

**PLANNING COMMITTEE**  
**31<sup>ST</sup> JANUARY 2018**

**REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

**PRE-APPLICATION PLANNING ADVICE SERVICE**

**Cabinet Member:** Cllr Richard Chesterton  
**Responsible Officer:** David Green, Group Manager for Development

**Reason for Report:** To consider revised arrangements for our customers to gain pre-application advice from the Planning Service in terms of fees for advice.

**RECOMMENDATION:**

- 1. That the revisions to the pre-application advice service as set out in this report and Appendix 1 be agreed and come into force on the 17<sup>th</sup> February 2018 and that the guidance document is updated accordingly.**

**Relationship to Corporate Plan:** Planning decision making is relevant to key objectives within the Corporate Plan of thriving economy, better homes, empowering our communities and caring for our environment.

**Financial Implications:** The provision of pre application advice is a discretionary customer service that also acts as an income stream for the Planning Service to recover the costs of providing the service. The cost of providing the service in terms of staff time and resources must be balanced against the value of providing a service to customers and the income received.

**Legal Implications:** As with existing pre-application advice, the scheme will need to continue to make it clear that the advice given is made in good faith, is not a guarantee that a particular decision will be made and is not binding on the Local Planning Authority in the event of an application being made.

**Risk Assessment:** The scheme sets out clear timescales for the receipt of a reply and what form that reply will take. It also clarifies the extent of the advice and number of meetings offered. The Planning Service needs to be able to resource this level of service in order to ensure the success of the scheme. If service levels are not met, applicant expectations will not be met and it will have a detrimental effect on the working relationship with agents and applicants.

**Equalities Assessment:** As part of the Council's commitment to equalities and diversity, discretionary service changes such as this need to have regard to their potential impact upon the strands of age, gender, transgender, disability, religion / belief, sexual orientation, pregnancy / maternity, race / ethnicity, marital status and socio-economic status. These strands have been taken into account in the development of the changes to the pre-application advice service. It is not considered that the changes will have a negative impact upon them with the exception of socio-economic status. The introduction of a fee or increase in an existing fee could disadvantage those with lower income. However some general advice will still be available, can also be gained from other sources such as the Planning Portal and in some instances from Planning Aid. This will mitigate this potentially negative impact. Advice in relation to facilities for the disabled will also still be free.

**1.0 INTRODUCTION**

- 1.1** A system for prospective developers to gain pre-application planning advice incorporating a charge was introduced in May 2010, together with the details of standards of service. It was reviewed in March 2014 and December 2015 at which time changes were made to categories of development and associated charging. Pre-app discussions are encouraged by the NPPF. And the Council may charge for providing discretionary services under section 93 of the Local Government Act 2003, but such charges must not exceed the costs of providing the pre-application advice service from one financial year to the next. This report seeks to update the approach to charges for pre-application advice to reflect the Government's recent 20% increase in planning fees and to assist in cost recovery for

the planning service. This increase is based on the experience of operating a chargeable service since June 2014 and to reflect the approach of the Government to increase planning fees to ensure planning teams are better resourced.

1.2 The costs referred to in this document relate only to advice provided by Mid Devon District Council Planning and Conservation officers.

## **2.0 BACKGROUND: ADVANTAGES OF THE SERVICE.**

2.1 The Planning Service provides advice to our customers at an early stage in the development process and before a planning application is submitted. Such advice is considered vital and is encouraged wherever possible. The advantages of providing this service are as follows:

- i) Our customers have the ability to discuss their proposals early on and before the details have been established. The input of planning guidance at this stage gives customers more certainty about how their proposal is likely to be received and allows for schemes to be amended in accordance with advice in order to overcome difficulties and ensure the application deals with important planning issues. A proportion of proposals do not progress beyond this stage as a result of advice gained.
- ii) Pre-application advice also provides guidance on what information is required to be submitted with the application in order for it to be valid and for the proposal to be fully justified. Applicants also are advised on the likely policy implications, the level of any S106 requirements / financial contributions. Where relevant, the Local Planning Authority can also coordinate pre-application advice with the main consultees (both internal and external) using a development team approach.
- iii) It improves the quality of applications so that the Council's environmental and other planning objectives can be met. Early knowledge of proposals allows future workloads to be understood in order to ensure that there is sufficient capacity to deal with it.
- iv) High quality, comprehensive applications assist the Council to deal with proposals within statutory timescales. It also allows Parish and Town Councils and the public to understand what is being proposed and its implications for the locality.
- v) Comprehensive pre-application guidance improves customer care and satisfaction with the service.

2.2 Where no charge is made, the cost of resourcing pre-application advice has been borne by the service.

## **3.0 BACKGROUND: THE FRAMEWORK OF THE SERVICE.**

3.1 Important considerations in the operation of a successful scheme are as follows:

- i) A clear structure to this service ensuring the delivery of high quality, timely and comprehensive advice.
- ii) Clear guidance on what information the customer is required to submit by way of drawings and background information when requesting advice.
- iii) What the customer can expect to receive from the Planning Department in relation to number of meetings (if requested), format and timescale of response.
- iv) Justification for making a change to the level of charge for this service. An easy to understand payment scale together with information on how and when payment is to be made. The proposed fees have been based upon an estimate of the time taken to deal with the query and hence the cost to the Council of providing the service.

