



BOROUGH OF HYNDBURN
HOME OF THE ACCRINGTON PALS

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The Fast-Track Planning Service and the Pre-Planning Application Advice Scheme

Hyndburn Borough Council

January 2020

“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”

National Planning Policy Framework 2019, para 39.

Introduction

The Development Management Team at Hyndburn seek to take a positive approach to decision taking to foster the delivery of sustainable development. In doing so, officers will work with developers, agents and individuals to find solutions rather than problems and approve planning applications for sustainable development that are comply with the policies of the development plan.

This guidance provides advice on the Fast-Track Planning Service that can be used by customers to secure a “fast-track” service for planning applications and advice on pre-application advice.

The provision of pre-application advice is a key part of this process, allowing potential issues to be identified and addressed before the submission of a formal planning application. This helps to ensure that planning applications are determined without delay and within the required timescales, increasing certainty for applicants and developers. The provision of pre-application advice can also help to reduce the numbers of planning

applications that are refused or subject to appeal, therefore making better use of the applicant's time and resources as well as the time of planning officers at the Council.

The Council recognise that there are often significant costs and investment associated with development proposals and the provision of good pre-application advice can help reduce these costs at a later stage.

The charging scheme seeks to recover a proportion of the costs associated with the time that officers spend on the proposal. Generally speaking, larger and more complex proposals require more senior level advice and more time in responding to the enquiry. This is why the charges differ.

The Fast-Track Planning Application Service

If you require the Fast-Track service please inform the service at the time when the planning application is submitted. If you are submitting your planning application via the Planning Portal, it will be necessary to pay the Fast-Track Service fee directly to the Council. The Planning Portal fee arrangements make no provision for fast track services.

All Fast Track Service payments must be made at the time of the registration and validation of the planning application. The applicant or applicant's agent shall inform the Council upon submission and payment of the application by emailing the service at planning@hyndburnbc.gov.uk with details of the Planning Portal and / or pre-application reference. The Council refuse the right to refuse requests subject to resources and availability and in such cases the payment will be refunded or returned.

Provision of the service does not affect the Council's Scheme of delegation and if a planning application being managed under the Fast Track Service is required to be determined by Planning Committee the Council will seek to ensure that the application is presented to the next available Planning Committee.

If a planning application being managed under the Fast Track Service is not determined within the 6 week period the additional fee paid will be refunded to the applicant. This does not apply to planning applications that are required to be determined by Planning Committee because they have been called in by an elected member (Councillor).

The Fast-Track service only applies to minor and householder planning applications.

Pre-application Advice

What needs to be submitted for pre-application enquiries?

The level of detail provided by officers in their advice will largely depend on the information submitted with the application. The more information provided, the greater the level of detail that can be provided in the advice given. As a minimum, applicants should submit the following alongside the form:

- Site Location Plan at an appropriate scale (usually 1:1250 or 1:2500). The boundary of the site should be outlined in red, and any other land owned or controlled by the applicant shown in blue;
- Details of current use(s);
- Draft design and access statement / planning justification;
- Photographs and/or sketch drawings of site and surroundings;
- Draft/sketch drawings showing height and scale of development (in metres/cms)
- Draft/sketch drawings showing layout of development;

It is particularly important to include accurate dimensions/measurements for householder applications to enable officers to assess whether the proposals constitute permitted development.

The information must be submitted in electronic form. This is best done via e-mail although the Council can accept the information on a compact disc. If information is submitted by e-mail, applicants should note that documents in excess of 10Mb may not be delivered. In the event that documents are larger than this it may be necessary to email them in a compressed form. When all the appropriate information is submitted, you will be contacted within 14 working days of receiving the application to confirm receipt of the pre-application advice enquiry.

How should the fee be paid?

In order for officers to assess the pre-application proposal, consult interested parties there is a requirement to include the pre-application fee with the pre-application forms and accompanying information. The cheque should be made payable to Hyndburn Borough Council. Planning officers will not commence work until the fee has been received.

The Scope of the Advice

When a valid application for pre-application advice has been received, a planning officer will be nominated as case officer and the following will be undertaken:

- The site history will be checked;
- A site visit will normally be undertaken;
- Site constraints will be checked – for example Coal Authority advice, Flood Risk areas, Conservation Areas and ecological designations;
- Identify and assess the proposed development against relevant Council policies and standards;
- For major developments, arrange and attend the meeting with the applicant and agent;
- Undertake consultations with the Council's Tree Officer, Ecology Officer and Conservation Officer where appropriate;

Within 35 working days, the Case Officer will provide a detailed written response in the context of the plans provided and meeting discussions, which shall be issued in the name of, and signed off by the Chief Planning and Transportation Officer. If consultation responses are received after the response has been sent they will be forwarded to the applicant/agent.

If the applicant has used an agent, officers will liaise and correspond with the agent. If not, officers will correspond and liaise with the applicant.

