

In application advice charges – advice note

Planning application advice

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Introduction

1. The council started a formal pre-application (pre-app) advice process in June 2018 which is recognised as an important part of the planning process to improve the quality of the applications submitted with the aim of delivering quality outcomes to the benefit of the customer, the council and the community at large.
2. Not all customers choose to engage with the pre-app process which is a discretionary service and as a result, applications do not always meet the good design principles that we seek to deliver, or there may be incorrect details or missing information. The Council are committed

to working with customers, where it is possible, to try and resolve concerns regarding development proposals and in 2021, we extended our pre-app service, to include an 'in-application advice service' (in-app) to accommodate changes that customers wish to make during the application process. From 1 February 2025, this service has been extended to the discharge of conditions, to enable the submission of additional or amended documents to meet the requirements of statutory consultees.

3. The in-app service is also discretionary and the cost of providing this service is not covered by fees for planning applications, but it is time consuming and costly and in consequence has an impact on our resources and our ability to meet the government's performance targets. As such, the council charges for the in-app process.
4. General planning advice can be found on the planning pages of our website and the Technical Support team continues to provide free planning process advice by email at developmentcontrol@luton.gov.uk

The benefits of in-application advice

5. The Council will continue to seek very minor changes or amendments to schemes which can be approved without significant amendments. However, where the changes are considered to result in additional plans/information, redesign, change of description, re-consultation or re-notification of adjoining occupiers, Applicants will be invited to address this through the in-app service. Please note that this process does not guarantee approval, but in cases where a refusal is the only outcome, it will give Applicants the opportunity to address some of the concerns and reduce the number of reasons for refusal which may assist with any appeal.
6. The in-app service is operated at the discretion of the case officer. It is not generally offered where:-
 - Pre-app advice has already been given;
 - There is history (including appeals) relating to similar development on the site;
 - There is a current enforcement notice in respect of the proposal;
 - The development would be the subject of a complete redesign.
7. The process will seek to achieve amendments to schemes to achieve an outcome which benefits both the customer and the aims and objectives of the planning system to ensure that the right development happens in the right place at the right time, benefitting communities and the economy. Establishing whether a proposal is completely unacceptable to the council at this stage will influence your decision whether to pursue the matter any further.

How to obtain in-application advice

8. Your initial approach to the council should only be done following the email from the case officer inviting you to engage further and the invitation will set a timescale for you to consider whether you wish to engage with the in-app process; have the application determined in its current form; or to withdraw the application. Any submission without invitation is unlikely to be accepted.
9. The invitation email will provide a link to the application form and fee payment and state what the payment should be. Any queries relating to the form and fee should be emailed to developmentcontrol@luton.gov.uk.

Information required for in-application advice

10. In most cases, the council will only require you to agree to an extension of time to determine the application, complete a form on the Council's website and make the appropriate payment. If any additional information is required, it will be set out in the invitation email.
11. The in-app process for planning applications generally allows for up to two sets of revised plans to be submitted during the process. Any further amendments may incur additional fees.
12. For discharge of condition applications, each amendment, (up to a total of 3), will incur a fee as set out in the in-app fee schedule which goes some way to covering the administration costs, further statutory consultee consultations and the reassessment of details.

Payments of fees

13. Payment of fees can be made online at [Payment Services - In-app Advice](#)
14. The payment of the correct relevant fee for the advice must be received within the timescale notified by the officer in the invitation email. Any subsequent charges required in the event of any subsequent meetings, or as deemed appropriate or necessary, will be dealt with at the appropriate time.
15. Fees will only be refunded in circumstances where the amount paid significantly exceeds the correct fee payable for the category of development for which advice has been sought and refunds will be subject to an administration fee which the support team will advise you of.

What happens to my enquiry?

16. On receipt of the completed in-app request, the case officer will endeavour within 10 working days, to provide a written assessment setting out the key concerns which resulted in the recommendation for refusal. Please note that without an in-app submission, any plans submitted will not be considered.
17. The applicant will then be given 20 days to submit an amended scheme seeking to address the issues raised. For larger or more problematical schemes, applicants can request a further extension of time to submit documentation, but the onus will be on the applicant to do so, as the case officer will determine the application in its original form if they are not approached to extend the time scale. If an officer considers it beneficial to have a site or online meeting, they will contact you to arrange one.
18. Once the amendments or additional information is submitted, the case officer will review it, reconsulting as and when appropriate.
19. Once the plans/information has been reviewed, the case officer will contact you to notify you that they:-
 - are satisfied with the amendments and will carry out the necessary administrative requirements to pursue a favourable recommendation; or
 - that some further minor changes need to be made to ensure the plans are satisfactory and a further five working days will be given for this; or

- confirm that the recommendation for refusal remains and the reason(s) for this. In this instance, the applicant will again be invited to withdraw the application or to have it determined in its original or revised format.
20. For the submission of discharge of planning conditions, the in-app will remain open and provide an opportunity for up to 3 amendments, however, each time amendments/additions are submitted, they will be subject to the In-app fee as set out in the fee schedule at [Planning application engagement process](#). Once the case officer is satisfied that the details are acceptable; there is no further work to be done; the third amendment has been made; or the applicant has failed to request a further extension of time, the decision will be made, or the Applicant may be invited to withdraw the application if the details remain unsatisfactory.

What if I choose not to engage in the in-application process?

21. Whilst we believe the in-app process is beneficial to customers, the decision to engage in this process is for the customer to make. If the customer chooses not to engage in the in-app process, the case officer will review the assessment already made on the proposal and make their recommendation based on the original submission.

Without prejudice advice

22. Whilst the council's officers will endeavor to ensure that any advice given is robust, please note that it is given on a 'without prejudice' basis and cannot pre-empt consideration of further formal details which may be subject to further consultation. Furthermore, any change in circumstances after in-application advice is given, such as a change in national policy, may also result in the planning merits of the case needing review.

Post decision advice

23. Following a refusal, you may wish to enter into discussions with the council in preparation for the submission of a revised application. This should be done through the Councils existing pre-application advice service.

Freedom of Information Act

24. Please be aware that in-application advice is an open, transparent process and if a request is made for in-app information, it will be provided if the request has resulted in a determination of a planning application.