



# **Pre-application advice from the Planning Service at Mid Devon District Council**

## **Why seek pre-application advice?**

Open and constructive discussions are an opportunity for the Local Planning Authority and developers to work together to achieve developments that deliver benefits to the community and the economy. Therefore, we welcome and encourage discussions at an early stage and in advance of the application being received.

Spending time and effort in preparing your scheme is more likely to result in a good quality and acceptable development and also help us process your application quickly. High quality, comprehensive applications also allow the Parish or Town Council and the public to understand what is being proposed and its implications on the locality.

Experience has shown that pre-application advice can save time, costs and frustration and optimise the potential of a site.

## **How the scheme works and what we need from you.**

### **How the scheme works**

The scheme seeks to give you a better understanding of the way a planning application will be considered against the national, regional and local policies and other relevant issues (known as 'material considerations'). Hence, pre-application advice will give you more certainty as to how your proposal is likely to be received.

Through this understanding, we aim to help you to overcome potential difficulties through suggested amendments and ensure that the information submitted by you in support of your application addresses the relevant planning issues.

You might ask us to comment in writing or require a meeting with one of the Council's professional planning officers and consultees such as the Highway Authority or the Environment Agency, where relevant. However it must be recognised that their attendance will in most cases be outside of our control.

Meetings will be held in the Council offices or, if considered more appropriate, on site.

Requests for pre-application advice, including a request for a meeting, need to be made in writing and sent to:

Development Management,  
Mid Devon District Council,  
Phoenix House,  
Phoenix Lane,  
Tiverton,  
Devon  
EX16 6PP

They must also be accompanied by the appropriate fee. The fees are based on the size, type and likely complexity of the proposal. It includes a site visit by the planning officer if necessary, administration costs and any research work undertaken prior to meetings. The fee schedule is found later in this document and sets out the maximum number of meetings that can be provided for that fee and the cost of any additional meetings. For some proposal types it also establishes a lower fee for written advice if a meeting is not sought.

On receipt of a properly made pre-application request, we will implement a timetable for responding to you. You will find these timescales later in this document in the section entitled "What you can expect from us".

Aside from consultation with main consultees, a pre-application submission will not be subject to any publicity with the general public until the planning application is received. If you provide any commercially sensitive or confidential information this should be clearly stated.

There is an expectation that you will respond positively to the advice given when the application is formally submitted.

If you have any queries on how this system works, please contact us on 01884 255255 or email us at [devcon@middevon.gov.uk](mailto:devcon@middevon.gov.uk)

### **What we need from you**

You may find it helpful to obtain advice from an independent planning specialist who has the experience and expertise that can help make sure your application has the best chance of being given permission.

In order to provide comprehensive pre-application advice we will normally need:

1. A plan showing the site and identifying other land within the ownership or control of the applicant.
2. Any relevant planning history that you are aware of such as the existing use, a schedule of any existing floorspace and any known planning restrictions, for example whether the site lies within a Conservation Area or affects a Listed Building. This information is available on the Council's website or in the Council's offices, or elsewhere.
3. A topographical site survey or other information sufficient to understand existing and proposed site levels in relation to the surrounding area. This may include photos.
4. A description of the proposal, including a calculation of any additional floorspace if appropriate.
5. Any necessary scaled plans, elevations, sections, photographs or sketches. (Photos are often very useful to understand the proposal and its context).
6. Your contact details and whether you are requesting a meeting.

7. The pre-application advice fee.
8. We also request the submission of a draft Design and Access Statement where it will be useful to guide the discussions. However this is not a requirement at the pre-application stage.

When we receive a written request for pre-application advice we will check whether sufficient information has been submitted in order for us to understand the site, its surroundings and the proposed scheme. We may need further information before offering pre-application advice in writing. Timescale standards for the issuing of written advice will only begin once sufficient information has been received and will only apply to proposals where a fee is charged.

### Our charges

Payment can be made by the following methods:

1. Cheque payable to Mid Devon District Council.
2. Bankers Draft payable to Mid Devon District Council.
3. Telegraphic Transfer – (account details can be provided).
4. Cash payable at the Council Offices, Phoenix House, Tiverton.
5. Card payment by phone or at the Council Offices.

	Type of development	Fee Inc. VAT	Additional Fee Inc. VAT
1	<b>LARGE SCALE MAJOR</b>  Residential >150 houses or site area >4ha; Non-residential 10,000 sq.m floorspace or site area >4 ha; All Environmental Impact Assessment development	£1200 (up to 3 meetings)	£480 (each additional meeting)
2	<b>MEDIUM SCALE MAJOR</b>  Residential 31-149 houses or site area 2 – 4ha; Non-residential 5,000 – 9,999 sq.m floorspace or site area between 2-4ha	£780 (up to 2 meetings)	£360 (each additional meeting)
3	<b>SMALL SCALE MAJOR</b>  Residential 10-30 houses or site area up to 2ha; Non-residential 1,000 – 4,999 sq.m floorspace or site area between 1-2 ha	£480 (up to 1 meeting)	£240 (each additional meeting)
4	<b>MINOR</b>  Residential proposals (including holiday lets) involving the erection of or change of use to between 3 – 9 residential units; Non-residential 500 – 1,000 sq.m floorspace	£360 (up to 1 meeting)	£180 (each additional meeting)