The written response will make it clear that any views or opinions expressed are given in good faith, without prejudice to the formal consideration of any planning application, and it shall also be made clear that subsequent alterations to local and national planning policies might affect the advice given and may affect the consideration of any applications, particularly if applications are submitted some length of time after pre-application discussions take place.

Meetings will normally be held at Scaitcliffe House in a private meeting room. Any request for specialist advice should be confirmed at the time the meeting is arranged and subject to their availability the necessary officers will be asked to attend.

Unfortunately, Lancashire County Council (the Highway Authority) does not respond to pre-application enquiries from Hyndburn Borough Council. Whilst officers at Hyndburn are able to provide advice in relation to the Council's Adopted car-Parking and Access Standards, officers are not in a position to comment on matters such as highway safety, the design of roads / junctions or sustainable transport matters.

Lancashire County Council has its own pre-application advice service and it is recommended that applicants and/or agents contact LCC directly.

<https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service/>

For agricultural proposals in countryside and Green Belt locations there will be a requirement (depending on the case) to assess whether such proposals are reasonably necessary for agricultural purposes, whether such proposals meet functional or financial “tests”, siting and appropriateness of design. There will be a requirement to look into the existing farm enterprise including the size of the agricultural unit, numbers of animals, ownership etc. Lancashire County Council no longer provides advice in relation to agricultural proposals, therefore, in cases where an agricultural justification is required it will be necessary for the applicant to commission an appropriately qualified consultant to undertake this work and submit it alongside the application.

Categories of Pre-application Advice

There are a number of categories of development identified in the charging schedule:

i. Significant Major Development

This represents the largest scale of development and has the potential to raise a large range of issues that will need to be addressed. The service offered includes a meeting with the applicant and their agent(s) or representatives and, if required, a presentation to elected councillors at an appropriate time. The Council may also require formal ‘design review’ of the proposals to be undertaken in line with Policy DM26 of the Development Management DPD. Officers will visit the site and provide written advice on the proposed development and in particular on the key planning policy issues that are raised.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

Applicants should note that there are separate provisions in place for developments that may require the submission of an Environmental Impact Assessment alongside a planning application. If in doubt, it is recommended that applicants or their agents seek a screening opinion under the Environmental Impact Assessment Regulations.

ii. Major Development

This category includes large scale development and has the potential to raise a large range of issues that will need to be addressed. The service offered includes a meeting with the applicant and their agent(s) or representatives and, if required, a presentation to elected councillors at an appropriate time. The Council may also require formal ‘design review’ of the proposals in line with Policy DM26 of the Development Management DPD. Officers will visit the site and provide written

advice on the proposed development and in particular on the key planning policy issues that are raised.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

Applicants should note that there are separate provisions in place for developments that may require the submission of an Environmental Impact Assessment alongside a planning application. If in doubt, it is recommended that applicants or their agents seek a screening opinion under the Environmental Impact Assessment Regulations.

iii. Minor Development

This category includes smaller scale development but includes a number of categories of development that require considerable officer input, for example barn conversions.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

For minor residential developments, the fee paid will depend on the number of dwellings proposed.

iv. Householder / Advertisement / Agricultural Development, and Telecommunications Development

The service provided for householder applications does not include a meeting and officers will advise on the need (or otherwise) for planning permission and the extent to which the proposed development complies with relevant planning policies including the Householder Design Guide. The Council will advise if the development can be undertaken under the Prior Notification Procedure.

When seeking advice on householder proposals it is important that the dimensions of the proposed development are clearly indicated, on a scaled drawing if possible. Details of materials should also be included.

Pre-application advice on proposals on telecommunications development (antennae and masts) and seeking advertisement consent will also be charged at this rate.

v. Advice on Trees

The Council's Trees and Woodlands Officer will provide written advice on proposals that affect a protected tree, trees in conservation areas or specific tree work (undertaken in the absence of development). A plan clearly illustrating the location of the tree(s) should be submitted.

vi. Advice in relation to Listed Buildings and Conservation Areas

There are over 100 Listed Buildings and 10 Conservation Areas in Hyndburn. Works to listed buildings or development within Conservation Area will normally require a detailed appraisal to be undertaken by the Council's Conservation Officer that will necessitate a site visit.

vii Financial Viability Assessments

For pre-application advice proposals that are contrary to policy and a proposal is being justified on the basis of viability there will be a requirement for enquirers to pay for the Council to get viability reports independently assessed by a qualified consultant surveyor/accountant. The Council will normally ask enquirers to pay the consultant direct and in advance of a pre-application advice response.

Timescales

The Council will aim to respond to pre-application enquiries within 35 working days of their submission and the receipt of the fee. For larger proposals this may be extended with the agreement of the applicant or their agent.

Validation Checklist

The Council has published a "Validation Checklist" on its website and this prescribes the information that should be submitted alongside a planning application. The pre-application advice will not list the information that should be included in the subsequent planning application.

