Do I need...?	113	35.2%
Exempt fee category	2	0.6%
Householder - Questionnaire/do I need?	107	33.3%
NFA	32	10.0%
Paid Pre-app	40	12.5%
Resubmission	5	1.6%
<b>Grand Total</b>	<b>321</b>	
<b>18/19 - to end July</b>		
<b>Count of Application Type</b>		
	<b>Total</b>	<b>Percentage of Total</b>
AHC Advice	1	0.9%
Application Advice	1	0.9%
Do I need...?	40	34.5%
Exempt fee category	1	0.9%
Householder - Questionnaire/Do I need?	44	37.9%
NFA	17	14.7%
Paid Pre-app	12	10.3%
<b>Grand Total</b>	<b>116</b>	

*AHC – Agricultural Habitation Clause*

*NFA – No further action. Pre-application requests where the fee was not subsequently paid.*

## Appendix C



## Appendix D

The darker grey highlights indicate the authority who charge the lowest fee for a particular type of pre-application proposal. The lighter grey is an estimate of the authority which is likely to charge the lowest fee. The estimation is calculated on the likely number of dwellings or floor area the enquiry might relate to.

	<i>Type of Development</i>	<i>Fee £ inclusive VAT</i>					<i>Recommended Fee for Boston</i>
		<i>Boston</i>	<i>South Kesteven</i>	<i>North Kesteven</i>	<i>East Lindsey</i>	<i>West Lindsey</i>	
1	Householder development including alterations and extensions. Any demolitions (former CAAC)	£72	£60	£85	£82.80	£90	£85
2	Changes of use including siting of caravans	£150	£190	£177.50 up to 1ha; Over 1ha £354.50	£172.50	£193.20 under 1ha £337.20 above 1ha	£190
3	Development of 1-10 dwellings, or residential development on sites of up to 0.5 hectare including changes of use to residential	£300	£260.80 for 1st dwelling and £131 for each additional dwelling. Where no. of dwellings unknown £190 per 0.1ha	£212.50 for 1st dwelling and £141.50 for each additional dwelling	£180 for 1 dwelling £500 for 2-9	£231.60 for 1 <sup>st</sup> dwelling plus £128.40 for each additional dwelling	£220 for 1 <sup>st</sup> dwelling; and £130 for each additional dwelling.

4	Development of 11-50 dwellings, or residential development on site areas above 0.5ha up to 1 hectare including changes of use to residential	£480 (for 11 or >0.50ha) plus £60 for each dwelling (or 0.01ha) above 11 up to a maximum of £2,820 (increase)	£1315.00 for the 10 <sup>th</sup> dwelling and £65.40 for each additional dwelling	£1417.00 for the 10 <sup>th</sup> dwelling and £71 for each additional dwelling	£1000	£1398 for 10 <sup>th</sup> dwelling plus £68.40 for each additional dwelling	£1000 for the 10 <sup>th</sup> dwelling and £65 for each additional dwelling.
5	Development of 51+ dwellings, or residential development on sites of more than 1ha	£3000 Fixed	£4722	Minimum fee £4251 with additional fee subject to negotiation dependent upon complexity of proposal	£2000	Minimum fee of £4190.40 with additional fee subject to negotiation dependent upon complexity of proposal (PPA encouraged).	Minimum fee £3000 with additional fee subject to negotiation dependent upon complexity of proposal (PPA encouraged) and resources required.
6	Non-residential development less than 500 square metres floor area or up to 0.5 hectare site area	£150	£196.60	£177.50	£172.50	£255.60	£200

