

Decision under Delegated Powers

Officer Requesting Decision (if necessary)

Stephen Stray
Group Leader Development Control

Officer Making the Decision

Richard Bennett
Head of Planning & Regeneration.

Recommendation

That the Planning & Regeneration pre-app service charging schedule be revised and increased by 20% in respect of the charges (inclusive of VAT) set by the Council in 2012. The new fees schedule to become effective from Monday 10th April 2017. The fee increase is to take account of service costs and changing market conditions.

Reason

To ensure that the cost of providing pre-application advice is recovered.

To enable the impact of the charge on service users to be reviewed and to comply with the duty under section 93(3) of the Local Government Act 2003 to ensure that the income from charges does not exceed the cost of provision.

Authority for Decision

Cabinet report 19/01/2012 Item 12 minute No 93 resolved:

1. that, in accordance with the charging schedule and exemptions detailed in the Appendix to the report filed with these minutes, a charge for the provision of pre-application advice be implemented on 2nd April 2012; and
2. that the policy be reviewed regularly and that Delegated Authority be given to the Head of Planning and Regeneration Services in consultation with the Lead Member for Planning, to withdraw the charge if necessary or to amend the charging schedule.

Decision and Date



Head of Planning and Regeneration

Date: 9 May 2017

Background

Cabinet at its meeting on the 19th January 2012 resolved that the policy for providing a pre-application service be reviewed regularly and that Delegated Authority be given to the Head of Planning and Regeneration Services in consultation with the Lead Member for Planning, to withdraw the charge if necessary or to amend the charging schedule.

5 years have now passed since the above resolution was passed and accordingly, it is appropriate based on experience of implementing the pre-application service to review the policy and charging schedule and make amendments. Changes have therefore been made to the policy wording and the charging schedule. The proposed policy and charges are appended to this report but in summary include:

-) Minor amendments to the wording of the ten commitments to better recognise the commercial world of the development industry and to provide greater clarity on the process and the role of officers in that process;
-) To confirm that the pre-application process is not a means to confirm if development is 'permitted development' or not;
-) To clarify the service offer for the various types of development category;
-) To amend the response times for response to recognise the time taken to garner consultation response from stakeholders; and
-) To add in the charging schedule as an appendix

Having assessed actual costs to provide the service for each application type it is considered appropriate to increase the schedule fees contained within the appendix considered in January 2012 to reflect current service costs and changes in market conditions (post recession). The fee schedule covers exemptions and discounts consistent with the national fee regulations for planning applications. That is exemptions apply in respect of development that is required solely for, and of direct benefit to a registered disabled person, where the enquiry relates to conservation advice (eg works to listed buildings) or works to trees covered by Tree Preservation Order or located in a conservation area.

In addition to the national regulations, exemptions will also apply for Local Authorities (for example a parish, town or county council) or other registered social landlord, or an architect or agent acting on their behalf) and where the enquiry arises from an enforcement investigation.

Based on practical experience, the demand for pre-app advice in relation to householder development has significantly increased since 2012. There is no charge for this service and a significant number of the enquiries do not subsequently result in planning applications being submitted. It is considered appropriate to introduce a nominal charge of £50 for this advice to cover the service costs and to reduce the number of speculative enquiries that do not then result in fee earning applications being submitted.

Financial Implications

It is considered that a revised and amended fee schedule better reflects the costs of the service and a changing economic climate in which more enquiries are coming forward. It is proposed to re-launch the pre-app service with revised service standards to better align with customer expectation. It is appropriate to revise and amend the fee schedule in parallel with the service standard changes and relaunch of the pre-app service. It is considered these changes will result in the service being better placed to meet its income targets for the financial year 17/18.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Service costs not reflected in fees resulting in greater costs to CBC	Low	Medium	Changed fee schedule as contained in this report to be implemented
Pre-app service standards not met resulting in reputational damage to CBC	low	medium	Service standards have been reviewed separately and targets amended to reflect challenging yet realistic timesales

Key Decision:

No

Background Papers:

Cabinet Report 19th January 2012 & Minute No93 to that meeting

Appendix – Proposed Policy and charging schedule



Pre-Application Advice Service

Guidance Note

MAY 2017



Introduction

Charnwood Borough Council is committed to providing the highest standard of service to those preparing applications for planning permission. Pre-application advice can help developers to understand at an early stage what key issues will need to be taken into account before a planning application is submitted. It has been shown to significantly improve the quality of development proposals and speed up the planning process.

