

CHARGING FOR PLANNING PRE APPLICATION ADVICE

REPORT OF THE DEPUTY CHIEF EXECUTIVE

1.0 PURPOSE OF THE REPORT

- 1.1 To recommend that Committee endorses a scheme of charges for planning pre application advice to commence on 1 April 2011.

2.0 BACKGROUND

- 2.1 The discretionary powers allowing planning authorities to charge for providing pre application advice are contained within the Local Government Act 2003. Despite provisions contained within the Act to implement a charging scheme, take up around the country has been varied.

- 2.2 In Sunderland, a key tenet of the development control service improvement plan to improve performance in terms of speed of application processing, necessary to remove the service from the control of the Planning Standards Authority was a strong emphasis upon early engagement through pre application discussion. The early involvement allowed identification and often resolution of potential problems before submission of application and the imposition of statutory time constraints. A charge for the advice was not levied at that time as it was felt that it could act as a deterrent to early engagement, thereby affecting performance improvement.

- 2.3 The pre application advice sought by clients is varied and ranges from minor works such as advising on garden fences and house extensions through to advising on major schemes such as regeneration projects and city centre developments.

- 2.4 A customer forum was held on 9 February 2011 to which regular users of the planning service were invited. Details of the proposal were outlined and whilst some concerns were expressed around the introduction of a charging scheme, most accepted that there was need to address the growth in enquiries to preserve the quality of the planning application process.

- 2.5 Within the Tyne and Wear region South Tyneside Council has operated a charging scheme for a number of years, Newcastle City Council introduced a scheme in September 2010 and both North Tyneside and Gateshead Councils are to introduce schemes from 1 April 2011.

3.0 THE CASE FOR CHARGING

- 3.1 Local planning authorities expend considerable resources in providing pre application advice, recognising such early advice as a key part of achieving high quality in terms of application submission, overall building design and speed of decision.

- 3.2 In Sunderland in recent years the number of requests for pre application advice across all categories of application ie major, minor and other has risen from 1151 in 2005/2006 to 2085 received in 2009/2010.
- 3.3 Much of the increase in volume has been identified as speculative in nature and not ultimately leading to a planning application. The additional workload places a considerable strain not only upon the provision of good quality and timely pre application advice but also on the ability to determine submitted planning applications in accordance with statutory timescales.
- 3.4 Also from monitoring and scrutiny of financial data the cost of providing the pre application advice has risen to £187,000 for financial year 2009/2010. Clearly as the Council seeks to achieve efficiencies in line with budget reductions, review of the current free system is timely.
- 3.5 Information obtained from those authorities currently charging for pre application advice is that charging helps to deter those speculative proposals thus saving valuable officer time and considerable cost which can then be directed towards adding value to and enhancing more viable proposals.
- 3.6 Previous concerns about the potential unintended impact of charging for a pre application service leading to the submission of planning applications with no discussion in advance is now less of an issue in terms of delay. The demise of CAA external inspection and planning delivery grant around speed determination performance indicators shifts the emphasis from time driven decision making towards quality of design and other outcomes.
- 4.0 DETAILS OF THE SCHEME
- 4.1 The scheme of charges employs the “user pays” principle as its basis and sets a scale to recover the cost of providing the service. Whilst the council encourages participation in the scheme, pre applications engagement is not compulsory and accepts that it may not be appropriate in all situations.
- 4.2 The charges schedule sets out development types A (Large scale major development), B (Small scale major development), C (Minor development) and D (Other development) in line with categories as prescribed by Communities and Local Government.
- 4.3 Advice is available in two stages in respect of categories A, B and C. Stage 1 (Development in Principle) aims to provide an initial assessment and advice to establish the principles of developing a site for a particular purpose. Stage 2 (Full submission) will provide more detailed discussion, consultation as appropriate and a comprehensive written response to the proposal. The scale of charges reflects the step change in level of advice provided.
- 4.4 Category D submissions which include householder developments will receive a full written response and will be dealt with in one submission. Also within Category

D it will be possible for certain types of development to receive a quotation on request.

- 4.5 Timescales for responding to pre application advice submissions will be set with realistic targets to ensure that service users not only receive good quality advice, but that they receive it in a timely fashion.
- 4.6 Pre application advice is given without prejudice, and whilst the advice may be considered as a material consideration in respect of any subsequent planning application it cannot be held to bind the council in its formal determination of a planning application. In cases where planning applications are submitted more than 6 months after the advice has been given, where the proposed scheme has changed, or where there has been a change in local or national planning policy, it may be the case that little or no weight is given to the pre application advice given.
- 4.7 Full details of the scheme are available in a Pre Application Advice Customer Charter, a copy of which is appended to this report.

5.0 RECOMMENDATION

5.1 Committee is recommended

: to endorse the proposal to introduce a scheme of charges for planning pre application advice details of which are contained within the Pre Application Advice Customer Charter.