

REPORT TO: Planning Portfolio Holder **Date of Meeting:**
AUTHOR/S: Executive Director / Corporate Manager 7 July 2009
(Planning and Sustainable Communities)
/ Performance Manager

PRE APPLICATION CHARGING

Purpose

1. To provide the portfolio holder with sufficient information to agree SCDC charges for pre application advice.

Executive Summary

2. The Local Government Act 2003 gave planning authorities a discretionary power to charge for giving pre-application advice, allowing authorities the opportunity to recover some of the costs associated with pre application discussions; charging is only acceptable on the provision it does not exceed the cost of providing the service.
3. A small number of local authorities, approximately a third of London Boroughs and a small proportion of district councils within the South are charging, and the number is growing.
4. Within the Premier Division (our networking group of 8 authorities) Chelmsford, South Oxon and Wycombe introduced pre application charging, effective from April/June 2009. Two neighbouring authorities, North Herts and Uttlesford are charging, effective January 2009 for Uttlesford but as early as October 2007 for North Herts.
5. Pre application charging was brought in by these authorities to:
 - Improve service delivery
 - Bring better quality applications
 - Encourage good quality development schemes
 - Reduce number of Appeals

Background

6. Within the premier division, charging was implemented as follows:
 - Chelmsford: 1 June 2009
 - South Oxon: 1 April 2009 (Major Developments only)
 - Wycombe: 1 January 2008
7. Within neighbouring authorities, charging was implemented as follows:
 - North Hertfordshire: 1 October 2007
 - Uttlesford: 1 January 2009
8. A charging comparison table is provided in Appendix I for those authorities listed.

Considerations

Payment

9. Once a charging structure has been agreed payment would be expected to accompany the pre application request form and must be present at the time of submission.
10. The final advice given will reflect that it represents the view of the officers and is offered without prejudice to the formal decision of the Council.

Income

11. Income generation from pre application charging was estimated by looking at the income stream from other authorities and how many applications they had. A comparison figure was therefore taken. The figure of £20,500 was therefore estimated for 2009/10 budget for income generation.
12. If a fixed rate was charged for both minor and major applications, based on last years figures, income generation could be in the region of:

Minors	£23,282.50
Majors	£61,975.00

13. These figures have been calculated using:
 - Percentage of minimum charge for Minors (25% for minor application is £83.75)
 - Percentage of minimum charge for Majors (50% for major application is £1675)
 - Estimated number of applications based on last years figures for both minor and major applications

Minors [£83.75 (25% of £335) x 278 (No. of est. apps.) = £23,282.50]
Majors [£1675 (50% of 3350) x 37 (No. of est. apps.) = £61,975.00]
14. However, given the downturn in the market, receiving 37 major applications in 7 months (September 2009 to March 2010) is not anticipated.
15. Minor applications are still being received regularly and it is anticipated that the budgeted figure of £20,500 will be met.

Managing the Service

16. Each pre application submission will be logged and checked by either the Team Leader or Principal Planning Officer. Once the check is complete the submission will be allocated to a case officer; the customer will be contacted to arrange a meeting within 5 days of receiving the application. In some cases, a meeting may not be necessary and written pre application advice provided, with the offer to meet in the event of any queries.
17. Once a new DC system is in place, it would hold all pre application details and advice and track whether an application is received as a result of the service.
18. The system would be designed to strictly monitor each case together with ensuring written timeframes/meetings are met. If the Council exceeds either of these deadlines, a discount/refund will be given to show our commitment to providing a quality service.

Considerations continued ...

Managing the Service continued ...

19. To improve the service and prepare the ground for the introduction of charging for pre-application meetings, a pre-application protocol was introduced and agents directed towards it on the web. This clearly sets out what is expected of agents and how they should go about preparing an application for submission, with a general aim of improving the quality of applications and hence their chance of success.

What does it mean for the Authority?

20. Each request for advice will be logged in a Pre Application database (part of the new DC system) together with all relevant details of the proposed development. The Team Leader will allocate a planning officer and where possible, will remain the same contact throughout.
21. By recording requests electronically, it will allow the Council to monitor response times. Once a new DC system is in place, it will match pre application advice to actual applications, thus determining the success and quality.
22. Charging will essentially filter out less favourable developments, as having to pay a fee will encourage developers to bring forward quality, well thought submissions that meet local needs. Speculative submissions will therefore decrease, thus relieving some of the pressure from our officers.

Planning Advisory Service Recommendations

23. The Planning Advisory Service has recommended the following considerations:
 - (a) Make sure the charging regime is easy to understand and administer. A system that is unclear to the customer and burdensome to run, will be self-defeating
 - (b) Clear the process with local agents and major local 'players' in advance and continue to liaise with key customers in subsequent years. Their views will help refine the process in the light of experience. Their continued support will help ensure there is ongoing constructive dialogue in respect of desired projects
 - (c) Make sure the advice offered is as constructive as possible. This does not mean agreeing to unsatisfactory development but rather advising what changes are required to make it acceptable. Adopt a process that will facilitate additional meetings where appropriate
 - (d) Charging is best justified, and is much more likely to be accepted, if presented as an integral part of a more structured approach to pre-application advice designed to help the customer
 - (e) Make sure that the process is explained fully on the council's website. Place downloadable advice request forms on the website and make clear what information will need to accompany the request
 - (f) Be sensible in what you charge for. Charges are more appropriately made in the case of significant commercial development, not householder proposals or development affecting a small business.

Options

24. Householder development, small businesses, works to listed buildings and trees will be exempt at the initial stage of charging and will be reviewed after six months.
25. There are four types of charging for consideration:

1. Fixed charge

This is calculated by charging a percentage of the application fee.

2. Hourly charge

Charging by the hour for planning officer time together with additional charging if specialist consultation from other sections is required.

