Malvern Hills District Council

Charging for Pre-application Advice – Guidance Note

1. Background

This guidance note explains how Malvern Hills District Council will handle requests for pre-application and other planning advice and is intended for anyone who uses this service.

Malvern Hills District Council is able to provide you with advice and information on planning matters. So we can provide the best possible advice and information within an appropriate timescale it is important that you provide us with as much clear information as possible regarding your proposed 'development'.

In the case of pre-application advice, the service is intended to provide you with an indication as to whether your proposal is likely to gain planning permission or not, what the key planning issues are likely to be and what you would need to submit with any application that you make.

In the case of advice on permitted development rights, the service is intended to provide you with an officer opinion as to whether planning permission is required for your development proposals. However, this is informal advice and does not have the same status as a Certificate of Lawfulness.

So that we can sustain and improve our level of service to you, a range of charges (Section 7 refers) have been introduced, with some exemptions (Section 8 refers).

These charges are in addition to the planning application fees that are set nationally.

In recent years we have seen an increase in the demand for pre-application and other planning advice. The introduction of charges will ensure that some of the cost of providing this service is recovered directly from service users rather than being subsidised by council tax payers generally.

Charges will apply for all pre-application or other advice requests received on or after 1st November 2010 in accordance with the scale of fees and categories as outlined in the table under Section 7.

2. County wide service provision

The provision of planning advice and the corresponding scale of charges have been considered by and agreed with the other Local Planning Authorities across Worcestershire (Bromsgrove, Wychavon, Redditch and Wyre Forest)

so that there is a consistent approach amongst neighbouring authorities. Whilst there are some small variations in the approach, the scale of charges is the generally consistent across the whole County, as is the level of service provided by each authority.

Our aim is to minimise any confusion, particularly amongst local agents or those working across several authority areas.

3. Benefits of the service

We encourage and welcome the opportunity to provide advice before an application is made. There are considerable benefits in seeking advice before making an application:

- It gives you an opportunity to understand how planning policies will be applied to your development;
- It can identify at an early stage where there is a need for specialist/technical input, for example on listed buildings, trees, landscape, noise, transport, contaminated land, ecology and archaeology;
- It will assist you or your agent in preparing proposals for formal submission which, providing you have taken our advice fully into account, is likely to be handled more efficiently;
- It may lead to a reduction in time spent by your professional advisors in working up proposals;
- It may indicate at an early stage that a proposal is contrary to planning policy and completely unacceptable, saving you the cost of pursuing a formal application.
- It can ensure an application is complete and comprehensive and to a satisfactory standard, avoiding rejection at registration stage or early refusal of permission because of inadequate or insufficient information.

4. Pre-application planning advice service

If you wish to take advantage of our pre-application advice service it couldn't be easier. Simply fill out the *pre-application advice request form* and email it together with your supporting plans, photos etc. to the address provided in Section 10 and pay the appropriate fee.

What you need to provide is outlined on the request sheet.

What service we will provide:

- A response in writing within 15 working days for smaller schemes[1];
- A response in writing within 20 working days for larger schemes;

[1] In this context, a smaller scheme consists of less than 10 dwellings, a proposed floor area of less than 1000m^2 or a site area of less than 1ha. A larger scheme is one which falls above these thresholds.

- A meeting/s with your representatives and relevant consultees will be convened - up to a maximum of 3 meetings of no more than 2 ½ hours each (additional meetings may be arranged but would incur an additional charge);
- Identification of the relevant site planning history;
- Identification of the key constraints affecting the site;
- Consideration of the context of the site and the potential issues/impacts across the site boundaries;
- Consultation with specialist colleagues and invitation for them to attend any meetings where appropriate;
- Where a planning obligation (Section 106 Legal Agreement) is likely to be required, we would seek to agree the likely content of such an agreement (Heads of Terms) prior to the submission of an application;
- Confirmation of what information/studies/reports etc. are likely to be required/ submitted with your application;
- Guidance on how best to undertake your pre-application public consultation where this is appropriate;
- An informal indication of the likely outcome of your proposed development, with an indication, where possible, of how it could be amended to improve the chances of a successful outcome.

What happens next:

- If a point in the discussions is reached where your proposal is considered likely to be acceptable, you will be advised of this so that you can submit an application if you wish.
- Where necessary, discussions could continue during the lifetime of a formal application, but we generally seek to avoid the need for this through engaging in thorough pre-application discussions.
- If a point in the discussions is reached where your proposal is not considered to be acceptable, you will be advised of this and discussions will be concluded.

If you are unsure of the correct fee or category your proposal falls within, please contact Planning Services (see Section 10) for further advice.

Any informal advice given is not binding on the District Council as the Local Planning Authority and is given in the spirit of helpfulness but does not prejudice the District Council's future consideration of a formal planning application.

5. Permitted development planning advice service

If you wish to take advantage of our permitted development advice service simply fill out the *Domestic Development Enquiry Form* and email it together with your supporting plans, photos etc. to the address provided in Section 10 and pay the appropriate fee.

- A response in writing within 15 working days for smaller schemes.

6. Planning Performance Agreements (PPA's)

Where you propose a major development and wish to enter into a formal Planning Performance Agreement (PPA), you are advised to write to the Development Control Manager (see contact details below) and seek specific advice and guidance.