Benchmarking has also taken place against the fees charged by other authorities in the area.

- v) The types / scale of proposal for which a charge for advice will be made and identification of instances where advice will continue to be offered free.
- vi) The need to balance the resources needed to offer the service with the income received and with other work areas within Development Management.
- vii) That opportunity is given for elected members to be involved at this stage in the planning process.

Detailed guidance on the operation of the pre-application advice service is available on the Council's website. This report only seeks to amend the associated fee-scale, which is attached at **Appendix 1** to this report.

- 3.2 A risk of operating the pre-application advice service is that it can be very resource heavy in terms of staff time especially over a period of staff changes, challenging workloads and competing work priorities. A time recording exercise in 2012 gave useful data on the amount of staff time taken to resource the pre-application advice service, the associated cost and the income received. These results indicated that the income received through the pre-application fee was a small percentage of the cost of resourcing the service. The Planning Service was therefore providing advice as a subsidised, customer service, rather than on a cost recovery basis. The previous review of the service in early 2014 moved closer towards reflecting the cost of delivery of the pre-application service for different development types and scales in the proposed fees. The current proposal seeks a further review to these charges following the Government's recent increase in planning fees in order to ensure that the provision of this service is adequately resourced and paid for by the associated fee.

#### **4.0 THE PROPOSAL: INCREASING THE CHARGES FOR PRE-APPLICATION ADVICE BY 20% IN LINE WITH THE GOVERNMENT'S RECENT 20% INCREASE IN PLANNING FEES.**

- 4.1 Following the campaigning of councils and the Local Government Association to better resource our planning teams, the Government has stated that an increase in planning fees is needed to ensure that Local Planning Authorities have sufficient funds to deliver developments in an efficient and proactive manner. National planning fees rose by 20% as of 17<sup>th</sup> January 2018. In line with central government's philosophy it is considered appropriate to apply the same increase to pre-application charges so that this important service reflects the government's recent increase in planning fees and purpose in supporting the cost of delivering the planning service.

#### **5.0 CONTINUED SOURCES OF FREE OR SUBSIDISED PLANNING ADVICE.**

- 5.1 A range of free planning advice continues to be available from other sources such as the Council's web site ([www.middevon.gov.uk](http://www.middevon.gov.uk)) the Planning Portal ([www.planningportal.co.uk](http://www.planningportal.co.uk)) and through Planning Aid England ([advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)). In addition, Planning Officers will also still offer brief, general advice by phone. Where written advice is requested or considered appropriate, the fees will apply in accordance with the proposal type, floorspace or site area. A prospective applicant is also able to seek 'paid for' planning advice from a range of planning consultancies.
- 5.2 Areas where the Council's pre-application advice is still proposed to be exempt from a fee, or where a lower rate will be charged are as follows:
- i) Heritage / Listed Building Consent advice relating to repair or maintenance only.
  - ii) Planning matters in relation to an enforcement issue (with the exception of a request for confirmation of compliance with an enforcement notice for which there will be a charge).  
Note – Charges made at the discretion of the Council in connection with planning enforcement are currently under separate review.

- iii) Proposals by charities and by Parish or Town Councils on land that they control or will seek to acquire.
- iv) 100% affordable housing schemes will be charged at 50% of the normal pre-application fee.
- v) The first meeting following the refusal of a planning application is also to be offered free and will apply to all application types and scales.
- vi) The Local Planning Authority will not charge for issuing planning advice or discussions / meetings with local residents who may potentially be affected by a development proposal.
- vii) Facilities for the disabled.

## 6.0 CONCLUSIONS.

- 6.1 Pre-application advice is a vital service offered by the Planning Service. Historically it has been provided on a basis where its cost in terms of staff resource has been heavily subsidised. Previous reviews of the scheme have sought to help address this by balancing the cost of delivering this service with the income it generates. This further review reflects the most recent national changes to the planning fees and the need to adequately fund and resource service delivery. Opportunity has also been taken previously to review service standards and what information is required from the applicant. The fee schedule and charging categories have also been reviewed together with guidance to accompany the scheme.
- 6.2 This report identifies that the current cost of the advice service is not reflective of the Government's recent increase in planning fees. It is proposed to amend the scale of fees as set out in **Appendix 1**.
- 6.3 It is recommended that the scheme is reviewed after 6 months. This will allow an opportunity for customer feedback, consideration of the results of monitoring of requests for advice and reporting of the impact of resourcing the scheme, in particular whether its service standards have been met.

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<b>Background Papers</b>	Planning Committee 6th January and 31st March 2010, 6th November 2013, 5 <sup>th</sup> March 2014, 2nd December 2015
<b>File Reference</b>	None.
<b>Circulation of the Report</b>	Members of Planning Committee, Cllr Richard Chesterton.