

Proposals to Introduce Charging for the Provision of Pre-Application Advice

Agenda Item 9

Portfolio Area – Cllr Harley, Cabinet Member

Report Presented by – Lynne Brooks

Background Papers: Local Government Act 2003

Corporate Implications: Refer to table at end of Report

Options:

- 1) To agree the recommendation to introduce charging for specific types of pre-application advice.
- 2) Not to agree the recommendation to introduce charging for specific types of pre-application advice.

Risks: That fewer applicants/agents seek pre-application advice with a detrimental impact upon the quality of applications submitted.

Executive Summary

This report is to advise Planning Committee Members of the details of the draft proposals for pre-application charging. The principle of charging for pre-application advice has already been agreed by Members as a budget expectation for 2009/10. Charging was originally planned to be introduced in October 2009 but it was agreed with the Portfolio Holder to delay charging in view of the effect of the recession on local businesses.

Decision

To agree the details of proposed charges to be introduced for pre-application advice. These are:

	Letter	Meeting (1 hour)	Meeting (30mins)
Major Proposals	£240	£380	n/a
Minor Proposals	£100	£245	£130

Report

1. Background

1.1 The Council's Scrutiny Committee requested that a Task and Finish Group look at fees and charges within Braintree District Council. The Group looked at the scope for introducing any new charges within Development Control and it was decided that pre-application advice could be charged for. It was estimated by the Task and Finish Group that in the long term income of

£40,000 per annum could be generated. The Development Control Service has a budget expectation to generate £5,000 in income through pre-application charging in the 2009/10 financial year and £15,000 in 2010/11. Charging was originally planned to be introduced in October 2009 but it was delayed for six months in view of the effect of the recession on local businesses.

2. Analysis of cost of existing provision of pre-application advice

2.1 In 2008 Braintree received around 1070 preliminary enquiries (PE's). These were for all types of enquiries from whether planning permission is required for a development to comments on the likelihood of planning permission being granted for a proposal. These enquiries take officer time to assess and respond to. For householder enquiries the time is significantly less than for example a proposal for 20 new dwellings or a new industrial building.

2.2 In the 2008/09 financial year a total of 57 "major" applications and 368 "minor" applications were received. The "major" and "minor" categories are defined nationally based on criteria concerning the floor space or site area involved or the number of dwellings proposed. For example 15 houses is categorised as a "major", whilst an application for a single dwelling or less than 1,000 sqm of general industrial floor space are "minor development". It is likely that pre-application meetings were held for most of the "major" schemes.

2.3 Major and minor schemes are often discussed at the planning Area Surgeries run each week for the three town areas, held on a Thursday morning at Causeway House, Witham Library and Halstead Area Office. Each surgery is attended by the Senior Planner for that area. For larger developments it is not unusual for officers to have several meetings to discuss the proposal with the developer and statutory consultees such as the Highway Authority. These meetings are important to ensure that the submitted scheme is of a high standard of design and in accordance with planning policies and relevant guidance. However, the meetings and related correspondence involve significant officer time.

2.4 Over the last couple of years there has been a significant increase in the number of Local Planning Authorities that charge for pre-application advice for major and minor schemes. The legal basis for charging for pre-application advice is to allow authorities to cover their reasonable service cost but not to generate profit from the exercise. It has been estimated that over 10% of Local Planning Authorities now charge. The Task and Finish Group report states that yield per annum varies from £15,000 to £45,000. At present three of the Essex Authorities apply such charges.

2.5 The amount charged for pre-application advice varies across authorities and ranges from around £50 to over £5,000. Most authorities charge a set rate but for some it depends on whether the advice is to be provided by a Senior Planner or Area Manager. A few examples have been appended to the report. In most cases the length of the meeting is limited to an hour and is always followed up with a detailed letter. Applicants can alternatively choose not to have a meeting but rely on a written reply. In all cases there will be an expectation that strict deadlines for organising meetings and providing written responses must be met.

2.6 The majority of authorities do not charge for pre-application advice on householder proposals or to provide an officer level opinion on whether planning permission is required for a development.

3. Consultation

3.1 To assess the success of pre-application charging a visit to Chelmsford Borough Council was undertaken in November 2009 who introduced pre-application charging in June 2009. It will be important for consultees to attend meetings or advise the Case Officer of their views, so there

have been discussions with County Highways and Historic Buildings Manager who have raised no objections in principle to the proposed charging.

3.2 Furthermore, a questionnaire was handed out to planning agents seek pre-application advice through the Area Planning Surgeries. There has been a low response but opinion has been divided between those who raise no objection to the introduction of charging and those who would only be prepared to pay a small fee.

4. Recommended Charges

4.1 It is considered that a scheme for charging for written advice or meetings for all major and minor schemes would be appropriate. Major development comprises proposals for over 10 dwellings, or offices / industrial / retail development of over 1,000m². Minor development comprises proposals for 1-9 dwellings, or offices / industrial / retail floor space less than 1,000m². The recommended fees are based on the staff time involved, including officer time plus the administrative cost of registering the enquiry, carrying out consultations and arranging the meeting. Local Authorities are able to charge for a discretionary service such as the provision of pre-application advice. However, the power to charge is subject to a duty (under S93 of the Local Government Act 2003) to secure that the income from charges does not exceed the costs of provision. In this case and in accordance with the Act, the process would be cost neutral. VAT has been included in the figures below which have been rounded to provide sensible, easy to understand, fee rates.

4.2 As can be seen from the appendix, the proposed fees fall within the middle / lower band of existing charging rates across authorities. Major meetings costing £380 compares to rates at South Tyneside (£345 + officers costs), South Gloucestershire (£323 plus officer rates) and Ashford (£320 per hour.) Uttlesford charge a basic rate of £646 for a one hour major meeting or £270 for Minor meetings. The rates charged for written responses are very similar to those proposed by Braintree.

