

Title of Report:	Pre Planning Application Advice Fees
Report to be considered by:	Council
Date of Meeting:	27th September 2012
Forward Plan Ref:	C2252

Purpose of Report: To seek Council authority to charge for pre planning application advice.

Recommended Action: Council adopts the proposed pre planning application advice and fees (as detailed in Appendix B).

Reason for decision to be taken: To respond to customer requests for the introduction of pre planning application advice.

Other options considered: The main options are:

1. to introduce a process with a charge.
2. to introduce a process without a charge.
3. If a charge is to be introduced what level of fee to charge.

The above are detailed within the main body of the report.

Key background documentation: National Planning Policy Framework (NPPF).

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- ☒ **CSP2 – Promoting a vibrant district**
- ☒ **CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principles:

- ☒ **Living within our means**
- ☒ **Transforming our services to remain affordable and effective**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Providing timely, structured pre planning application advice for customers in a way that has been requested. This should enable customers to make judgements about the general appropriateness of potential development proposals at an early stage in the development process and, where necessary, allow the Council to influence the proposals. This should save developers abortive time and costs and help to ensure that focused applications are submitted, helping the Council to process them effectively and efficiently. Charging for the advice will ensure the Planning Service "lives within its means" for this element of work.

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - (0118) 983 2057
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	9 th August 2012

Contact Officer Details	
Name:	Gary Rayner
Job Title:	Development Control Manager
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Implications

Policy: This report seeks to introduce a pre planning application process and associated charges.

Financial: It is proposed to introduce charges to recover the cost of providing a pre-application service. Legislation restricts charges to a reasonable level which recovers the related expenditure.

It is intended to provide this additional service by the shared use of existing staff resources for an initial trial period of up to 6 months (see Personnel below). At the end of that initial period an assessment will be made about workload and income stream implications. Both will vary over time but if the workload implications are manageable within the existing staff structure and performance requirements (i.e. it does not impact adversely on the Statutory functions), the income stream will contribute towards partly addressing the funding gap in the 2013/14 planning budget.

Personnel: It is proposed to introduce the pre application system using existing resources and to monitor the impact and costs for up to 6 months. Should demand adversely impact on the Services ability to meet its priority services then additional resource may be considered on a self funding basis using the fees generated by the new scheme.

Legal/Procurement: The proposed new Service will be non statutory.

Property: Internal projects will receive the same level of Service and will be expected to pay the same level of fee.

Risk Management: The advice given will be dependant on the quality of information provided and it will be made clear that any advice is preliminary and is subject to full consultation and consideration should a formal application follow the advice.

Equalities Impact Assessment: The proposed service is a universal service and will apply equally to all groups.

This **does not** need to undergo a Stage 2 Equality Impact Assessment

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input checked="" type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input type="checkbox"/></p> <p>Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months <input type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p> <p>Report is to note only <input type="checkbox"/></p>		

Executive Summary

1. Introduction

- 1.1 Some applicants, developers and agents have indicated that before they submit a planning application they may wish to contact us for pre-application (pre-app) advice to find out whether the proposal is likely to be acceptable, what the application should include, what the relevant Policy considerations are, and who they should consult prior to submission.
- 1.2 Our customer panel, the Development Industry Forum (DIF), has indicated that for the right level of service, they would accept that they had to pay the Council's reasonable charges. They have indicated that they would rather have the option to pay rather than have no service at all.
- 1.3 This approach is supported by the National Planning Policy Framework (NPPF) and it is our proposal to charge all parties seeking advice at the same rate as part of the same procedure.

2. Proposals

- 2.1 As a Local Planning Authority we want to encourage Pre-application advice before applicants submit planning applications because these discussions can give both the applicant and us greater clarity and reassurance about the application.
- 2.2 It is proposed to offer the advice in two stages. The first is a written exchange of information and advice in response to the request; the second is an optional stage which involves meeting to discuss the proposal and explore the outcome of the written response further, potentially including specialists on key issues identified at stage one.

We will make it clear in the published guidance, and in the written response, that any advice given by the Council in relation to Pre-application enquiries will be based on the Case Officer's professional judgement and will not constitute a formal commitment or decision of the Council which would prejudice any future Planning applications.

- 2.3 A schedule of charges will be published and reviewed as necessary over the period of operation
- 2.4 The proposal has been presented to the Planning Policy Task Group which has supported the introduction of paid-for pre-application service as described above; has agreed that it is appropriate to charge all groups at the same rates; and supports the fee table groupings and initial charging rates set out in Appendix B.

3. Equalities Impact Assessment Outcomes

The proposed service is a universal service and will apply equally to all groups.

4. Conclusion

- 4.1 It would be beneficial to both the Council and potential applicants for Planning Permission if pre-application advice was offered on a formalised basis. The resource costs of that service should be met by those taking advantage of it.
- 4.2 Members are recommended to support the introduction of a paid for pre-application advice service as set out in this report and the Appendix B.