7	Non-residential development on or above 500 and less than 1,000 square metres floor area; or above 0.5ha and below 1 hectare site area	£300	£325.10	£212.50 plus £141.50 for each additional 100m <sup>2</sup>	£500	£255.60 for 500m <sup>2</sup> plus £128.40 for each additional 100m <sup>2</sup> or 0.1ha	£250 plus £125 for each additional 100m <sup>2</sup> ; or £xxx for each 0.1ha
8	Non-residential development at or above 1,000 and below 5,000 square metres floor area, or on or above 1 hectare and below 2 hectares site area	£500 plus £50 for each 100m <sup>2</sup> up to 4900m <sup>2</sup> (maximum fee that might be payable is £2450)	£657.70	£921.50 plus £70.50 for each additional 100m <sup>2</sup>	£1000	£876 for 1000m <sup>2</sup> plus £64.80 for each additional 100m <sup>2</sup> or 0.1ha	£825 for 1000m <sup>2</sup> plus £75 for each additional 100m <sup>2</sup> or 0.1ha
9	Non-residential development at or above 5,000 square metres floor area, at or over 2.0 hectares site area	£3000 Fixed	£1315 (minimum fee, hourly rate thereafter)	Minimum fee of £3755 with additional fee subject to negotiation dependent upon complexity of proposal (PPA encouraged).	£2000	£3566.40 with additional fee subject to negotiation dependent upon complexity of proposal (PPA encouraged).	£3000 with additional fee subject to negotiation dependent upon complexity of proposal (PPA encouraged).

10	Alterations to non-residential development where no new floor space is created	£72	£98.80	£84.50	£82.80	£123.60	£100
11	Variation or removal of planning conditions, Telecommunications development, Certificates of Lawful Development, Advertisements, Listed Building advice	£72	£98.80 Non-householder alterations to a listed building £65.40	£72 Non-householder alterations to a listed building £150	£82.80 Listed building advice £150	£90 Non-householder alterations to a listed building £175.20 Adverts £90 Additional site visit £153.60	£80 Alterations to a listed building £120 Additional site visit £125

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

\*\* All gross fees include VAT at 20%



## Appendix E

Fee Relating to Developments Subject to Planning Performance Agreement or as identified within Appendix D as 'additional fee subject to negotiation'.

Description	2018-19		
	Fee	Vat 20%	Total Fee
Planning	£	£	£
<p>The following would be in addition to the cost for drawing up and agreeing the Planning Performance Agreements. The list is indicative and some developments may require an assessment which is not listed below. This will not prevent the local planning authority from seeking to recover its costs in these areas.</p> <p>The Local Planning Authority will, for each development, keep a record of the costs and/or hours worked for each issue and will either refund to the developer any amount overpaid, or will require further funds should the sum paid not cover the costs.</p> <p>The following charges are given for a development of 51+ houses and is indicative of the level and type of charges that could be incurred.</p>			
<b>Officer Time</b>			
Senior Development Management Officer*	2,500.00	500.00	3,000.00
Growth Manager	1,500.00	300.00	1800.00
<p>*These charges are on the basis of a Senior Planning Officer leading the discussions and four meetings. It is not anticipated that the Growth Manager would attend all meetings. Different officers / number of meetings might result in a different charge. The appropriate officer to deal with a scheme will be determined by the Development Management Department.</p>			
<b>Assessments</b>			
Viability assessment	5,000.00	1,000.00	6,000.00
Legal – re obligations/ advice	500.00	100.00	600.00
Marketing assessment	1000.00	200.00	1200.00
Daylight/Sunlight assessment	1000.00	200.00	1200.00
Economic/Employment Statement	1000.00	200.00	1200.00
<b>Consultees</b>			
Environmental Health –			
- Contaminated Land	200.00	40.00	240.00
- Air Quality	200.00	40.00	240.00
- Noise	200.00	40.00	240.00

-Vibration	200.00	40.00	240.00
- Odour	200.00	40.00	240.00
- Lighting	200.00	40.00	240.00
- Health Impact Assessments	200.00	40.00	240.00
Conservation – Heritage	400.00	80.00	480.00
Conservation – Biodiversity	500.00	100.00	600.00
Archaeology	150.00	30.00	180.00
Environmental Operations (bins/waste)	100.00	20.00	120.00
Policy	400.00	80.00	480.00
Housing Department (Affordable Housing)	833.33	166.67	1,000.00
Structural Assessment of Building	500.00	100.00	600.00