
INTRODUCTION OF CHARGING FOR PRE-APPLICATION PLANNING ADVICE

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To seek agreement for the introduction of a charging policy for pre-application planning advice and the associated fee schedule. It is proposed to commence charging in March 2013.

Summary

2. The Council currently operates a free advisory service to developers regarding whether development proposals require planning permission and the likelihood of such developments being successful. This is an important part of the planning process as it helps to identify any fundamental problems and smooth out any potential difficulties at the earliest stage therefore helping the system to operate more efficiently and the developer to gain a better standard of customer service.
3. It is proposed to introduce a scale of fees in order to allow the Council to partially recover the cost of providing this valuable service.

Recommendation

4. It is recommended that :-
 - (a) The Council adopt the principle of introducing charges for pre-application advice and the proposed scale of fees for pre-application advice as set out in Appendix B is implemented from March 2013.
 - (b) A review of the policy is carried out after one year with a view to ensuring that it continues to operate reasonably and efficiently

Reasons

5. The recommendations are supported in order to make a fair charge to allow the Council to recover some of its costs of providing the service.

Richard Alty – Director of Place

Background Papers

No Background papers were used in the preparation of this report

Roy Merrett : Extension 2037

S17 Crime and Disorder	Pre-application advice helps to promote good quality development in the interests of the safety and security of individuals
Health and Well Being	Pre-application advice helps to shape the nature and form of development in the interests of safeguarding and improving people's living and working conditions.
Carbon Impact	Pre-application advice may cover how development can be made more sustainable
Diversity	Pre-application advice respects the various diversity characteristics. The process pro-actively engages with Darlington Association on Disability.
Wards Affected	All Wards
Groups Affected	All Groups
Budget and Policy Framework	The report does not impact on the budget and policy framework
Key Decision	Yes
Urgent Decision	No.
One Darlington: Perfectly Placed	No impact
Efficiency	Positive effect as this will generate a budget revenue for the Council

MAIN REPORT

Information and Analysis

6. The Development Management Team currently co-ordinates a free advisory service (the 'One Stop Shop') to enable development proposals to be considered by officers before applications are submitted. The advisory service identifies whether planning permission is needed and if so whether there are any issues with the proposal that are likely to prevent its smooth passage through the formal application process or indeed that mean it is refused planning permission. It advises where changes can be made in order to 'iron' out any problems and also can identify any non-planning consents that will be required for the proposed development. The One Stop Shop is part of a positive and proactive planning process, although it is non-statutory
7. This service is focused on non-householder development. A separate service is operated which focuses specifically on responding to householder enquires about whether planning permission is required for extensions and alterations to domestic property.
8. It should be noted that a significant number of councils now charge or intend to charge for pre-application advice to enable some of the cost of providing the service to be recovered and therefore to ease the burden on the Council taxpayer.
9. The workload associated with the provision of this service is significant (approximately 20% of planning officers' workload). In the previous financial year the Council dealt with some 1200 informal enquiries. A vast majority (over 1000) of the enquiries were in connection with proposed householder development.
10. Potential applicants are not obliged to seek pre-application advice, although the Government does encourage early 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. Any pre-application advice that has been given will be taken into account if a subsequent planning application is made, however any advice given is not legally binding upon the Local Planning Authority and does not bind it to a particular outcome. Ultimately the quality of advice that can be given will always be limited by the quantity and quality of information provided to officers. A further caveat is that whilst the advice of internal Council officers can be guaranteed this will not necessarily apply to advice received from external organisations over which the Council has no jurisdiction.
11. The benefits of obtaining informal advice include the following:-
 - (a) Assists in the preparation of proposals before formal submission, which, if the advice is followed, should reduce any unexpected delays and be more likely to result in a positive outcome
 - (b) Enables a clear understanding of the objectives of and constraints on development
 - (c) Raises the quality of proposals