4.3 Chelmsford BC introduced pre-application charging in June 2009. Their fees for enquiries answered by letters are similar to Braintree's proposed fees but the meeting fees are £600 + VAT for Major and £300 + VAT for Minor meetings. As a result in the first five months only six meetings had been requested, all of which were for small scale development. Whilst this may be a reflection of the current economic climate, it was felt that the high fee may be deterring people from having the meetings. As such it is considered that the fees proposed by Braintree are reasonable, reflecting only the staff time needed to answer an enquiry.

4.4 For enquiries answered by letter a response would be sent within 28 days (ie 4 weeks) of the enquiry being received. This will allow time for consultations to be carried out. For meetings, a written response would be sent within 35 days (ie 5 weeks) of the enquiry being received. This would allow time for research, an hour long meeting and the drafting and checking of a letter summarizing the advice. For Major meetings there is an additional cost of having the Area Manager attend the meeting. If a further discussion is required after the initial meeting, for example to discuss amendments, this will be charged at £100 for a one hour meeting. If however an application is recommended for approval but overturned by the Planning Committee any post-decision discussions would be free of charge.

4.5 A fee for shorter meetings for minor proposals has been included. This would apply typically for small proposals such as a single new dwelling, which are currently discussed at Area Surgeries, and can be dealt with by a planning officer in a 30 minute meeting.

4.6 Pre-application proposals will only be processed if they contain a completed application form, detailed plans / drawings and the correct fee. It is likely that the number of enquiries at Area Surgeries may fall as all minor and major enquiries would be dealt with as fee-paying pre-

application enquiries. However, Area Surgeries will still be available to offer free advice on householder development, such as comments on the design of extensions. There is still the option for people wanting comments on proposed extensions to their properties to send in the plans for comments, for which there will be no fee. Taking this approach will allow the case officer to visit the site and provide a detailed response. Any permitted development enquires would continue to be dealt with by the Duty Planner who is available from 9.30am – 12.30pm on Mondays, Wednesdays and Fridays at Causeway House. Officers would also continue to provide advice to Parish Councils at no charge.

4.7 There may be concerns that developers are less likely to be seeking pre-application advice in the current economic climate. However, the plans for introducing the changes have been held in abeyance for a year and the charging will not be introduced until the beginning of April 2010. Furthermore, it is essential that larger schemes are discussed prior to the submission of an application to ensure that the scheme is acceptable to the Council, or that the developer is made aware that the proposal is contrary to policy and likely to be refused.

4.8 Having a structured system of timescales and costs will produce a business-like system. Developers will be able to expect a high standard of service with good quality information in a specific time period. However, in order for the charging to work the Development Control Service will need to meet the required timescales for meetings and responses. Equally, if developers chose not to take advantage of the system and their application is refused, any subsequent discussions must be charge at the pre-application rate.

5. Programme for Implementation.

5.1 It is anticipated that the charging will be introduced on 1st April 2010. Planning agents and the public will be advised of the new system of charging in February and March 2010, with information provided through Area Surgeries and Reception, and on the “Latest News” page of the Development Control part of the Council’s web page. Furthermore, leaflets will be provided to advise the public / agents of the new process and fees.

5.2 The provision of the structured pre-application advice service will involve some changes to the way in which members of the public access planning advice. Accordingly, in October 2010 the system will be reviewed, consultations carried out with those who have used the service, consultees and an assessment of the Area Surgeries carried out. The findings and any proposed changes will be presented to the Planning Committee at that stage.

Corporate Implications	
Financial:	A decision to introduce pre-application charging will generate new income, anticipated to be around £5,000 this year.
Legal:	The legal basis for introducing the charges is set out in the report.
Equalities & Diversity:	An quality impact assessment has been undertaken in relation to the introduction of the charges.
Customer Impact:	The customers are planning agents/developers/architects who seek the advice prior to the submission of their applications. Many will now anticipate the application of charges as more and more Local Planning Authorities introduce them. The proposals would not introduce charging for pre-application advice in relation to householder proposals. For these proposals, residents would

	continue to seek advice through the Duty Officer and Area Surgeries free of charge.			
Environment & Climate Change:	N/A			
Consultation/Community Engagement:	Local Committees	No	Partners	Yes – ECC Consulted
	Public	Questionnaires provide to planning agents	Staff	Yes
Key Decision:	No			
Public/Private Report:	Public			
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Pre-Application Charges Major and Minor Meetings (April 2009)

LPA	Major	Minor
Hillingdon	£3450 (50+ dwellings) £2070 (25-49) £1035 (10-24)	n/a
Hammersmith & Fulham	£2400	£1200 (5-9 units) / £600
Havering	£1337	£668
Croydon	£1175	£587
Merton	£1081	£542
Dacorum	£1000 (for apps with fee over £10k)	£200
Wycombe	£759	n/a
Uttlesford	£646	£270
St Albans	£600 per hour	£250 per hour
East Herts	£500	£250
South Tyneside	£345 + officer costs	£172.50 + officer costs
South Gloucestershire	£323 + £28 officer cost per half hour	n/a
Ashford	£320 per hour	n/a
Sevenoaks	£286	£115
South Bucks	£115 per hour	£115 per hour
Mid Sussex	£300	£200
East Hampshire	£206 (20+ dwellings) £103 (10 – 20 dwellings)	£51.50
Purbeck	£63 per 30 mins	£63 per 30 mins

NB – charges relate to meetings with planning officers.
- Major excludes schemes over 100 units