

REPORT OF THE HEAD OF PLANNING AND REGENERATION

PRE-APPLICATION PLANNING ADVICE SERVICE

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Professional Services Manager

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

RECOMMENDATION:

That the revisions to the pre-application advice service as set out in this report be agreed and come into force from 1st January 2016 and that the guidance document be 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. The cost of providing the service in terms of staff time and resources must be balanced against 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 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.

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 detail of standards of service. It was reviewed in March 2014, at which time changes were made to categories of development and associated charging. This report seeks to update the approach to charges for heritage advice based on the experience of operating a chargeable service for some of this area of work since June 2014.

1.2 Some other agencies that feed into the consideration of planning related applications also now charge for pre-application advice. The costs referred to in this document relate only to advice provided by Mid Devon District Council Planning and Conservation officers. Statutory consultees may wish to make a separate and additional charge for pre-application advice.

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 charge for the service and the level of charge. An easy to understand payment scale together with information on how and when payment is to be made. The proposed fee has been based upon an estimate of the time to deal with the query. 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 and 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 has given 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 indicate 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 customer service, rather than on a cost recovery basis. The previous review of the service in early 2014 sought to more accurately reflect the cost of delivery of the pre-application service for different development types and scales in the proposed fees.

4.0 THE PROPOSAL: HERITAGE / LISTED BUILDING ADVICE.

- 4.1 The current scheme charges for heritage and listed building advice where the proposals seek an enhancement beyond repair or maintenance. This is in addition to any fee for planning advice. Areas where advice exempt from a fee is where heritage / listed building consent advice relates to repair or maintenance only. Charges are currently as follows:

EXISTING	Cost	Cost of each additional meeting
a. Repair / maintenance advice only	FREE	FREE
b. Enhancement / added value:		
In principle, no visit	£50	£50
In principle with visit	£75	£50
Detailed with visit	£120	£50

- 4.2 Feedback from the Conservation Officers is that the paid for elements of the service (where scheme involve enhancement or added value) do not cover the cost of providing the service. In many instances whilst in principle advice is sought and paid for, they are being expected to provide detailed guidance, invariably incorporating at least one site visit. The amount of officer time to resource this is out of scale with the fee received and is currently being subsidised by the Council. This is not sustainable. It is therefore proposed to remove the 'in principle with visit' fee category as this simple level of advice is not being sought by customers, who are requesting more detailed guidance when a site visit takes place. Fees for other aspects of heritage advice have also been reviewed in order to reflect the cost of providing the service. The proposed fees are as follows:

PROPOSED	Cost	Cost of each additional meeting
c. Repair / maintenance advice only	FREE	FREE
d. Enhancement / added value:		
In principle, no visit	£75	£50
Detailed with visit	£150	£50

- 4.3 Since June 2014 version of the pre-application advice guidance document (**Appendix 1**) was produced, the cost of the Design Review by the Devon and Somerset Panel has changed. From the 1st October 2015, the cost per 90 minute design review panel session is now £950 excluding VAT. This is payable by the developer. It is also proposed to update the guidance document to reflect this.

5.0 CONTINUED SOURCES OF FREE OR SUBSIDISED PLANNING ADVICE.

- 5.1 The scheme still allows for free planning advice to be issued in many instances. This will be via the Duty Planning Officer who is available in the Tiverton office or by phone between 9am – 12 noon Monday to Friday. In addition, Planning Officers will also still offer 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.

- 5.2 Areas where 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).
- 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 type 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 IMPACT ON EQUALITIES AND DIVERSITY.

6.1 As part of the Council's commitment to equalities and diversity, 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, 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 general advice will still be available via the Duty Planning Officer, 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.

7.0 CONCLUSIONS.

- 7.1 Pre-application advice is a vital service offered by the Planning Service. Historically it has been provided on a basis where it's cost in terms of staff resource has been heavily subsidised. Previous reviews of the scheme have sought to address this by balancing the cost of delivering this service with the income it generates. 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.
- 7.2 This report identifies that in area of heritage advice, the cost of the advice service is not reflected in the time taken to respond to such requires, particularly as a result of the detailed nature of the advice. Customers are requesting detailed advice when a site visit takes place rather than an 'in principle' type response. It is proposed to amend the scale of fees as set out above.
- 7.3 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.

Contact for any more information	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
Background Papers	Planning Committee 6th January and 31st March 2010, 6th November 2013, 5 th March 2014
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