

Date/Dyddiad: 23 March 2021

Ask for/Gofynwch am: Mr. S. D. Butler

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Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2021/00028/PRE

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Mr. Simon Crockford  
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Dear Sir

**Town and Country Planning Act, 1990 (as amended)**

**Application No. 2021/00028/PRE**

**Proposal: Demolition of existing residence and construction of a replacement dwelling**

**Location: Westwinds, St. Andrews Road, Dinas Powys**

I refer to your correspondence received on 16 February 2021, concerning the above and your request for statutory pre-application advice. Having considered the nature of submission in detail and following our meeting and the submission of further plans, I respond as follows.

Proposal

The proposal is for the redevelopment of the site for a single dwelling. The scheme has been amended and is shown below. Following further clarification in respect of dimensions, you have now submitted dimensions of the footprint. The dwelling is now shown to have a maximum width of 36m by a maximum depth of 27m, with the main dwelling having a 22 wide by 19 m deep footprint.

The proposed dwelling is shown to have the following floorspace.

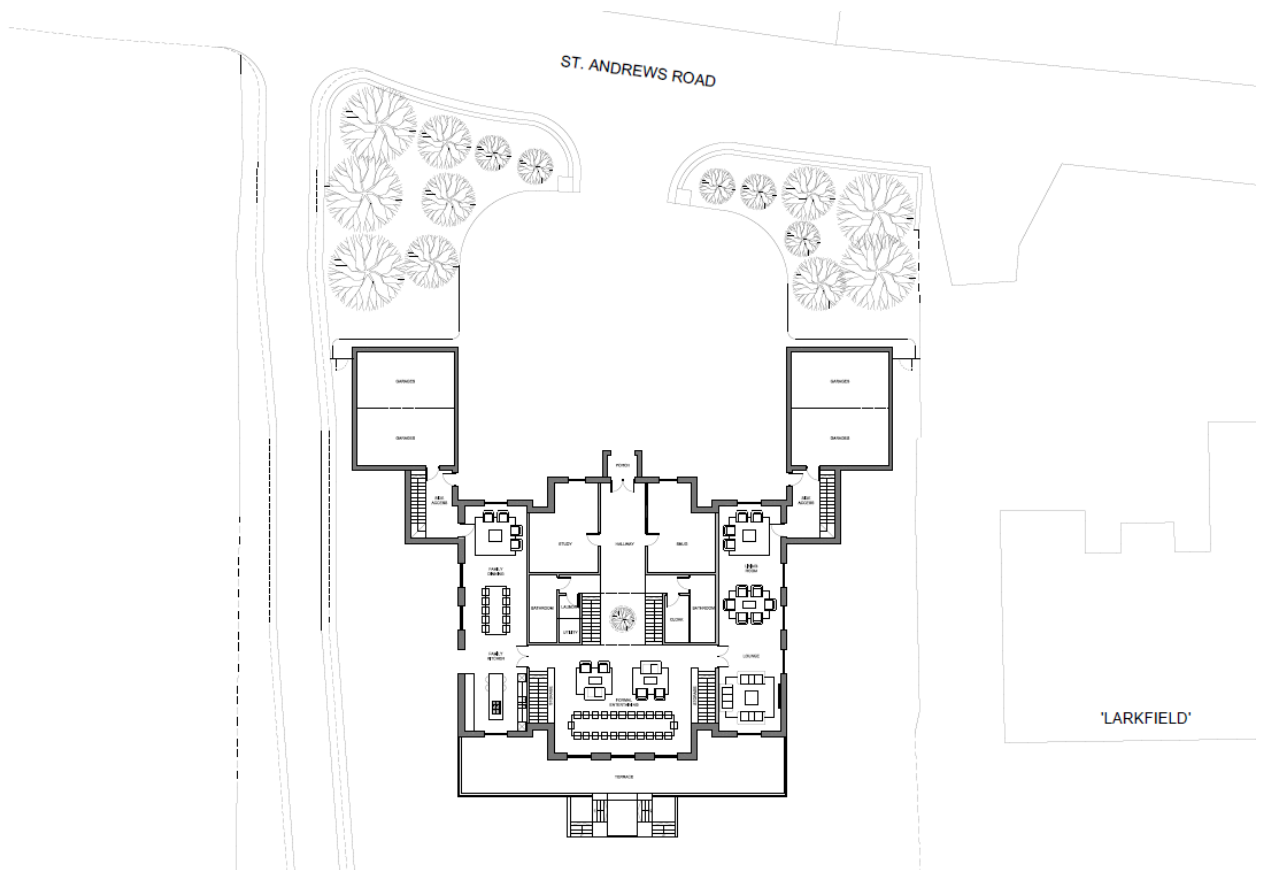
GF = 503 sqm

1F = 506 sqm

2F = 189 sqm

BF = 168 sqm

TOTAL = 1,366 sqm



Sketched elevations

### Local Context and Constraints

The site comprises 'West Winds', an existing residential dwelling, situated off St Andrew's Road to the west of Dinas Powys, within the "Westra" area. The existing dwelling is situated within a large plot of land and comprises a large linear two storey-

building finished in white render, with dark timber cladding and a brown concrete tile roof. It is currently in poor condition, showing some signs of disrepair.

The dwelling occupies a long, sloping, linear plot with a plateaued garden to the rear forming a lawn and paddock to the south. The property currently benefits from a single point of access off St Andrew's Road, a 30mph highway located to the north of the site. This section of St Andrews's road is characterised by a number of large detached properties fronting onto St Andrew's Road to the east of the site, forming a linear cluster of residential development. These properties vary in terms of vernacular, with a variety of modern dwellings finished in pale render and timber cladding with slate roofs nestled between more traditional properties comprising natural stone with slate roofs. These properties are all set in large plots with large front and rear gardens.

In terms of the surrounding area, the site is bound to the north by St Andrew's Road, the property known as Hazlewood, which is situated on the opposite side of the road. The site is bound to the east and south by the gardens of existing properties, situated on both St Andrews Road and along Westra.