For further information on PPAs, please see Malvern Hills District Council's PPA Charter and PPA template document on our web-site

www.malvernhills.gov.uk/cms/environment-and-planning/planning-services/development-control/performance-agreement-ppa-1.aspx

and see the guidance on the ATLAS website at:
http://www.atlasplanning.com/page/ppa.cfm

7. Table of fees

Permitted Development Advice

Proposed Development Type	*Cost (Flat rate)*
Householder	£25
Other	£50

Pre-application and General Advice

Proposed Development Type			*Cost*	*Cost of additional meetings (each)*
Residential Development*	**Development Site Area**	**Proposed Gross Floor Area****		
Householder			£40 (flat rate)	£20 (if required)
1 - 4 dwellings	Less than 0.5ha	500 m^2 or less	£250	£100
5 - 9 dwellings	0.6 - 0.99ha	501– 999m^2	£500	£100
10 - 49 dwellings	1.0 - 1.25ha	1000 - 2499m^2	£1000	£500
50 - 199 dwellings	1.26 – 2.0ha	2,500 - 9,999m^2	£2000	£750
200+ dwellings	More than 2ha	10,000m^2+	£3000	£1000

Proposed Development Type	*Cost*	*Cost of additional meetings (each)*
Advertisements	£50	£25
Change of Use	£150	£75
Telecommunications	£150	£75
Glasshouses/Poly Tunnels	£200	£100
Other***	£100	£50

***** includes one-for-one replacements and conversions/subdivisions.
** measured externally.
*** includes all other development proposals not falling within any of the above categories such as variation or removal of conditions, car parks & roads and certificates for lawfulness.

Meetings will not normally be held for permitted development or householder advice

With the exception of advice provided on householder proposals or permitted development advice, the initial costs noted in the table above include up to three meetings. The charge for additional meetings will occur after the initial three meetings.

Where a development proposal falls within one or more category, the higher fee will apply.

Payment should be made at the time of the pre-application advice request.

Payment can be easily made over the telephone by calling 01684862151.

8. Exemptions

Advice sought in the following categories is **free**:

- Building Conservation advice e.g. works to listed buildings and Conservation Area consents.
- Works to trees covered by a Tree Preservation Order or trees located within a Conservation Area.
- Advice on how to submit a planning application or a fee enquiry.
- Planning discussions in relation to enforcement investigations.
- Where the enquiry is made by a Local Authority or County Council.
- Where the enquiry is made by a Parish or Town Council.
- Where the enquiry is made by a Housing Association, Registered Social Landlord, or an equivalent Affordable Housing Provider or an architect/agent acting directly on their behalf working on a solely affordable housing proposal.

- Where the development is for the direct benefit of a disabled person (and as such there would be no fee incurred to make the planning application).

Although we make a modest charge for written advice on permitted development and for householder enquiries, we continue to offer a free "drop in" service at the Library in Great Malvern, 10am to 1pm Mondays to Thursdays and at the Library in Tenbury Wells fortnightly on Tuesdays 1.30pm to 4pm.

Please note however that the purpose of the Duty Planner (Drop In) Service is not to provide detailed advice on specific development proposals. This advice is now subject to the above scheme of charges.

9. Freedom of information

Under the Freedom of Information Act 2000, we may receive a request to provide information regarding enquiries for pre-application advice. Sections 41 & 43 of the Act exempts information where the disclosure of that information could result in substantial financial loss, or where it is likely to prejudice the commercial interests of a person, company or organisation. You are therefore asked, if you believe the enquiry to be confidential, to supply a covering letter setting out the reasons why and for what period. The decision as to whether to release the information however lies with the Local Planning Authority.

10. Contact details

Please email your completed planning advice request form to:-
development.control@malvernhills.gov.uk

Or Post to:- **Malvern Hills District Council**
Planning Services (Development Control)
The Council House
Avenue Road
Malvern
WR14 3AF

Tel: Worcestershire Hub:- 01684 862151 - 8am - 8pm, Mon-Fri.
Website: www.malvernhills.gov.uk

11. General information

- No chargeable advice will be provided, or your request considered, without receipt of the relevant fee.

- Meetings are not a compulsory element of the pre-application advice service and will only be arranged where agreed by both parties.

Unfortunately no refund or reduction in the fee will be available should a meeting not be taken up.

- There will be a presumption that meetings will take place at the Malvern Hills District Council Offices, Great Malvern.

- The attendance of consultees at meetings cannot be guaranteed, however wherever appropriate invitations will be issued.

- Where a meeting is held in the first instance prior to initial written advice, a timescale for the follow up written response will be agreed at the meeting. Wherever possible, the first meeting will be held within the response times noted above. Subsequent meetings will be dependent on the progress being made on the proposals and subject to availability of the Planning Officer dealing with the request for information/ advice and relevant consultees.

- Where significant new information comes to light during the course of a planning application that was not considered at pre-application stage, the Planning Officer will alert the applicant to this and may seek additional information if appropriate.

- Development carried out on site without the benefit of planning permission (where it is required) is at risk of enforcement action and applicants and their representatives should be mindful of this at all times.

- Free and independent professional advice on the planning process, and assistance with planning matters, may be available to you, depending on your circumstances. For further information, contact the local branch of Planning Aid through www.planningaid.rtpi.org.uk

PLEASE NOTE

Any advice given by Council officers for pre-application enquiries does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by the Council's Area Development Control Committees or by the Head of Planning & Housing Services under delegated powers in accordance with the District Council's approved Scheme of Delegation, and will be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s).

Any pre-application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position.

It should also be noted that the weight given to pre application advice may decline over time, subject to changing material circumstances.