

**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

**7<sup>th</sup> April 2009**

**PROPOSALS FOR CHARGING FOR PRE-APPLICATION AND PLANNING  
ADVICE**

Responsible Portfolio Holder	Councillor Jill Dyer.
Responsible Head of Service	
Non-Key Decision	

**1. SUMMARY**

- 1.1 To propose the introduction of a range of charges for services associated with pre-application and planning advice given by the Planning Department. This is part of a coordinated and consistent approach which is being promoted throughout the County, with the aim of implementing the process from 1<sup>st</sup> April 2010.

**2. RECOMMENDATION**

- 2.1 That the Cabinet recommend the Council to;
- 2.2 A) Adopt the principle of introducing a charge for these services and the scale of charges proposed, and that these are implemented from 21<sup>st</sup> April 2010.
- 2.3 B) Officers continue to work with colleagues from other authorities to produce an appropriate information leaflet.
- 2.4 C) That the charging arrangements and relevant fees be reviewed in 12 months' time.

**3. BACKGROUND**

- 3.1 The determination of Planning and associated applications is a Statutory function carried out by the Development Control Section. Development Control also provides a range of discretionary or non-Statutory functions including; giving advice on whether proposals may be considered as Permitted Development, pre-application enquiries ranging from proposed extensions, the erection of new dwellings, to potential changes of use and to larger scale development proposals. These enquiries are dealt with via letter, email and in the case of domestic matters, are sometimes considered at Householder Planning Surgery held twice a week at the Customer Service Centre using the Council's standard 'Permitted Development Enquiry Form'.

3.2 There is long standing support for Local Planning Authorities to provide pre-application advice to developers. Planning Policy Statement 1 'Delivering Sustainable Development' sets out the Governments Objectives for the Planning System which include;

*Pre-application discussions are critically important and benefit both developers and local planning authorities in ensuring a better mutual understanding of objectives and the constraints that exist. In the course of such discussions proposals can be adapted to ensure that they better reflect community aspirations and that applications are complete and address all the relevant issues. Local planning authorities and applicants should take a positive attitude towards early engagement in pre-application discussions so that formal applications can be dealt with in a more certain and speedy manner and the quality of decisions can be better assured.*

3.3 A number of Local Planning Authorities have now introduced charges in order to go some way to recovering the costs involved in providing these non-statutory services to customers. In the period 1<sup>st</sup> January 2009 – 31<sup>st</sup> December 2009, Redditch Borough Council piloted a charging scheme for non-statutory planning services. Despite the introduction of a charge, the number of enquiries received in relation to the previous year remained fairly constant. In addition income in the realms of £3,525 (from PD enquiries and pre application enquiries alone) has been received. Building upon that pilot scheme and as part of the County wide group of Local Planning Authorities in Worcestershire, a sub group has now been established with the aim of introducing a consistent County wide approach to fee charging.

3.4 The Council wishes to continue to encourage and promote engagement through pre-application advice. In particular it considers that this approach provides customers with a greater level of certainty as to the acceptability of their project which enables project planning to continue with a greater degree of comfort. Pre-application discussions can also raise the quality of submissions as well as involving relevant parties early in the process so enabling more flexible negotiations.

3.5 A review of the planning application process was undertaken in 2008; as a result Killian and Pretty made a number of recommendations aimed at making a more proportionate and efficient planning application system. Recommendations 4(a) referred to taking steps to substantially improve the critically important pre-application stage of the planning process. Whilst recommendation 4(b) suggested that a more measured and consistent approach to charging across the country would be preferable and that this consistency should be developed by professional bodies and authorities themselves.

3.6 The Government has recently published a consultation paper outlining its response to Killian and Pretty's recommendations (Development

Management; Proactive planning from pre-application to delivery. December 2009). This document includes a draft pre-application engagement policy which outlines pre-application principles and policies. It also observes that some Local Authorities use discretionary powers to set their own fees for these services and suggests that, inline with recommendation 4b, a more consistent approach may be preferable. This could be achieved by a nationally prescribed fee scale established through planning legislation.