The site, as in all of the "Westra" falls outside of the defined settlement boundaries for Dinas Powys. Half of the site (the lower half of the rear garden) falls within an area of Limestone resource.

#### Relevant Planning History

From an examination of our records, the application site does not have any relevant planning history:

However, I note that a number of neighbouring properties have been subject to planning permission for extensions and replacement dwellings

#### Relevant Planning Policies

##### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

##### **Strategic Policies:**

POLICY SP1 - Delivering the Strategy  
POLICY SP9 - Minerals  
POLICY SP10 - Built and Natural Environment

##### **Managing Growth Policies:**

POLICY MG22 - Development In Minerals Safeguarding Areas

##### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD12 – Dwellings in the Countryside

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Future Wales: The National Plan 2040:**

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

#### Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

#### Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

#### Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources

- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

#### Chapter 4 - Active and Social Places

- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)

#### **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

#### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

#### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Analysis of Proposal

### **Principle of Development**

As discussed the site, as does all of the Westra, fall outside of the settlement boundary for Dinas Powys. At its nearest the settlement boundary is some 200m to the east.

In terms of Policy, as you are aware Policy MD5 supports development within settlement boundaries, subject to compliance with relevant criteria. Such defined settlements boundaries have been drawn around the settlements of the Vale of Glamorgan identified in the LDP hierarchy which are considered capable of accommodating additional development during the Plan period. The boundaries define the settlements within which new development will be permitted encouraging the re-use of land and buildings and preventing the spread of new development in the open countryside.

Accordingly, to protect the identity of these settlements, to ensure the efficient use of land and to protect the countryside from urbanisation and incremental loss, para 7.33 of the LDP states that *"...development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in paragraph 9.3.2 of PPW. Such developments would also need to respond appropriately to the local context and accord with Policies MD1 and MD2."*

As the redevelopment of the site will comprise of a single dwelling and no net gain in the number of dwellings at the site, the application would primarily be considered under Policy MD12 – Dwellings in the Countryside.