- (d) Saves time and money thereby increasing efficiency
 - (e) Reduces the number of invalid applications
 - (f) Reduces the need for planning conditions that could delay implementation
 - (g) Establishes a degree of certainty to developers over their proposal
 - (h) Identifies those proposals that are completely unacceptable, so saving the cost of pursuing a formal application
 - (i) Identifies if specialist input will be required
12. There are clear benefits arising both to the Council and the applicant from the One Stop Shop service. As to charging for this service there would be a benefit to the Council which would gain a fee income that is not currently collected. The effect of not collecting this income is that the local taxpayer continues to subsidise a service which not everybody will benefit from. On the down side the main risk of introducing a charging scheme is the fact that it may deter applicants from seeking pre-application advice who may otherwise have done so. This could lead to an increase in poor quality application submissions, and potential impact on timescales for determination of applications as problems would need to be resolved during the formal application process. There could also be an increase in appeal work if there are more unacceptable applications getting refused. These factors would need to be carefully monitored to ensure that the other functions associated with Planning Services would not be compromised.
13. The current One Stop Shop benefits developers substantially, increasing the likelihood that their proposals will be found acceptable. It is considered that, rather than deterring development, developers would be happy to pay for a service that would result in the risk to their schemes being reduced. Furthermore the cost of providing this service could be recovered directly and not fall as a general cost to the Council taxpayer. The current statutory planning fees do not cover the cost of pre-application planning advice.
14. A comparative schedule of pre-application fees charged by various Local Planning Authorities in the region is set out at **Appendix A**.
15. Officers are aware that householders could potentially be deterred from using the enquiry service by the charging of fees for pre-application advice. This could in a worst case scenario lead to an increase in unauthorised development and thus an increase on the already limited resources of the enforcement officer. To consider this in more detail officers have enquired about the experience of Northumberland and Sunderland Councils, two authorities that have introduced charging for householder advice. Northumberland introduced a charging regime in September 2009 which is considered to be operating successfully. They consider the public are happy to make what they consider to be a nominal charge for the service as it provides a degree of confidence when planning permission is not required and if permission is required how to submit a better application. Sunderland introduced charging in October 2011. They consider this has not led to negative reaction or a decline in the number of enquiries from householders.
16. Taking account of the above a proposed scale of charges has been formulated and is set out at **Appendix B**. The proposed scale is substantially based on Hartlepool's schedule of charging given that it is similar sized authority with similar numbers of applications and the scheme is known to be operating successfully at

present. A few minor modifications are proposed, namely to charge the same rates for advice on all types of major development and a lesser flat rate fee for all types of change of use proposals. Hartlepool's scheme is projected to raise an income of some £14,000 per year. The proposed scale of charges is considered to be reasonable taking into account the charges being made by other Local Planning Authorities in the region.

17. It is also recommended that a small charge for householder advice is introduced to reasonably reflect the cost of this service. It is proposed that a choice of service would be made available in this regard, £20 for an opinion based on information provided as to whether or not permission is required and a charge £30 for further advice on whether a proposed development is likely to be successful. This would be consistent with the approach to charging for a formal certificate of lawfulness application which is more costly and may necessitate the submission of more evidence but which would result in the provision of a formal binding certificate therefore providing greater certainty to the developer.
18. It is anticipated that a householder advice service alone has the potential to earn the Council between £10,000 and £25,000 a year. A summary of the proposed charging schedule is set out at **Appendix B**. Charges would be applied at the front end of the process as the enquiry was being made. This would be in keeping with the payment procedure for a formal planning application.
19. It is recommended that a review of the scheme is undertaken after it has been operational for a year to assess whether it is operating reasonably and efficiently.

Financial Implications

20. The proposal will have positive financial implications as the service will generate revenue for the Council estimated to be between £20,000 and £40,000 per year. This would not be a substitute for formal planning application fees which continue to be payable.

Legal Implications

21. A local planning authority has the power to charge for services provided in the form of pre-application discussions under Section 93 of the Local Government Act 2003. Where a local authority opts to charge a fee for the pre-application phase, any charge must be on a not for profit basis and over the course of each year, the income from charges for such services must not exceed the cost of providing them.

Consultation

22. Consultation on the proposals has been undertaken with around 30 North - East based developers and agents who have used the One Stop Shop Service within the last two years. There have been no comments or responses provided as a result of this.