5	<b>SMALL MINOR</b>  All residential schemes for the replacement, change of use or erection of 1 or 2 dwellings (or holiday lets) or conversion of building(s) to 1 or 2 residential units (or holiday lets); All minor non-residential schemes for new buildings; Non-residential 200 – 499 sq.m floorspace	£180 (up to 1 meeting)	£60 (each additional meeting)
6	<b>OTHER</b>  Advertisements; Telecommunications; Changes of use (except residential / holiday let)	£120 (up to 1 meeting)	£60 (each additional meeting)
7	<b>WIND TURBINES</b>  Height to tip: 25m or less 26-75m More than 75m (Where Environmental Impact Assessment is needed, the charge will be at the large scale major rate)	Up to 3 meetings  £660 £960 £1200	Each additional meeting  £240 £360 £480
8	<b>GROUND MOUNTED SOLAR PV &amp; THERMAL</b>  Domestic (if planning permission required) Less than 1 ha (2.5 acres) 1 to 10 ha (2.5– 25 acres) Over 10 ha (25 acres) (Where Environmental Impact Assessment is needed, the charge will be at the large scale major rate)	Up to 3 meetings  £96 £660 £960 £1200	Each additional meeting  £48 £240 £360 £480
9	<b>ANAEROBIC DIGESTERS</b>  <b>On farm (single farm feedstock source)</b> <b>On farm (multiple farm or mixed agricultural &amp; non-agricultural feedstock source)</b> <b>Off farm / non-agricultural commercial</b> (Where Environmental Impact Assessment is needed, the charge will be at the large scale major rate)	Up to 3 meetings  £360 £660 £1200	Each additional meeting  £180 £240 £480
10	<b>Written confirmation that an enforcement notice has been complied with</b>	£120	£60

11	<b>HOUSEHOLDER</b>	£96	£48
12	<b>LISTED BUILDING/ HERITAGE</b> (in addition to any fee for planning advice). a. Repair /maintenance only b. Enhancement / added value: • In principle no visit • Detailed with visit	FREE £90 £180	FREE £60 £60
13	<b>LAWFUL DEVELOPMENT CERTIFICATE ADVICE</b>	£60	£60
14	<b>Planning matters relating to an enforcement issue</b> (other than written confirmation that an enforcement notice has been complied with – see 10 above)	FREE	FREE
15	<b>Registered charities and Town and Parish Council proposals</b> (on their own land or land they plan to acquire)	FREE	FREE
16	<b>100% Affordable housing schemes</b>	50% normal pre-app fee	
17	<b>Non residential additional floorspace (extensions) &lt; 200 square metres</b>	£120	£60
18	<b>Discussions with local residents potentially affected by applications for development</b>	FREE	FREE
19	<b>One meeting following a refusal of planning permission</b>	FREE	As fee category
20	<b>Facilities for the disabled</b>	FREE	FREE

**Devon and Somerset Design Review Panel fee (In addition to the above pre-application fee)**

£1140 – £4,560 +VAT (Depending on scale of project and number of 1.5 hour sessions taken up)

1 session £1,140 +VAT

2 sessions £2,280 +VAT

3 sessions £3,420 +VAT

4 sessions £4,560 +VAT

Notes –

1. Floorspace refers to gross external floorspace.
2. The larger element of a mixed use scheme will primarily be used to determine which category of fee applies to the proposal.
3. For the purposes of charging, flats and holiday accommodation are considered as houses.
4. This is a flat rate fee based on a planning officer attending a meeting, not the length of the time the meeting takes.

5. Fees will be subject to periodic review, normally annually
6. The charge applies to advice received from Mid Devon District Council officers only

## **What you can expect from us**

### **Enquiries where a fee is charged**

These service standards apply to requests for pre-application advice where a fee is charged.

Once a request for pre-application advice is received we will dispatch an acknowledgement (either by email or post) within **5 working days** stating the name of the planning officer who will handle your enquiry. All communication from you to the Council should be via this officer.

Following consideration of the information, received the case officer will decide whether to bring together a team of Council officers from different disciplines, avoiding the need for you to contact different parts of the Council separately, thus saving you time and giving consistency.

Following the assessment, the case officer may advise you that further information is required, such as financial appraisals, travel plans, transport assessments, and possibly environmental assessments. Should further information be required, the case officer will endeavour to let you know within **7 working days** of the enquiry being received. At this stage you will be advised which Council officers it is considered appropriate to bring into the development team.

We will normally set up a meeting within **10 working days** of receiving a request for a meeting or submission of pre-application proposals when accompanied by the required supporting information.

Following the meeting, the case officer you met will provide a written summary of the issues discussed, and his or her written advice on those issues within **20 working days** of the date of the meeting.

Where no meeting is sought, we will issue planning advice in writing within **20 working days** of the receipt of the request for advice when accompanied by the required supporting information.