The policy specifically relates to and seeks to control the scale and extensions to dwellings and replacement of dwellings in the countryside. This is due to the sensitivity of the setting of dwellings in the countryside and the impacts any replacement dwelling will have on the countryside and wider landscape. The following criteria in MD12 would be applicable. :

- 1. The dwelling has an established lawful residential use;*
- 2. It would not result in the loss of a dwelling which contributes significantly to the rural character of the area, unless it can first be demonstrated that the building is structurally unsound and repairs are economically unviable or existing physical or environmental site constraints restrict the ability to appropriately extend the existing property;*
- 3. The replacement dwelling would, by reason of its scale, siting, design, materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape; and*

4. *The proposal does not necessitate an unacceptable extension to the residential curtilage.*

#### Lawful Use

There is no dispute that the dwelling on the site is lawful and whilst there is no planning history at the site, the authority have no evidence to suggest that it would not have an established use as a single residential dwelling. It is also noted that the property was very recently occupied.

#### Rural Character of the Existing Dwelling

In terms of the character, and unlike the area of the Westra to the south, the dwellings along this section of St Andrews Road, do have a generally consistent building form and pattern with large detached dwellings fronting onto the road and set back with a generally consistent building line. Furthermore, when travelling into and out of Dinas Powys through this section of St Andrews Road, it feels distinctly rural as opposed to urban, which is reflected in the fact that it is not recognised as being part of the settlement of Dinas Powys.

However, whilst the dwelling does have some contribution to the rural character of the area, it is not considered that its contribution would be significant and therefore any application would not have to demonstrate that the building is structurally unsound and repairs are economically unviable or existing physical or environmental site constraints restrict the ability to appropriately extend the existing property.

However, if there are bats present we would have to undertake a number of tests to grant planning permission, one of which is why the property should be demolished. Therefore, it may be worth submitting a statement setting out the merits of a replacement dwelling, in line with the tests, in respect of a more thermally efficient lower energy use dwelling etc.

#### Visual Impact of replacement dwelling

Criterion iii of MD12 really is the key criteria in the assessment of any application and seeks to ensure that *the replacement dwelling would, by reason of its scale, siting, design, materials, landscaping and external appearance, be compatible with the surrounding built and natural environment and have no materially greater impact on the landscape.*

As discussed, given the siting and set back position and existing planting within the site, the existing dwelling is very well screened. The western boundary of the pre application site is visible from St Andrews Road, and at quite some distance from the west. The site has a strong Sylvan quality and when viewed from its western approach, appears more as a wooded area as opposed to a garden, where the residential use of the site is only really evident when you are to the front of the site. Any proposal would likely reduce the number of trees on the site and would impact on the sylvan character of the site and negatively impact on the countryside.

As discussed and noting that the adjacent dwelling has recently been redeveloped, there is no objection to the principle of a replacement dwelling on the site. However, given its very sensitive location, the siting, scale (massing) and design must be

appropriate to ensure that any replacement dwelling does not have a *materially greater impact on the landscape*.

As you have identified, the neighbouring properties that are accessed off St Andrew's Road provide a variety of architectural languages. Typically, these are large dwellings situated on large plots though there are examples of infill developments nearby. The majority of these dwellings are Arts and Crafts inspired, no doubt with each plot being sold off and built separately. Whilst they all differ in their design, there is a generally consistency in siting and general massing. Each of these neighbouring properties is well set back from St. Andrew's Road, providing a generous front forecourt or garden. Grassed verges also provide a buffer between the dwellings and the highway.

As discussed above, the adjacent property, previously known as 'Larkfield' is currently under construction and I believe now largely completed. This dwelling to some extent sets out what the authority are likely to consider as appropriate in respect of its general size, scale and form of a replacement dwelling.