Our 10 Pre-Application Commitments

1. We expect to hold pre-application discussions for all major ⁽¹⁾ development proposals and where appropriate, with minor proposals. Early engagement with the Council is strongly advised. All pre-application advice will be disclosed by the Council if a subsequent planning application is submitted.
2. We will provide services tailored to the needs of each development proposal shown indicatively in the Pre-Application Service Summary Table and will adopt a proportionate and flexible approach.
3. We will encourage maximum disclosure of pre-application information about major development proposals so as to foster transparency and community engagement. A promoter's ⁽²⁾ request for confidentiality will be respected, but the reasons will need to be clearly set out, so that a tailored level of pre-application service can be arranged.
4. We will encourage the involvement of local communities and their representatives in pre-application discussions on major development proposals where this is agreed by promoters, as this will help to ensure that local aspirations are incorporated at an early stage before a proposal becomes 'fixed'. More information regarding our approach is set out in our [Community Involvement in Infrastructure Planning Protocol](#).
5. We will work constructively to identify what needs to be done to achieve sustainable development in accordance with the Development Plan, national planning policy and other material considerations, but we will also be clear where significant policy and technical conflicts are unlikely to be resolved. Our professional advice will always be given in good faith, but this will not be binding on the Council, and is given without prejudice, based upon the information available at the time when development proposals are submitted and officer's professional judgement.
6. Where possible we will signpost developers to other consents that may be required from the Council, for example Building Regulations, Environmental Health, Licensing and Housing Services.

1 Major applications comprise more than 10 dwellings, a proposed floor area of more than 1000m² or a site area greater than 1 hectare.

2 Promoter or applicant means an individual or company seeking advice regarding a development

7. We will seek advice from officers within the Council on aspects such as community facilities and open space requirements, conservation and landscape issues, trees, ecology and transport for major applications and minor applications where appropriate.
8. For all Major applications we will provide an indication of the measures required to mitigate the impacts of development and their possible inclusion in a Section 106 Agreement, where appropriate.
9. We will respond positively to requests for face to face meetings, according to the indicative standards set out in the Pre-application Service Summary appendix. There will be a presumption that these will take place at the Borough Council offices in Loughborough, unless justification or necessity requires a meeting on site.

We will encourage the use of Planning Performance Agreements for major development as appropriate. This offers more comprehensive support to the applicant throughout the process to agreed standards, with a phased payment schedule for pre-application advice built into the Planning Performance Agreement programme plan.

Pre-Application Information Requirements

The consideration of proposals will be enhanced by the availability of a minimum level of descriptive and illustrative material, but this should not be excessive and proportionate to the stage of development of the proposals:

- A letter explaining details of proposals (minimum requirement)
- A location plan identifying the site and its boundaries
- An indicative site layout plan
- Other illustrative material if appropriate such as sketch drawings
- Draft Planning statement (if available)

Planning Performance Agreements

Planning Performance Agreements (PPAs) are project management tools that can be used by local planning authorities and promoters/applicants to agree how development proposals should be managed through the planning process. They help establish a shared purpose, encourage positive engagement and improve project management which help create certainty.

They are suitable for major planning applications which give rise to a more complex range of issues. For further information on PPAs see the guidance on the ATLAS website at <http://www.atlasplanning.com/page/ppa.cfm>. Those interested in pursuing a PPA should write to the Group Leader Development Management and seek specific advice and guidance. A fee and a timetable will need to be agreed at the first meeting, and the fee received before the Council takes the matter further.

Response Times

The Planning Authority will use its best endeavours to achieve target time scales for responses to requests for advice; however, where this is not achievable we will contact applicants and advise them of this and inform them of when a formal response can be expected.

Charges

So that we can sustain and improve our level of service, a range of charges have been introduced which are commensurate with the scale and complexity of the proposal, as set out on our Pre-Application Enquiry fees table (appendix 2). These are in addition to the normal planning application fees. The Council does not levy a charge for community engagement.

Pre-Application Advice Expressions of Interest

Those interested in pre-application advice should complete our Advice Request Form and email it together with relevant supporting information to: development.control@charnwood.gov.uk. For major development proposals the request form requires confirmation as to whether details can be shared with Borough Councillors and Parish/Town Councils or the reasons for non-disclosure if such agreement is not given.

