

Agenda Item 9

Overview & Scrutiny Committee Co-ordinating Committee

18 November 2009

KAL



Charging for Pre-application advice

Summary

Following a previous report to the Executive Board Committee which established the principle of charging for pre-application advice, this report proposes a charging mechanism which, if successfully applied, will enhance the service.

Recommendation

1. That the Committee endorses the proposed charging regime for pre-application advice for 'major' and 'minor' category planning applications, with effect from 1 December 2009.
2. The Head of Planning and Countryside Services be delegated to draw up the operational details of the scheme which is to be given the necessary wide publicity.

a) Reasons for Recommendation

A recent assessment of the anticipated number of large scale planning applications which currently, or will require a significant commitment, in terms of providing pre-application advice and for processing the applications themselves has resulted in concerns about the capacity of the Development Management Team to service all the demands that will be placed upon it, over and above the current workload. The number of large scale planning applications is also likely to be increased by the evolving Local Development Framework (LDF) Core Strategy – major allocations work on hand at present.

A consequent need for a major projects officer has been identified and in order to fund this, charging for pre-application advice is proposed.

b) Alternative Options

The present regime of not charging for pre-application advice is maintained. The usefulness of pre-application advice to both the applicant and the Planning Authority cannot be underestimated and it has consequent benefits in helping to secure better quality planning application submission – a clear objective of the Systems Review of Development Management.

c) Risk Considerations

- (i) a charging scheme for pre-application advice may put applicants off seeking upfront information with the result that planning applications are less well prepared and thus take longer to deal with (missing data/information or generating the need to negotiate a better solution).
- (ii) without an income stream to support an additional officer skilled in project managing major schemes, the effect upon the existing staff to cope with the workload will be severely comprised and this will affect performance.

d) Policy and Budgetary Considerations

No policy implications.

The income generation potential to support an experienced planning officer would need to be in the order of £45,000 per annum (salary plus on-costs).

e) Date for Review of Decision

N/A

1.0 Background

1.1 The Systems Review of Development Management and the subsequent re-organisation of practices and team working resulted in capacity being created to undertake pre-application advice for major and minor category planning applications in a way not possible under the former target driven approach. It helps to improve the quality of information submitted, reduces waste activity such as having to go back to the applicant once the application is submitted to seek more or better information or to attempt to negotiate a better scheme and, improves end to end times on those applications. It has been a generally well received improvement to the service.

1.2 It is also a very well used service and we have had 897 of written pre-application requests over the last twelve months, that is since the Systems approach was rolled in across the whole Development Management service.

1.3 In addition the following incoming workload issues have been identified:

- 30 of major or large scale minor applications have just been submitted or are being foreshadowed by landowners/developers as requiring a project managed pre-application exercise. These include large scale housing developments, supermarkets and a potentially controversial renewable energy generation scheme.
- As a consequence of the work of the LDF Panel of Members large scale site finding exercise, we are receiving requests for pre-application advice on large scale 'departure' applications. These sites have yet to be tested against the Core Strategy criteria for first phase site allocation, for their site specific issues, or for their infrastructure needs and Section 106/community infrastructure levy requirements. Consequently they will involve a long term commitment to our major project protocol approach involving infrastructure providers and other relevant officers.
- Capacity problems in the New Growth Point Team have led to a major scheme in the west end having to be dealt with unexpectedly by the in-house team and another by a consultant.
- The pressure to deliver affordable homes and the proposed time limited interim affordable housing policy may result in a sudden rush of applications which whilst desirable will have an impact on workload in the service.

2.0 Proposed pre-application charging scheme

2.1 Whilst it is important not to put any barrier to encouraging people to use the Council's pre-application service the implications of the future incoming workload have necessitated a reconsideration of the agreement in principle of this Committee to charge for pre-application advice given before the Systems Thinking approach was introduced. Unless funds can be found to employ an officer with the relevant skills and experience to cope with project managing large scale, complex and potentially controversial applications which necessitates close working with infrastructure providers and other partners together with drawing up the necessary legal agreements to both deal with the infrastructure requirements and to meet the community benefits, the impact on the performance of the Development Management team will be severely compromised. The scale of the anticipated workload on top of the normal day to day application submissions has the potential to reduce end to end time performance to the detriment of the customer, reduce the value of any community input to the process and the

possibility of issuing permissions which are vulnerable to judicial review. This of course has an impact on both the Council's reputation and its finances.