- 3.7 It is clear, therefore, that Central Government supports the approach of charging for the provision of these non-statutory services and indeed is considering the introduction of new specific powers in the future.
- 3.8 With respect to the scale of the proposed charges, it is clear from the Legislation that the charges levied can only cover the costs of providing the service and cannot result in a profit being made. The charges proposed have been informed by other Local Planning Authorities scales of fees and the pilot exercise undertaken by Redditch Borough Council. They therefore reflect what is considered reasonable for the provision of that service. These fees would need to be monitored and evaluated in the light of the experience of providing the advice.
- 3.9 The proposed scale of fees is included as Appendix 1. This scale is based upon application type and therefore reflects the approach taken in the scale of fees associated with planning applications. This ensures a consistent and clear approach. Concessions would be included as part of the proposals with no fees payable for applicants with Listed Building enquiries, matters arising from enforcement investigations and for Registered Social Landlords.
- 3.10 An information leaflet is being prepared in conjunction with other local authorities and this would set out clearly what information customers would need to provide, along with clarity concerning the level of response and involvement from the Council. The level of service provided would be proportionate to the project. It is envisaged for example that complex applications would be the subject of up to three meetings, one of which may be a site visit. Householder proposals would be supported by up to two meetings. The ability to arrange additional meetings will be provided for; this will incur a further fee.
- 3.11 The approach of outlining the Council's policy on pre-application services would also compliment other recent government initiatives such as; Planning Performance Agreements (PPA) where Councils and developers work together through an agreed timetable and set of priorities to reach a decision and the recent discussion paper which introduces the potential for a new 'quality of planning service' indicator, which could include pre-application services.
- 3.12 It is considered that the introduction of a charging regime fees for non-statutory planning advice would provide a clear and time-bound process for both customers and officers, so adding certainty to the procedure along with

improving the accountability of pre-application advice. The introduction of a charging regime would also provide an additional income stream for the Authority to cover the cost of the service rather than to seek to make a profit.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 Pre-application advice is normally provided without Officers carrying out a site visit. The additional costs of Officers attending site visits as part of the charging regime would have limited financial implications and would be accommodated within existing resources.
- 4.2 The Draft Business Plan for 2010/2011 suggests that an additional income stream from the introduction of a charging regime could be anticipated.
- 4.3 The level of additional income is difficult to estimate. Currently no specific log of pre-application advice is maintained and whilst responses to Permitted development enquiries are logged, this is not a complete picture of all the enquiries the Department receives.
- 4.4 However in the light of the pilot exercise undertaken at Redditch and giving consideration to the scale of enquiries received there, it would seem reasonable to anticipate a similar income generation, that being around £3,500 for the period April 2010 – 11.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Local Government Act 2003, section 93 allows the setting of charges for discretionary services, if there are no other powers available to it and no prohibition on charging. Section 93(3) also requires that no profit be made from providing that service.

#### **6. COUNCIL OBJECTIVES**

- 6.1 Objective two – **Improvement.**  
Adopting a formal process with agreed time scales for delivery will improve the level of service provided to customers.
- 6.2 Objective four – **Environment.**  
Formalising the process will enable early identification of issues and opportunities for enhancement so bringing about improvements in the local environment.

#### **7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 7.1 The main risks associated with the details included in this report are:

- Individuals choosing not to pay for pre-application advice, resulting in a reduction in the quality of Planning Application submissions and or increased enforcement work load.
- Applicants considering that paying a charge for service guarantees certainty during the processing of any subsequent Planning Application.
- Officer's ability to manage additional targets whilst maintaining planning application performance figures.

7.2 These risks are being managed as follows:

- Risk Register: Planning and Environment  
Key Objective Ref No: 1  
Effective, efficient and legally compliant Development Control Service.

