

RURAL, ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

31 OCTOBER 2012

REPORT OF HEAD OF REGULATORY SERVICES

FEES FOR PRE-APPLICATION PLANNING ADVICE ON DOMESTIC DEVELOPMENT

1.0 PURPOSE OF THE REPORT

- 1.1 To consider the current level of charging for pre-application planning advice and the position with regards to the Deloitte Review on fees and charges.

2.0 RECOMMENDATIONS

2.1 It is recommended that:-

- (a) **The Committee determines, based on the information within the report, whether it wishes to extend the scheme for charging for pre-application advice to extensions to residential properties, which have previously been excluded.**
- (b) **In the event that a scheme is adopted, it is delegated to the Head of Regulatory Services in consultation with the Chairman of this Committee, to devise a scheme in accordance with the Committee's instructions, on the basis of a cost recovery approach.**

3.0 KEY ISSUES

- 3.1 In April 2012, the Council introduced charges for pre-application advice for major, minor and other developments. The Council welcomes and actively encourages informal pre-application discussion before those proposing development submit an application for planning permission. Such advice is intended to streamline the planning process and remove delays by informing would be applicants of the issues associated with a development project. It also provides an opportunity to outline the Council's expectations and the provision of informal without prejudice opinion of the likelihood of success at the formal planning stage.
- 3.2 When introducing the charges in April 2012, Members took a decision that pre-application advice for domestic proposals should be exempt from charging. The definition for 'domestic applications' relates to residential extensions and outbuildings within the curtilage of a residential property.
- 3.3 Management Team have requested that there is a full review of fees and charges following receipt of a report from Deloitte's in 2011-12, who carried out a review of all East Midlands' Councils fees and charges. The Deloitte's review has identified that a number of Councils are making a charge for pre-application advice for domestic proposals and there is a need to consider whether a charge should be made for this service based on cost recovery.
- 3.4 Applying the same methodology as our existing 'pre application charges, i.e. on the basis of costs incurred by the Council including the grade of the staff concerned and the time taken to provide such advice, the cost per enquiry should be £30. If this charge was to be introduced, it is anticipated that income for domestic pre-application advice would be approximately £1,150, this is allowing for an anticipated fall in demand from current levels of usage of 25%, deterred by the presence of fees (38 enquiries per annum based on 2012/13 levels). Appendix A sets out the service currently provided which would be

applied to domestic proposals, and Appendix B shows the range of current charges with a potential charge for domestic proposals added on the basis described above.

3.5 The main disadvantage of charging is the disincentive it introduces for potential applicants. Any decision should take into account the implications of this, examples of which are 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
- 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.

3.6 A further consideration is for a charge to be applied to customers enquiring if they require planning permission for a proposed alteration to their residential property, a permitted development enquiry, which is currently a free service offered by the Council.

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 It is anticipated that annual income for domestic pre-application advice would be £1,150, this is allowing for an anticipated demand from current levels of 25%.

5.2 In addition, if charging was extended to customers enquiring if they require planning permission this could generate an additional annual income of £4,320.

6.0 LEGAL IMPLICATIONS

6.1 There are no legal implications arising from this report.

7.0 COMMUNITY SAFETY

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

8.0 EQUALITIES

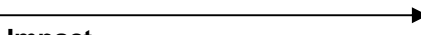
8.1 The proposals would disadvantage applicants with a limited capacity to pay. It is not considered that there are significant equalities issues relating to issues of race, gender, language, sexuality or age.

9.0 RISKS

9.1 Please refer to para 3.5 above.

| | | | | |
|----------------|--|--|--|--|
| Very High A | | | | |
| High B | | | | |

| Risk No. | Description |
|----------|---|
| 1. | Reduction in ability to influence submission and content of applications prior to submission etc (see para 3.5) |

| | | | | |
|---------------------------|---|----------------------|----------------|------------------------|
| Significant C | | | | |
| Low D | | 1. | | |
| Very Low E | | | | |
| Almost Impossible F | | | | |
| | IV Neg- ligible | III Marg- inal | II Critical | I Catast- rophic |
| |  Impact | | | |

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 and have contributed to the comments set out in para. 3.5 above.

12.0 WARDS AFFECTED

12.1 To varying degrees all wards are affected

Contact Officer: J Worley

Date: 17th October 2012

Appendices: A: Service level statement
B: Charging strategy.

Background Papers: Deloitte Review on fees and charges.

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 officers 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

| | | | | |
|---------------------------|--|----|-----------------------|------|
| Major developments | 10-20 dwellings | 10 | Principal/ Officer | £500 |
| | 21+ dwellings | 15 | Principal/ Officer | £750 |
| | Offices / research & development / light industry | 10 | Principal/ Officer | £500 |
| | Heavy industry/ storage/ warehousing | 10 | Principal/ Officer | £500 |
| | All other major development | 10 | Principal/ Officer | £500 |
| Minor developments | 1 dwelling | 2 | Officer | £100 |
| | 2-9 dwellings | 4 | | £200 |
| | Offices / research & development / light industry | 2 | | £100 |
| | Heavy industry / storage / warehousing | 2 | | £100 |
| | Retail and distribution | 2 | | £100 |
| | All other minor development | 2 | | £100 |
| Other developments | Change of use | 1 | Officer | £40 |
| | Advertisements | 1 | | £40 |
| | Listed building consents to alter / extend | 2 | | £80 |
| | Listed building consents | 2 | | £80 |
| | Conservation area consents | 1 | | £40 |
| | Other (not included above) | 1 | | £40 |
| | Other ancillary charges: history and investigation | 1 | Technician | £30 |
| | Certificate of Lawful Development | 2 | Officer | £80 |
| Domestic | Residential extensions and outbuildings | 1 | Technician | £30 |