

RURAL, ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

16th MARCH 2011

REPORT OF HEAD OF REGULATORY SERVICES

FEES FOR PRE-APPLICATION PLANNING ADVICE

1.0 PURPOSE OF THE REPORT

- 1.1 To present to the Committee recommendations for the charging of pre application advice in accordance with the Committee's decision of 10th November 2010.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that:-

(a) The Committee agrees to a scheme for charging for pre-application advice as set out in Appendices A and B, to commence from 1st April 2011.

3.0 KEY ISSUES

- 3.1 At its meeting of 10th November 2010 the Committee resolved to introduce fees for 'major and strategic' application types, with a view to doing so on a cost recovery basis and an estimated income of £8000. Officers advised that this is unlikely to impact on other areas of service delivery, particularly our ability to engage in pre-application discussions for all other types of application.
- 3.2 Appendix A comprises a worked up scheme in accordance with the Committee's decision.
- 3.3 The fees are calculated on the basis on the staff input estimated to be likely for the nature of application proposed. This incorporates the number, seniority and hours required in order to deliver robust and reliable advice of the nature described in Appendix A. For clarity, the scheme would cover contributions from staff from teams other than Development Control (most notably, but not exclusively, Planning Policy) although the former would be responsible for collecting the fee and administering the payments.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 It is not considered that there are significant corporate implications arising from this initiative.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 The charges are based on the assumption that senior staff (mainly Head of Service, Manager or Lead Professional level) would be required to coordinate and deliver comprehensive advice.

Extrapolating the sums by the number of examples (based on 2009/10 levels but mitigated by 25% to allow for the deterrent created by the fees themselves).
Potential annual income= £8,000

6.0 LEGAL IMPLICATIONS

6.1 Charging for the service is discretionary under the Local Government Act 2003 and be introduced so that the substantial cost of providing this service can be recovered from those proposing development and not fall as a general cost to the council taxpayer. The current statutory planning fees do not cover pre-application advice.

7.0 COMMUNITY SAFETY

7.1 There are no community safety issues arising from this report.

8.0 EQUALITIES

8.1 The proposals would significantly disadvantage applicants with a limited capacity to pay. It is not considered that there are significant equalities issues relating to issues of race, gender, language, sexuality or age.

9.0 RISKS

9.1 There is no data available, but anecdotally it is reported that charging reduces the incidence of pre application discussions. The implications of this, examples are considered to be follows:

- An increase in applications with little or no prospect of success
- Poorly prepared applications which take officer time to develop into a workable condition
- Poorly presented applications whose progress is delayed due to the information included; possible impact on determination times.
- Reduced opportunities for 'shaping' proposals at pre-application stage
- Reduced opportunity to effectively manage staff resources to accommodate major applications.
- Costs of administering the fees, any disputes etc
- Increased expectations that advice should be 'binding' on the Council – pressure on the discretion exercised by the Committee

10.0 CLIMATE CHANGE

10.1 There are no climate change issues arising from this report.

11.0 CONSULTATION

11.1 Staff in Development Control have been apprised of the proposals.

12.0 WARDS AFFECTED

12.1 To varying degrees all wards are affected

Contact Officer: J Worley

Date: 1st March 2011

Appendices: A: Recommended charging strategy.

Background Papers: Killian Pretty review.
Report to REEA committee 10/11/2011 'Fees for Pre-Application
Planning Advice'

Reference: X:/REEA/2010-1/101110/Fees for Pre-Application Planning Advice

APPENDIX A

- A pre-application advice request form can be downloaded from the Council website. This will ensure that the Planning Officer is able to obtain an overview and understanding of your proposal prior to providing pre-application advice. It will also allow you to elect to receive the advice in writing without a meeting. Alternately, you can call to arrange an initial meeting. If you choose this option, the form should be completed and submitted at the initial meeting.

On receipt of a form we will:

- Contact you within 10 working days of receiving the fee to arrange a date for a meeting and agree any additional information required
- Arrange a meeting with you and the specialist Council officer(s) needed to advise you on your case, including any site visits needed.

The advice provided at the meeting will include:

Land use

- If proposals are in line with the National, Regional and Local planning policy framework, if it is not, how they could be justified
- If the site is covered by any specific policies or covered by any other designations or safeguards
- If proposals take account the impact on local needs and facilities, for example the impact on transport, education or community use and how a S106 Agreement or Obligation might mitigate against such effects

Design

- The characteristics of the existing site and surrounding context
- The architectural approach including the height, scale, massing and materials
- The environmental impact of the development including sustainable design and construction
- The design of the public realm including open space and landscape treatment

Housing

- Provide advice on the Council's affordable housing requirements

Conservation

- The impact your proposal may have on a listed building or, if within a conservation area, an unlisted building on or near the site
- When a proposal is in or adjoining a conservation area, in our opinion the development would preserve or enhance the character and appearance of that conservation area

Environment

- Where there are any trees or hedgerows that are protected and require special treatment
- How the council's public open space policies will impact on your proposal and whether a financial contribution under a S106 agreement might be appropriate
- If, the proposal is within a flood plain, whether it is feasible to build in the area or advise on the level of mitigation required.
- Habitats regulations/ Environmental Impact Assessment information

General

- Advice about which other agencies you need to speak to e.g. County Council, Natural England etc.

- In the opinion of the Council, any further information that would require submission with a full planning application

We will also agree a timescale with you for the production of the written confirmation advice given by us at the meeting and/or site visit. If this is part of a pre-arranged block of meetings, we will also agree milestones for the delivery of further information or the arrangement of future meetings will be discussed.

IMPORTANT INFORMATION TO NOTE

- Any advice given by council officers to pre-application enquiries is the informal opinion of that officer, and does not constitute a formal response or decision of the Council in respect of any future planning application.
- Planning officers will ultimately make a recommendation to the Council, as Local Planning Authority, on how the application should be determined. The officer's duty remains to advise the Council on determining the application in the public interest. It follows that officers cannot give any guarantees about the final formal decision that will be made on any future planning application.
- Any 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, the Town and Country Planning Act 1990, and other relevant legislation.
- Views or opinions expressed are given in good faith, based on existing planning policies and standards and the information supplied by the applicant. Circumstances and information may change, and so alter the position and affect the final recommendation on the application. Any views provided will also be without prejudice to the formal consideration of any future planning application which will be the subject of public consultation and may ultimately be decided by the Council's Planning Committee or by senior officers.

APPENDIX B

OPTION 1 – MAJOR AND STRATEGIC APPLICATIONS ONLY

	RESIDENTIAL	COMMERCIAL	HRS	OFFICER INPUT	COST/FEE
STRATEGIC PROPOSAL	50 dwellings or more	5,000 + sq m floor space	20	Head of Service/ Manager/Lead professional	£ 1200
MAJOR PROPOSAL	10-50 dwellings	1,000 – 4,999 sq m floor space	15	Manager/Lead Professional/Officer	£ 750