Executive Report

1. Introduction

- 1.1 Some applicants, developers and agents have indicated that before they submit a planning application they may wish to contact us for pre-application (pre-app) advice to find out whether the proposal is likely to be acceptable, what the application should include, what the relevant Policy considerations are, and who they should consult prior to submission.
- 1.2 Authorities have for many years, provided Pre application advice free of charge, even though it can be very resource intensive. Increasingly, Authorities have started to charge for providing this service. There is already an indication of support for that approach from some Members, and so officers are proposing that we should introduce a paid-for pre-app service.
- 1.3 Our customer panel, the Development Industry Forum (DIF), made up of large and small developers, large and small consultancies, Planners, Architects, builders, social housing providers and solicitors, all of which operate locally, have indicated that for the right level of service, they would accept that they had to pay the Council's reasonable charges. They have indicated that they would rather have the option to pay rather than have no service at all.
- 1.4 We will encourage applicants to follow the process and this approach is supported at paragraph 189 of the National Planning Policy Framework (NPPF). That paragraph also recognises that the Council cannot insist that pre-app processes are followed by applicants, but it is clear that some considerable weight will be given in judging the developers intentions, if they have not taken advantage of pre-app opportunities with the Council or opportunities to involve the statutory consultees and the local community, prior to submission.
- 1.5 It is our proposal to charge in all instances where pre-application advice is sought.

Benefits of pre-application advice

- 1.6 As a Local Planning Authority we want to encourage Pre-application advice before applicants submit planning applications because these discussions can give both the applicant and Officers greater clarity and reassurance about the application.
- 1.7 Contacting us for informal advice before submitting an application can:
 1. identify problems at an early stage when it is easier to influence change
 2. help to ensure that all the supporting documents we need to register the application are provided at the outset
 3. save time and money
 4. speed up the decision making process
 5. result in better quality development

Obtaining formal pre-application advice

Stage one

- Initially applicants will need to complete a Pre-application advice request form (that we will provide) and either submit this electronically or send it by post together with the appropriate fee.
- Upon receipt of the Pre-application advice form we will check the information submitted and allocate this to an appropriate and specific Case Officer. The intention will be that the same officer deals with any consequent planning application.
- Request for Pre-application advice will be allocated a unique reference number and will be acknowledged within 5 working days.
- Applicants will need to provide the initial information as set out on the form (and which is required by any necessary guidance notes we produce) and submit the appropriate payment. If the information received is not sufficient, we will return the submission and request all the necessary information.

We will then:

- Carry out the relevant research relating to the proposals; identifying the key issues likely to be raised by the proposal
- Undertake informal consultations with any relevant technical consultee
- Provide advice on amendments/alterations that could be made to improve the proposals or overcome any concerns;
- Advise on the possible outcome of any formal Planning submission.
- Advise on the possible heads of terms applicable to any necessary legal agreement.
- We will provide a written response, from the case officer, signed off by the Area Team Leader (or appropriate sub.) within 20 working days (or longer period if agreed between the parties to allow for the return of consultation responses).

Stage Two

- If following receipt of that advice the applicant wishes to request a meeting, this will be subject to a further flat rate payment which may be added to if specific council specialists are requested to attend (ie Archaeology, Education, Ecology, Highways, Housing etc).
- To arrange a meeting the applicant should contact the Case Officer who provided the initial written response. We will aim to offer a date, or to advise the applicant if we feel a meeting would have no benefit, within 10 working days or receiving the stage two request.
- The Council will consider and respond in writing to the applicant's notes or minutes of the meeting within 5 working days of having received them, as long as they are submitted within the 10 working days following the meeting date.

We will make it clear in the published guidance, and in the written response, that any advice given by the Council in relation to Pre-application enquiries will be based on the Case Officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future Planning applications. Any views or opinions expressed will be given without prejudice to the consideration by the Council Committees or the Head of Planning, of any formal Planning

application, which will be subject to wider consultation and publicity. Although the Case Officer may indicate the likely outcome of a formal Planning application, no guarantees can or will be given about the decision that will be made on any such application.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Charging Schedule

Consultees

Local Stakeholders: Development Industry Forum (the Planning customer panel)

Officers Consulted: Corporate Board

Trade Union: n/a

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Introduction of pre planning application process and charges
Version and release date of item (if applicable):	
Owner of item being assessed:	Gary Rayner
Name of assessor:	Gary Lugg
Date of assessment:	25 June 2012

1. What are the main aims of the item?
To respond to customer requests for a pre application process and to introduce a charge scheme.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
All	None	The proposed service is a universal service and will apply equally to all groups.
Further comments relating to the item: N/a		

3. Result (please tick by clicking on relevant box)
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Gary Lugg

Date: 25/6/2012

Appendix B

Pre Application Advice – Charging Schedule

Other Development

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Timescale to respond at Stage 1 (working days)
Household (Other)	60	40	<20
LBC/Conservation (Other)	80	60	<20
Extns to Listed Buildings (Other)	90	70	<20
Change of Use	120	80	<20
Advert	50	40	<20
Variation of Conditions	60 -120 (to be agreed)	80	<20
Telecoms	150	150	<20
Shopfronts	150	50	<20
Agric. Notification	150	150	<20

Appendix B (continued)

Residential Development

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Timescale to respond at Stage 1 (working days)
1-4 dwellings (Minor)	280	250	<20
5-9 dwellings (Minor)	320	280	<20
10-25 dwellings (Small Major)	500	450	<20
>26 dwellings (Major Major)	650	500	<20
>50 dwellings	650	500	<20
>200 dwellings	850	500	<20

Commercial Floorspace

	Fees – (£) Written Stage One	Fees – (£) Meeting Stage Two	Timescale to respond at Stage 1 (working days)
0-999 sq m (Minor)	320	280	<20
1000- 9999sqm (Small Major)	500	450	<20
>10,000 sq m (Major Major)	650	500	<20