When the Pre-planning application advice service should not be used (Lawful Development Certificates)

The service should not be used for individuals who want confirmation that proposed development will or will not need planning permission (i.e. for non-householder proposals). In these cases individuals should apply for a certificate of proposed development under Section 192 of the Town and Country Planning Act. The service should not be used for those individuals who want confirmation in respect of what is the lawful existing use of a building and/or land. In these cases individuals should apply for a Certificate of existing lawful use under Section 191 of the Town and Country Planning Act.

The Council's planning officers will continue to provide informal and without prejudice advice relating to whether a householder proposal does or does not need planning permission. The advice will be given in letter form. This is not legally binding. If householders would like legal confirmation that a proposal would not need planning permission (and therefore would be immune from future enforcement action) they should consider applying for a lawful development certificate under Section 192 of the Town and Country Planning Act.

Further advice relating to the submission of lawful development certificates can be found at www.planningportal.gov.uk.

Disclosure of Pre-application Advice

Although the Council does not publish the details of pre application discussions and the advice provided, it can be required to disclose this information pursuant to the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, unless a statutory exemption is applicable.

Exemptions can be applied to information which is legally confidential or commercially sensitive. If you believe that information that may fall into one of these categories will be produced during pre-application discussions you must notify the Council in writing and explain why you object to its disclosure and for how long this objection will last.

Even if you lodge an objection to the disclosure of information the final decision as to whether an exemption should be applied lies with the Council.

Contact details

For further information in regard to pre application discussions, you may contact us via:

Telephone: 01254 388 111

Email: planning@hyndburnbc.gov.uk

Link to application forms: <https://www.hyndburnbc.gov.uk/do-you-need-planning-permission/9/>

Pre-application Planning Enquiries – Schedule of Fees January 2020

Planning Charges	Charge for Written Planning Advice		
	Fee	VAT @20%	Total
Fast-Track Service on Planning Applications <ul style="list-style-type: none"> • Planning application determined within 6 weeks of validation date. • The service does not apply to major developments • The service does not prevent planning applications being determined by Planning Committee under the Council's Scheme of delegation. 	£166.67	£33.33	£200
Pre-Application Advice			
Significant Major Development <ul style="list-style-type: none"> • 5 or more wind turbines • 30 or more dwellings (outline @ 30dph) • 2,000sqm floorspace or more of commercial floorspace. 			
Written Planning Advice and Meeting with applicant / developer	£708.33	£141.67	£850
Follow up meeting	£221.67	£44.33	£266
Major Development <ul style="list-style-type: none"> • 10 -29 dwellings • 1-4 wind turbines • 1,000sqm – 1,999 sqm floorspace of commercial / retail / industrial / business floorspace • >1ha site area 			
Written Planning Advice and Meeting with applicant / developer	£441.67	£88.33	£530
Follow up meeting	£110.83	£22.17	£133
Minor Developments (Written Planning advice only)			
<ul style="list-style-type: none"> • Residential 1-4 dwellings 	£177.50	£35.50	£213
<ul style="list-style-type: none"> • 5-9 dwellings 	£250.00	£50.00	£300
<ul style="list-style-type: none"> • <1,000sqm floorspace of office / research/business / industrial / retail development • Change of use / Barn Conversions • Listed building and conservation area proposals • All other minor development 	£177.50	£35.50	£213
Follow up meeting / further written advice	£53.33	£10.67	£64

Householder / Advertisement / Telecommunications Developments			
<ul style="list-style-type: none"> • House extensions / alterations / curtilage buildings and structures / works • Advertisements (per site) • Telecommunications (per site) • Agricultural development (new barns, middens etc) 			
Written Planning Advice	£75.00	£15.00	£90
Follow up meetings / written advice	£40.00	£8.00	£48
Design Review			
When 'Design Review' is required (for schemes playing a significant role in local place making) the cost should be met by the applicant or developer	Recharge actual cost of design review		
Viability Assessments			
When a financial viability assessment is submitted the cost of the Council commissioning an independent assessment should be met by the developer.	Recharge actual cost of assessment.		
Advice on Trees			
Written advice of Trees and Woodlands officer on proposal that affects a protected tree, tree in conservation area or specific tree work.	£41.67	£8.33	£50
Advice on Listed Buildings / Conservation Area development			
Written advice of Conservation Officer on development proposals that affect Listed Buildings and / or their setting and development in a conservation area. Charge to be added to the main charge if pre-application advice is required on a proposal that requires input from the Conservation Officer.	£177.50	£35.50	£213
Other Applications			
Application for the Diversion of a Footpath under s.257 TCPA 1990	£666.67	£133.33	£800
This is the administration fee to Hyndburn Borough Council. Legal costs will also be incurred so please contact us prior to submitting the application for further information regarding legal costs. The cost of Advertising in the local paper is additional to this and there are at least two press notices required, with the possibility of a third if the new route needs to be certified. The cost of these to be paid prior to the notices being ordered at the rate quoted by the newspaper. (Press Notices are expected to be in the range £200-500 each, depending on size). Any on-site costs incurred in the diversion are also to be paid for by the applicant.			

Link to application forms: <https://www.hyndburnbc.gov.uk/do-you-need-planning-permission/9/>