7.3 There are no additional Health and Safety considerations up and above those currently relevant to Case Officers.

## **8. CUSTOMER IMPLICATIONS**

8.1 In order to manage the customer's expectations of the service the information leaflet would set out clearly the information expected from the applicant, the actions proposed by the Local Authority, the time scales involved as well as the role of third parties. This leaflet would be available on the website and at the CSC with a mail shot being sent out to local agents and developers.

8.2 Back office systems will need to be developed to manage the process internally and Officers will need to be trained in implementing the process as well assisting the public with initial enquiries.

8.3 It is envisaged that free verbal advice would still be offered to householders at Householder Planning Service, held at the Customer Service centre.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no implications arising from this report which adversely affect the Council's Equalities and Diversity Policies.

## **10. VALUE FOR MONEY IMPLICATIONS**

10.1 The Council already provides a range of non-statutory services to customers and could continue to do so without the introduction of a charge. However if the Council chose not to introduce a charge, they would be failing to utilise a potential income stream, as well as creating inconsistency across the County.

10.2 One of the main advantages of the proposals is the increased certainty provided for applicants during the development of a project and this is seen to reflect the aim of good Value for Money from the applicant's point of view.

10.3 With respect to positive outcomes associated with the proposals, it is envisaged that the quality of application submissions may improve as a result of these measures. Following pre-application meetings development proposals may be submitted in a more comprehensive manner and may be registered earlier, so reducing officer time and may pass through the application process more effectively. These outcomes would mean that the time Officers invested at the pre-application stage had a real benefit during the determination phase of the process.

**11. CLIMATE CHANGE AND CARBON IMPLICATIONS**

11.1 The implications of these recommendations on climate change and carbon resources are largely neutral. The services are already operated in house and the potential additional resources required, including site visits, are minimal.

11.2 The need to work in an efficient manner runs throughout the Department as a normal business requirement and the recommendations made would not alter this approach. Current Business Planning requires improvements to the Council’s Carbon usage and charging for non statutory planning services would be a part of normal business processes.

11.3 Overall pre-application advice can bring about environmental improvements by enabling an early dialogue with relevant stakeholders and resulting in higher quality developments with more environmental enhancements. These recommendations are likely to have a positive impact upon the environment

**12. OTHER IMPLICATIONS**

Procurement Issues	- None
Personnel	- None
Governance/Performance Management	- Need to ensure current performance against NI 157 is not adversely affected.
Community Safety including Section 17 of Crime and Disorder Act 1998	- None
Policy relationship to Council Priorities has been detailed	- The
Biodiversity	- Positive benefits in terms of early involvement of Strategic Planning.

**13. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Joint Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	No

#### 14. **WARDS AFFECTED**

All Wards.

#### 15. **APPENDICES**

Appendix 1; Proposed scales of charges for Worcestershire District Authorities. December 2009.

#### 16. **BACKGROUND PAPERS**

- Development Management; Proactive Planning from pre-application to delivery. December 2009.
- Charging for pre-application and planning advice – Tewksbury District Council.
- Redditch Borough Council income from non-statutory planning advice Dec 2009.

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**Proposed table of fees and charges for Worcestershire district authorities  
Dec 09**

Permitted development enquiries

<b>Proposed development type</b>	<b>Cost</b>
Householder	£25
Other	£50

Pre-application discussions

<b>Proposed development type</b>			<b>Cost</b>	<b>Cost of additional meetings (each)</b>
Householder			£40	£20
1-4 dwellings			£250	£100
<i>Equivalent scales of development:</i>				
5-9 dwellings	<1ha	<1000m <sup>2</sup>	£500	£100
10-49 dwellings	1-1.25ha	1000-2499m <sup>2</sup>	£1000	£500
50-199 dwellings	1.26-2ha	2,500-9,999m <sup>2</sup>	£2000	£750
200+ dwellings	2+ha	10,000m <sup>2</sup> +	£3000	£1000

<b>Proposed development type</b>	<b>Cost</b>	<b>Cost of additional meetings (each)</b>
Advertisements	£50	£25
Change of Use	£150	£75
Telecommunications	£150	£75
Other***	£100	£50