In respect of the specific proposal, the submitted Design Brochure does not set out the architectural approach or design evolution of the dwelling, although it does include a site analysis which shows the constraints within the site and the zone for development. In terms of the general approach to where development is proposed, I have no real concerns of the zone for development within which the existing house is sited, plus land to the front and rear. There is a general building line, along this section of St Andrews Road.

Your initial proposal was discussed at our meeting, as set out in your Design Brochure. Based on external measurements, the dwelling proposed is some 1500 sq m gross, within what is a simple rectangular footprint (except for the garage wing to the front). The accommodation is shown to range over four floors with the ground floor and first floor having full accommodation and the second floor utilising the roof space with dormers. Accommodation is also included on part of the lower ground floor. Overall the dwelling has a footprint of some 27m x 18m. The elevation drawings are not scaled, but are annotated and show a ridge height of some 9.2m.

As we discussed at our meeting and for the reasons set out above in relation to the sensitivity of the site, it is considered that the proposed replacement dwelling as detailed within your Design Brochure would be wholly out of scale and out of character with the site, due to the significant width of the dwelling and the accommodation of over three floors (when viewed from the front). Due to its scale and much greater prominence than the existing dwelling on the site, such a dwelling would be considered to have an unacceptable impact on the countryside and harmful to the rural character of the area. Moreover, a dwelling of 1,500 sq m would be considered wholly inappropriate and at odds with the scale of the dwellings within St. Andrews Road. Moreover due to its sheer size and design, it would not appear as a single dwelling as it would lack domestic scale.

During our meeting you advised that the proposal had further evolved and that the elevations were presented for discussion only and not fully developed. As we discussed, whilst the architectural approach and finishes are still very important, the key initial consideration is the appropriate massing of any replacement dwelling.

Following our meeting, you submitted a brochure for a different design approach and you have developed that into a revised design layout with sketch elevations, to show the direction and intent going forward. You advised that the mass of the building has been subdivided to allow the frontage to be made narrower overall, as well the dwelling being broken up by introducing setbacks at the sides as well as different roof heights. The garage has also been subdivided and split either side of the front entrance to improve the overall composition of the front elevation, as well as offer more variety of scale.

The footprint of the main dwelling has been slightly reduced in width to 22m, although the depth has increase to 19m. Given the forward projecting garage wings (with accommodation in the roof area) are connected to the house, they would be viewed as forming part of the house and therefore the real width of the dwelling would appear as being 36m, which significantly wider than your original proposal.

The floorspace of the revised scheme is shown as being some 1366 sq m based on your annotated floorplans and it is not clear whether this figure includes the accommodation above both garage wings. As in the previous scheme the floorspace of this proposed dwelling is substantially larger than any other dwelling in the locality.

The sketched elevations are not to scale and I cannot given any real comments on this element, but note the general sudo Georgian design approach. However the dwelling is shown to be developed the full width of the plot and the dwelling when viewed from the front would be out of keeping with the pattern of development along St Andrews Road, even when viewed against Larkfield, which is a very large dwelling. In particular, I feel that the forward projecting garage wings significantly add to the bulk and massing with a built frontage of some 36m (approx.). Whilst the floorspace of the dwelling has been reduced, at 1366 sq m (excluding the garage and accommodation above) would be significantly larger than Larkfield which is circa 800 sqm. Larkfield has much less impact from the road as their garage wing is located to the front of the main dwelling and not the side, resulting in a much narrower footprint of 20m.

The proposed dwelling would be closer to the road than any other dwelling and clearly be forward of the established building line and the grand style of enclosed forecourt would be wholly at odds with the rural character of the area and the sylvan character of the area and would urbanise the site and the approach to the Westra from the west.

In terms of the frontage, you propose what appears as a very large hardstanding area with new planting beds located either side of the central access, which I assume is widened and what would appear as a new boundary wall with pillars. In the absence of any details of this, I cannot make any comments, however, given the sylvan character of the site and this part of the Westra, the provision of a new boundary wall, may well raise concerns, depending on its height and materials, although I do note that the adjacent property has a new boundary wall fronting the road.