2.2 It is proposed therefore to set up the following charging regime with effect from 1 December 2009 to apply to both all new pre-application enquires and to those already under way for any future work undertaken. It is not possible at this stage to estimate what the value of the income stream would be from pre-application charging but in order to support the cost of a sufficiently skilled and experienced planning officer together with the relevant on-costs necessities drawing down approximately £45,000 per annum. It must be emphasised that the need to charge for pre-application advice is not simply to create a new income stream for the Council but has a direct relationship with the need to service those requests and to provide quality advice on the complex large scale applications we are expecting shortly. The proposed scheme is based on one currently operating in another Devon District although the actual figures proposed are slightly different.

3.0 **Charging Scheme for Pre-application advice:**

Category	Scale of application	Description	Charge per meeting (excluding VAT)
1	Large scale Majors	Large scale major schemes including residential developments of more than 200 houses or non-residential floor space of more than 10,000sqm or site area of more than 4ha.	£750
2	Medium major	Residential schemes of between 31 – 199 houses or sites of between 2-4ha non-residential floor space of 1,000 – 9,999qm or 1ha.	£625
3	Small major	Residential schemes between 10 – 30 houses or sites of up to 2ha or non-residential floor space of 500 – 1000sqm or 2ha.	£500
4	Minor	Residential proposals (including holiday units) involving the erection of or change of use to between 2 – 9 residential units. All minor non-residential schemes for new buildings or change of use.	To be agreed
5		All residential schemes for the replacement or erection of a single dwelling or conversion of a building to one residential unit.	To be agreed

- (i) A Members pre-application panel will constitute 1 meeting.
- (ii) The fees for a lawyer present at a meeting to deal with Section 106 requirements will be the subject of separate payment previously negotiated.
- (iii) Any meeting charged for will be overseen by a Senior Planning Officer or above and will include a range of other disciplines and representatives of infrastructure providers as appropriate.

- (iv) Advice will be provided in writing following the meeting.
- (v) All advice will be provided on a without prejudice basis.
- (vi) The written advice will lay out clearly the issues which would be raised by the development and 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 will be.
- (vii) Written advice will identify what level of community consultation will be expected in order to meet the requirements of the Council's Statement of Community Involvement.
- (viii) Advice will be given on the nature and quality on information required including a comprehensive list of supporting documents.
- (ix) Where the application is in the major category a timetable will be established for project managing the application to decision.
- (x) Advice will be given on the relevant heads of terms that would be included in any Section 106 Agreement as necessary.
- (xi) The fee includes a site visit being undertaken by a planning officer if necessary and any research work undertaken prior to any meetings.
- (xii) 100% affordable housing schemes will be exempt from any charge for pre-application advice.
- (xiii) Any other category of planning application which has an exemption/reduced fees will also be exempt from charge for any pre-application advice.

3.1 Operational details of the scheme should be delegated to the Head of Planning and Countryside Services to be published on the Council's website and the subject of a press release.

Legal Implications

The report is compatible with the Government's response to Recommendation 4 of the Killian Pretty Review, namely, that local government and other key stakeholders should work together to develop best practice and to encourage a more consistent and proportionate approach to charging for pre-application discussions: the structure for fees set out in the report supports such an approach. It will also help assimilate data for use in the suggested new performance framework as a measure of the availability and quality of pre-application advice (KP Review, Recommendation 15 – Revised approach to targets).

Financial Implications

The financial implications are included in the report. The income generated must be enough to finance the new post

Consultation on Reports to the Executive

None.

Background Papers

Executive Board report – 6 June 2007: Charges for Major pre-application advice, Tree advice and Member involvement in pre-app activity