In the case of **Environmental Impact Assessment development**, we will aim to agree a timescale in advance with you for the issuing of written planning advice. This is in recognition of the complexity of environmental issues and number of consultees that may need to be involved at the pre-application stage. Where a scheme is likely to be subject to environmental assessment then early discussions should focus on issues relating to the screening and scoping of the proposal.

These timescales can be extended by your written agreement.

### **Enquiries where no fee is charged**

Requests for advice relating to proposals with no fee will not be subject to the same timescales. However we will still acknowledge receipt of your enquiry and let you know which officer is dealing with it and endeavor to provide you with a response in a timely manner. We will aim to do this within **15 working days**.

## **Our advice**

Our advice will clearly lay out the issues which would be raised by the development (in so far as they can be identified at the pre-application stage). Unless a specific request is made, the advice will relate to key planning issues only and not cover every possible planning issue.

Where relevant, our advice will specify what improvements can be made to the scheme to make it acceptable or if the principle of the development is unacceptable, what the grounds for refusal would be likely to be.

We will clearly identify what level of community consultation will be expected in order to meet the requirements of the Council's Statement of Community Involvement.

Advice will be given on the nature and quality of information required with your planning application including supporting documents. We will list the documents that will be needed.

We will apply the main Development Plan policies that the application will be assessed against together with Supplementary Planning Documents (if relevant to the proposal). Where policies require the proposal to make a financial contribution such as towards public open space or air quality, we will seek to identify this in the advice together with the likely level of that contribution (if known at this stage).

Where the application is in the 'major' category we will seek to agree a timescale with you to project manage the application to decision. This may be through a Planning Performance Agreement. Advice will be given on the relevant heads of terms that would be included in any Section 106 Agreement as necessary and the Community Infrastructure Levy (if relevant). Please note that legal fees for drawing up a Section 106 Agreement or to check a submitted Section 106 Agreement / Unilateral Undertaking will be charged separately at the application stage.

Please note that a written response may be by way of email reply which will aim to provide comprehensive, but focused advice in a bullet point form.

Although pre-application advice is offered on a without prejudice basis, we will as always endeavour to ensure that it is as reliable as possible. It will be based on the available information and policies at that time, but will not be any guarantee that any subsequent application will result in a particular decision and will not be binding on the Council in any way. Our opinion may change during the formal application process as a result of views of consultees and other interested parties such as neighbouring residents. The final decision may also be made by Planning Committee, rather than by officers and it is possible that they may reach a different view.

Advice given in relation to planning history of the site, planning constraints or statutory designations does not constitute a formal response under the provisions of the Local Land Charges Act 1975.

Pre-application advice given will be recorded on our database system and linked geographically to sites. It will be used as a guide to considering subsequent applications in the interests of consistency of advice given.



Whether or not you decide to seek pre-application advice does not affect your right to submit a planning application or to make an appeal to the Planning Inspectorate in the event that your application is refused. However, where an applicant fails to incorporate advice given at the pre-application stage into a formal planning proposal it is likely the application will be refused without any further negotiation.

### **What if I disagree with the advice received?**

We cannot guarantee that you will like the advice you receive. In most cases, it is differences of opinion rather than factual errors that give rise to disagreement and these can only be resolved through the formal planning process. However, if you feel that something has gone wrong, please explain to the officer involved, as he or she may be able to clarify the situation further.

If you are still dissatisfied with the service provided, it is open to you to make a formal complaint. For further information on the complaints procedure, go to our [Comments, Compliments and Complaints](#) page or contact Customer Services on 01884 255255.

### **Design review**

Design Review is an independent and impartial evaluation process in which a panel of experts on the built environment assess the design of a proposal. The process is designed to improve the quality of buildings and places for the benefit of the public. The review is conducted by expert practitioners with current experience in design and development, a record of good design in their own projects and the skills to appraise schemes objectively. It offers feedback and observations that will lead to the improvement of schemes, but does not redesign them. The process of design review gives decision makers the confidence and information to support innovative, high quality designs that meet the needs of their communities and customers, and to resist poorly designed schemes.

Design review offers the greatest benefits for scheme promoters when undertaken at a pre-application stage before proposals are finalised and can provide valuable feedback at this stage. We will work with scheme promoters to identify and agree schemes suitable to be referred for design review, normally by the Devon and Somerset Panel. The cost of taking schemes through design review will normally be met by the promoter and is in addition to the Planning Service's own pre-application advice charge. The cost will be according to the scale of project and number of 1.5 hour panel sessions taken up.

### **Other sources of planning advice**

We will still provide some free planning advice via the Duty Planning Service which is available in the Tiverton office between 9am – 12 noon on Tuesdays and a Thursdays. The Duty Officer is able to offer general advice, but not detailed site specific advice. In addition, there is a duty planning call back service offered by calling 01884 255255, we will endeavour to respond as soon as possible, but during busy periods there may be a delay in responses. Where written advice is requested or considered appropriate for the type of query, the pre-application fees will apply in accordance with the proposal type, floorspace or site area.

Planning advice can also be found on the Council's website at [www.middevon.gov.uk](http://www.middevon.gov.uk) Guidance notes and other information is located on the Planning pages.

The Planning Portal is a further source of planning guidance and information <http://www.planningportal.gov.uk>