

Pre application advice charges – advice note

Planning application advice

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Introduction

1. The council started a formal pre-application advice process in June 2018. Pre-application advice is recognised as an important part of the planning process. Its objectives are 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. The process will generally give more certainty and clarity at an early stage by identifying planning issues and requirements before an application is submitted so that speedier decisions can be made.

2. 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 a significant impact on our resources. As such, the council charges for responses.
3. 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 pre-application advice

4. The pre-application advice service provides the following benefits to our customers:
5. It establishes whether a proposal is completely unacceptable to the council which in turn may influence your decision whether to pursue the matter any further;
6. It identifies the key issues, concerns, consultations and the need for specialist advice input at an early stage;
7. It provides clarity on the information needed for formal submission; and
8. Minimises delays and problems with any subsequent submissions, on the assumption that our advice has been taken into account.

How to obtain pre-application advice

9. Your initial approach to the council should be done using the 'Pre-App Advice Service Form'. These are available on the council's web site at [Pre-application service \(luton.gov.uk\)](http://luton.gov.uk)
10. Any queries relating to the form, fee and supporting information should be emailed to developmentcontrol@luton.gov.uk.

Information required for pre-application advice

11. The council will require sufficient information to be provided to enable a quality service response to be made. Advice given will be based **only** on the documentation submitted.
12. For 'non-householder advice' this will include the information identified on the form as appropriate and proportionate to the category of development proposed.
13. For 'householder advice', the form should be accompanied by:-
 - A location plan (Scale 1:1250) with the property referred to outlined in red;
 - The appropriate payment as stated on the website;
 - Plans and elevations dimensioned and preferably to scale showing what is proposed.

Payments of fees

14. Payment of fees can be made online at:-

[Pre Application payment](mailto:developmentcontrol@luton.gov.uk). Alternatively, you can pay by BACS by emailing your request to developmentcontrol@luton.gov.uk.

15. The payment of the correct relevant fee for the initial response must be received with your submitted documentation. Any subsequent charges required in the event of any subsequent meetings, as deemed appropriate or necessary, will be dealt with at the appropriate time.
16. 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?

17. **All initial enquiries will be for written advice.** Any requests for written advice and a meeting will be considered by the case officer and if agreed, will be subject to the fee for written advice together with the fee for a meeting. Details regarding pre-app meetings are set out in paragraphs 23 and 25 below.
18. We will acknowledge receipt of the request for pre-application advice by e-mail or letter and review the information submitted and request further information and/or additional payment of fee within 5 working days.
19. In circumstances where insufficient information is provided to enable a quality response to be made or where an insufficient fee payment is received, no further action will be taken with the processing of the enquiry until the requisite information and/or fee is provided. Please note that the council also reserves the right to give only written advice rather than a subsequent meeting or no pre-application advice where this is appropriate.
20. In the case of householder and small-scale non-householder enquiries, we will normally aim to advise you of our response within 28 working days from the date of receipt. This will be the case officer's considered initial response of the proposal in a letter or email, identifying the planning policy context, constraints, opportunities and the relevant process/procedures for the application with any other material planning considerations.
21. In the case of general non-householders enquiries, where appropriate, we will aim to deliver a 'Development Management' approach to avoid the need for you to contact different parts of the council separately.

Following an initial assessment, the case officer may advise you that further information is required and at this time, you will also be advised as to whether a meeting with the case officer or a development team may be helpful – the case officer will aim to advise you accordingly within 25 days of the enquiry being received (any first meeting at this stage will be included in the pre-app fee already paid).

If no further information or meeting is required, you should receive a written response within 30 working days

22. In the case of more complex proposals, particularly strategic major and large-scale major developments, the setting of timescales for providing a quality level response is more difficult to pre-determine.

In those instances, it would normally be anticipated that a Planning Performance Agreement (PPA) would be the appropriate way forward for discussions which would be on-going and

we would aim to reach an agreement through that mechanism on timescales on a case by case basis.

23. If a follow-up meeting is requested after initial advice has been given for any of the categories of development and where this is deemed appropriate or necessary, this will normally be arranged for a mutually convenient time within 10-15 working days from the date of the request. The case officer will advise whether this will be online or on-site.

A new pre application form will need to be submitted and, any payments due for a meeting shall be received by the council at least 1 working day prior to it taking place. Where payments are not made or received within that timescale, the council reserves the right to cancel the meeting.

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

24. Whilst pre-application discussions are to be encouraged, the decision to engage in this process prior to the making of an application is for the customer to make. However, if a planning application has been submitted that requires significant change and no pre-application advice has been sought, then it is unlikely that the council will pursue further negotiations on the proposal and this is likely to result in a refusal of planning permission.

In some cases, the case office may offer you the opportunity to utilise the councils 'In-application advice service', but that decision is discretionary.

Without prejudice advice

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

Follow up written advice

26. If, having received written advice, a scheme is subsequently amended and further pre-application advice is sought to confirm the acceptability of further changes prior to an application being made, a further fee will be charged in accordance with the 'follow-up advice' fee set out in the schedule of charges.

Post decision advice

27. Following a refusal, you may wish to enter into discussions with the council in preparation for the submission of a revised application. Any further meetings or requests for advice following a refusal of planning permission will be undertaken through the pre-application advice service and the pre-application charge will be as set out in the written advice/meeting columns of the fee schedule.

Freedom of Information Act

28. Please be aware that pre-application advice is no longer considered to be completely confidential. If a request is made for pre-application information, it will be provided if the request has resulted in a planning application.