It should be noted that the pre-application service does not serve as a means to confirm if a development proposal is 'Permitted Development'. In such circumstances confirmation should be sought through the submission of a [Certificate of Lawful Development Application](#) .

Appendix 1: Pre-Application Service Summary

Service	Major ⁽¹⁾ Development Enquiry	Minor ⁽²⁾ / Other Development Enquiry	Householder ⁽³⁾ Development Enquiry
Assessment of proposals, and identification of key issues to be addressed.	Yes	Yes	Yes
Identification of site planning history	Yes	Yes	No
Identification of relevant Development plan policies	Yes	Yes	Yes
Identification of the relevant constraints affecting the site.	Yes	Yes	No
Consideration of the site context and the potential issues and impacts.	Yes	Yes	Yes
Up to 3 meetings ⁽⁴⁾ with Borough Council officers	Yes, where appropriate	Not normally necessary, but will take place where it is considered appropriate.	No
Consultation with ward members including participation in meetings where appropriate.	Yes (where agreed by applicants)	No	No
Comments from parish and town councils	Yes (where agreed by applicants)	No	No
Advice on validation requirements	Yes	Yes	Yes
Drafting of Planning Performance Agreement	Yes, where appropriate	No	No
Guidance on how best to undertake public consultation	Yes	No	No
Highlight heads of terms of Section 106 Agreement which may be required	Yes	No	No
Target timescales ⁽⁵⁾	42 days or otherwise agreed	35 days	35 days

1. Major applications comprise more than 10 dwellings, a proposed floor area of more than 1000m² or a site area greater than 1 hectare.
2. Minor applications comprise development less than the above thresholds while 'other' applications include development affecting listed buildings, conservation areas and advertisements.
3. Householder applications relate specifically to small scale development affecting a single dwelling house or development within the curtilage of a dwelling for example extensions and outbuildings. It does not include the creation of a new or replacement dwelling (these will be considered a Minor Application).
4. Further meetings may be arranged but would incur an additional charge.
5. Achievement of the target timescales is dependent on at least the minimum amount of information being provided when the request for pre-application advice is first received. While it is recognised that the formative nature of the proposals means that changes may emerge later, it is important to understand that significant changes to the scale, layout or proposed uses could affect the achievement of target timescales and may also require additional meetings at cost to the promoter. The level of detail within the response will depend on the quality and detail of the information submitted.

Appendix 2: Pre-Application Advice Fees Table

Proposed development type			Fee	Fee (inc. VAT)	Fee for each additional meeting	Fee for each additional meeting (inc. VAT)
Residential development (number of dwellings)*	Development site area (in hectares)	Proposed gross floor area (in square metres)**				
1-4	<0.50	<500	£300	£360	£120	£144
5-9	0.50-0.99	501-999	£600	£720	£120	£144
10-49	1.00 -1.24	1,000-2,499	£1,200	£1,440	£600	£720
50-199	1.25-1.99	2,500-9,999	£2,400	£2,880	£900	£1080
>=200	>=2.00	>=10,000	£3,600	£4,320	£1,200	£1,440
Householder			£42	£50	£30	£36
Advertisements			£60	£72	£30	£36
Change of use			£180	£216	£90	£108
Telecommunications			£180	£216	£90	£108
Glasshouses and poly tunnels			£240	£288	£30	£36
Other***			£120	£144	£30	£36

* includes one-for-one replacements and conversions/subdivisions

** measured externally

*** includes all other development proposals not falling within any of the above categories such as variation or removal of conditions, car parks & roads and certificates for lawfulness.

Advice requests meeting the following criteria are exempt from a fee:

- Where the enquiry is made by a local authority (for example a parish, town or county council), a housing association or other registered social landlord, or an architect or agent acting on their behalf
- Where the development is required solely for, and of direct benefit to, a registered disabled person
- Where the enquiry relates to conservation advice (e.g. works to listed buildings) or works to trees covered by at Tree Preservation Order or located within a conservation area
- Where the enquiry arises from an enforcement investigation

Any fee due must be received before your request can be dealt with. Where a development falls within more than one category, the higher fee will apply. The fees above include up to three meetings. Additional meetings will be chargeable (details on request).

Cheques must be made payable to Charnwood Borough Council. To make a telephone payment by card please call 01509 634570. Credit card payments are subject to a 2.2% surcharge.

Where a Planning Performance Agreement (PPA) is to be used to project manage proposals, a fee will need to be agreed at the first meeting.