To conclude there remain significant concerns in respect of the overall siting, size and form of the replacement dwelling and the impact on the character of the site, the rural street scene of St. Andrews Road and rural character of the area.

## Residential Curtilage

The proposal would not result in an extension to the existing residential curtilage.

## Impact of Trees

It is clear that there are a number of trees within the site as discussed, particularly forming the boundaries and a dense tree group broadly in the middle of the site. Notably when viewed from the west the strong tree line fully screens the site.

As discussed, any proposed redevelopment should be designed to limit the impacts on any trees within the site. As such any application must be supported by a full tree survey and arboricultural impact assessment in line with our Trees, Woodlands, Hedgerows and Development SPG. The impacts on any trees to accommodate development should be avoided. Where low category trees are removed, as supported by our SPG, the authority would seek a scheme of replacement tree planting in line with the standards.

In particular and in respect of the proposed access to the stable to the rear and the track along the western boundary, this would appear to significantly impact on the trees within the site.

## **Ecology**

Given the potential impacts on trees and demolition of the dwelling, considered should be given in respect of the potential impacts on bats and it is recommended that a bat survey of the buildings to be demolished and any likely affected trees is undertaken.

## **Impact on neighbour amenities**

Regard should be given in assessing the proposal in light of the advice and guidance set out in Section 9. (Impact on Neighbours) of the Residential and Householder Development SPG. The guidance states:

9.11 “Development can have a negative impact on a neighbour's amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour's garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered unneighbourly and, therefore, unacceptable. New development must ensure that your neighbour's existing residential amenity is safeguarded.”

### **9.1.2. Key principles:**

- i. Two-storey development, large single storey extensions and/or large structures should in most cases be set away from the boundary adjacent to the garden of a neighbour's property.
- ii. Development should not unreasonably enclose a neighbour's immediate outlook.
- iii. Development should not cast large shadows onto a neighbour's house or garden.
- iv. Development that results in a significant loss of daylight and / or sunlight to habitable rooms (i.e. living room, main bedroom, kitchen and dining room) or private garden areas of neighbouring properties are likely to be harmful.
- v. Thought should be given to the orientation of the development in relating to the sun so as to minimise its overshadowing impact on a neighbour's property.

9.22 “New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity.”

In particular, the replacement dwelling to the east is most likely to be affected by any redevelopment proposals. In the absence of any scaled elevations drawings, it is difficult to consider the scale of the impacts on the adjacent dwelling, Moreover, I note that the first floor plans do not shown any windows to the side and rear and I assume that this in an omission.

In terms of overlooking of rear gardens and overbearing impacts, any proposals must ensure that the development is in line with the guidance within the SPG.

### **Amenity Space**

Policy MD2 – Design of New Developments states (criterion 9 refs) that new development proposal should provide public open space, private amenity space and car parking in accordance with the Council's standards and (criterion 10) incorporate sensitive landscaping.

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on Residential & Householder Development.

Design Standard 5 within the SPG specifies that dwellings should provide 20 square metres of amenity space per person to serve each dwelling. It also requires that the amenity space is both usable and readily accessible. Given the size of the rear garden, it is likely that the proposal will be served by adequate amenity space.

### **Access, highways and parking**

The Council's Parking Standards SPG states that the parking guidelines should be interpreted as maximum standards i.e. 'not more than'. This reflects the thrust of national policy in Planning Policy Wales and TAN 18, both of which emphasise the importance of encouraging the use of more sustainable modes of transport and reducing over reliance on the private motor vehicle. Consequently, the use of maximum standards as opposed to minimum standards is promoted.

The Parking Standards should take account of local factors and sustainability issues and aim to achieve a common approach to parking provision. The rationale is to achieve sufficient parking to avoid the need for vehicles to park on-street, and potentially cause obstruction, congestion, danger and visual intrusion.

