



**PRE-APPLICATION ADVICE  
PROTOCOL  
APRIL 2023**



## **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 for you to complete. This is available from <https://www.mybostonuk.com/development-management/pre-application-advice/>

Or can be requested by contacting the department by;

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

Phone: 01205 314305

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. Payments can be made by Debit or Credit Card, alternatively, BACS payment details are available on request. Please contact the team.

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

Once your request has been received it will be acknowledged and 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; <https://www.mybostonuk.com/privacy-statement/>.

### **FREEDOM OF INFORMATION ACT 2000 / ENVIRONMENTAL INFORMATION REGULATIONS 2004**

Under this legislation, there is a presumption that Councils should disclose information (including pre-application information) to the public unless its disclosure would adversely affect the interests of the person who provided the information (Regulation 12(5) EI Regulations).

When completing the Pre-application Advice form you will be asked whether you wish the council to treat the pre-application information as confidential, and if so, what the reasons are for this referring to the Regulations and specifically Regulation 12(5).

**PRE-APPLICATION ADVICE - FEES SCHEDULE**

	<i>Type of Development</i>	<i>Fee £ inclusive VAT</i>
<b>Householder Development</b>		
1	Householder development including alterations and extensions.	£92
<b>Residential Development including changes of use to residential</b>		
2	Development of 1-10 dwellings, or residential development on sites of up to 0.5 hectare	Based on no. of dwellings; £240 for 1 <sup>st</sup> dwelling; plus £140 for each additional dwelling.  Based on site area i.e principle only; £240 for 0.1ha; plus £140 for each additional 0.1ha (or part thereof)
3	Development of 11-50 dwellings, or residential development on site areas above 0.5ha up to 1 hectare	Based on no. of dwellings; £1580 for the 11 <sup>th</sup> dwelling plus £70 for each additional dwelling to a maximum of £3000.  Based on site area i.e. principle only; £1580 for 0.5ha plus £170 for each additional 0.1ha (or part thereof)
4	Development of 51+ dwellings, or residential development on sites of more than 1ha	£3800  Although Planning Performance Agreement encouraged.
<b>Non-residential Development – based on floor space if known, otherwise refer to site area</b>		
5	Non-residential development less than 500 square metres floor area or up to 0.5 hectare site area	£217
6	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	£270 for 500sqm or 0.5ha plus £135 for each additional 100m <sup>2</sup> ; or £135 for each 0.1ha (or part thereof)
7	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	£950 for 1000m <sup>2</sup> or 1ha plus £135 for each additional 1000m <sup>2</sup> or 0.1ha (or part thereof)
8	Non-residential development at or above 5,000 square metres floor area, at or over 2.0 hectares site area	£2715  Although Planning Performance Agreement encouraged.

<b>Other Developments and consents</b>		
9	Changes of use including siting of caravans	£217
10	Alterations to non-residential development where no new floor space is created (for example; new shop front)	£109
11	Listed Building advice	£130
12	<ul style="list-style-type: none"> <li>▪ Variation or removal of planning conditions,</li> <li>▪ Telecommunication Development</li> <li>▪ Advertisements,</li> </ul>	£87
13	Hazardous Substance Consent	£130
14	Any other proposals not captured by the above	£217

*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%*

## **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

Follow up enquiry including revised details to be charged at 50% of fee, if within 6months of the original response

A new enquiry which is materially different to the original will require a new fee.

### ***Planning Performance Agreements***

Fees for Planning Performance Agreements are negotiated on a case-by-case basis. The charges incurred are to be negotiated between the Council and the development proposer, following an initial understanding of both the scheme and the resource implications.

The Council will seek to recover costs associated with the resourcing of the agreement (such as Officer time) and including fees incurred from specialists within and external to the Council as may be required. In addition, the fees will cover administration of the agreement, but may exclude the costs associated with drawing up or signing the agreement depending on whether this is undertaken by the Council or the proposer.