The parking standards for dwellings is as follows:

- Residents - 1 space per bedroom (maximum requirement 3 spaces)
- Visitors - 1 space per 5 units

Given the availability of parking to the front of the dwelling and garaging, the proposal would clearly satisfy the off-street parking requirements.

In respect of access issues, SK01 DF Site Plan Rev B would appear to show planting and the new boundary wall within the grass verge. I can advise you that the grass verge is part of the adopted highway (as shown below in pink) and we would not likely support any works within this undeveloped grass verge, which contributes to the rural character of this part of St. Andrews Road, notwithstanding the procedural issues in respect of development with part of the adopted highway.



Whilst the highway authority have not been consulted on the pre application enquiry, they may well raise concerns in respect of the provision of the new access serving the stable onto St. Andrew Road, on the basis that any new access would need to be served by adequate visibility in both directions, based on the speeds for the road. This matter would require more detailed consideration should any formal planning application be submitted.

## **Surface Water Drainage**

With the exception of single dwellings and/or developments with a “construction area” of less than 100 square metres, all construction work requiring planning permission which has drainage implications will need Sustainable Drainage Approving Body (SAB) approval.

SuDS are intended to maximise the opportunities and benefits that can be provided by the effective management of surface water. This can only be achieved when the principles of SuDS are considered at the outset of the development process. The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage.

A Sustainable Drainage Approving Body (SAB) application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance. The SAB approval process is separate from the planning application process. An application for approval for a surface water drainage scheme may be made to the SAB separately from, or combined with a planning application. The planning and SAB approvals are independent systems and there may be circumstances where separate applications are appropriate.

Prior to the submission of a planning application, as the development would trigger a SAB application, applicants are strongly advised to make a separate Pre-Application submission to the SAB. Please note that pre-application fees may apply. Further advice can be found at <http://www.valeofglamorgan.gov.uk/en/living/Flooding/Flood-and-Coastal-Erosion/Sustainable-Drainage-Systems.aspx>

### Pre Application Consultation

For all applications for ‘major’ development, there is a statutory requirement for the applicant / developer to consult the community and relevant statutory consultees, and to submit a Pre-Application Consultation (PAC) Report with any application.

Please note that if the floorspace exceeds 1000 sq m, whilst it is a single dwelling, it would be considered as a major development

Detailed advice can be found here:-

[https://gov.wales/sites/default/files/publications/2020-02/annex-1-pre-application-consultation-guidance\\_0.pdf](https://gov.wales/sites/default/files/publications/2020-02/annex-1-pre-application-consultation-guidance_0.pdf)

## Required Supporting Documentation

In addition to the submission of standard mandatory supporting documentation such as application forms, plans and a Design and Access Statement (see TAN 12 Design, Appendix 1), please be advised that any application for the above development should also be accompanied by the following additional documentation: -

- Bat Survey/ Barn Owl Survey
- Tree Survey

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

## Requests for Further Advice

In accordance with the Council's Guidance Note on 'charging for pre-application advice', any further requests for pre-application advice will attract payment of a further fee, and should be made in writing with appropriate supporting documentation.

## Development Team Approach – Building Control

Please note if you decide to employ the Councils Building Control team in respect of the proposed development for which you have sought advice, any fees you have paid in respect of this guidance will be taken into account in assessing the relevant Building Regulations fee. All Building Regulations fees are now based on a standard hourly rate with the final fee payable worked out on a risk assessed basis. Accordingly as the Councils officers will have been involved in the project from the earliest stages this will be considered in the final risk assessment based fee for Building Regulations.

Should you have any further questions regarding the above, please contact Mr. S. D. Butler on the above number.

Yours faithfully



Mr. S. D. Butler  
**for Operational Manager Development Management**

### **Please Note:**

The advice offered in this response represents an informal opinion, provided in accordance with the Council's Guidance Note on 'charging for pre-application advice'. In particular, it is emphasised that while this pre application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that you may make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It does not, therefore prejudice any decision which the Local Planning Authority may make should the matter come before them in a formal context.