3. Annual charge

Discussion with the Agent/Developer to determine how many applications they estimate for the year and a fixed charge agreed between both parties. I would propose the below noted calculation if this option is chosen:

Application Fee - 50% x estimated number of applications + additional specialist time if applicable				
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£3350 - 50% = £1675 (50% of Application Fee for Major Application)	x	Estimated number of Applications	+	Hourly rate of additional specialist time ie Urban Design (if applicable)
£330 - 25% = £83.75 (25% of Application Fee for Minor Application)	x	Estimated number of Applications	+	Hourly rate of additional specialist time ie Urban Design (if applicable)

4. Variable charge

Estimating the length of time it will take to complete pre application advice, including meetings with written advice and consultation with other sections ie conservation or urban design and defining a set fee.

Implications

26. The implications are the additional demand on officer's time to ensure quality advice and an enhanced service provided.
27. Other officers/teams could be affected by the increased demand of planning officer's time.
28. Having the Duty Officer system in place, together with formal Pre Application Advice is going to have an impact on officer workload.
29. Although New Communities supports the principles in this paper, charging will not be brought into effect at this time. Joint working with Cambridge City Council and some posts being funded by Cambridgeshire Horizons has derived at this decision.

Implications continued ...

30. Financial	£20,500 is included in 2009/10 budget . It is anticipated that this figure would be exceeded if a fixed rate charge is levied.
Legal	None.
Staffing	This service will impact on existing staffing levels and increase officer workload.
Risk Management	Workloads/officer time will need to be managed to ensure timeframes are met at all times. Strict management required ensuring quality of service provided.
Equal Opportunities	The service actively promotes equality of access to this service.

Consultations

31. Verbal consultations were conducted with the relevant parties.
32. Agents were consulted prior to the last meeting held on 22 April and were consulted again at the meeting. Agents will accept charging if quality advice is given.
33. Jo Mills, Corporate Manager, New Communities was consulted; New Communities supports the principles in this paper.
34. No charge will be made for Northstowe as the application has already been received. This will be reviewed if the situation changes in the future.
35. Charging could be implemented for the Fringe Sites where an application comes to us, as soon as an agreed joint position with Cambridge City Council is reached. Continued discussions are to be held with Simon Payne with a report for Senior Officer Board.
36. Internal consultation was carried out with Peter Studdert, Director of Joint Planning (Cambridge Growth Sites and Northstowe). Charging for pre-application advice on major developments (including Northstowe and City Fringe sites that straddle the city boundary) is not favoured. It is essential that we give the best and most accessible service, and as many of the posts are already funded by central Government, it would seem unreasonable to charge.
37. Given the strong political support for economic development, New Communities/Majors want to defer implementing charging arrangements for the 'stalled sites' at Cambourne and Orchard Park and also for small businesses, for a period of six months to enable us to assess the impact charging has had on applications and consult with the business community specific developers. The outcome of the consultation would then be reported back at the next portfolio meeting.

Effect on Strategic Aims

38.	Commitment to being a listening council, providing first class services accessible to all.
	Pre application advice will contribute to fulfilling this aim.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	Ensuring quality development.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	Ensuring quality development.
	Commitment to assisting provision for local jobs for all.
	Ensuring quality development.
	Commitment to providing a voice for rural life.
	Ensuring quality development.

Conclusions/Summary

39. Fixed charging is favoured as it is simple and easy to implement.
40. Hourly charging has not been favoured by those Authorities already charging as it does not include specialist consultation from other sections and can result in a higher charge than a fixed fee. If specialist advice is required, a separate charging structure will need to be provided to evidence this. As the charging structure should be kept simple, this option is not preferred.
41. Annual charging benefits the Agents/Developers but it is difficult to determine in the current climate. Pre application charging can only cover officer time and is not allowed to make a profit. This option could result in officer time being exceeded, thus resulting in a negative impact on the service and budget.
42. Variable charging is difficult to calculate, as each application is different. Where other sections are consulted, they will also need to provide a charge. This would be quite complicated to introduce and maintain without impacting on other services in and around planning.
43. Upon reviewing feedback from other Authorities, our service will need to include:
- Easy to understand charging structure
 - Regular contact via Agents and Local Developer Forums
 - Sign off by Principal Planning Officers or above on Pre Application Advice
 - Full written response in 10 working days unless an agreed alternative timescale (please refer to Appendix II for further details of agreed timescales for pre application advice)
 - Constructive and helpful letter tone as opposed to negative; this will help build a rapport with developers and promote better quality developments
 - Draft S106 agreements be included in Major development pre application discussions, as and when charging is introduced for Majors
 - Quality advice given by a Principal Planning Officer or above (authorities charging for pre application advice have confirmed that their customers expect a Senior Planning Officer or above when paying for the service)

Conclusions/Summary continued ...

- Strict monitoring to ensure quality and consistency
 - Regular review of charging and service at six monthly intervals.
44. Provided the above points are adhered to, this can be an opportunity to introduce a service that promotes good development. The success of pre application charging rests with a commitment to invest time with the customer and provide quality advice.
45. Pre application charging can be brought into effect from 1 September 2009.

Recommendations

46. Having considered the charging options available, a recommendation for a fixed charge is put forward; charging for Major Developments would be easier to implement if this option was chosen.

Strategic Development For all developments of over 100 residential units. For all other uses: over 5000 square metres or on sites greater than 2 hectares in area.	By negotiation
Major Development For residential development: 10 or more dwellings, or a site area of 0.5 hectares. For all other uses: 1000 square meters or more of floorspace, or where the site area is 1 hectare or more. This includes changes of use of existing buildings.	50% of application fee up to a maximum of £2500
Minor Development For residential development: one to nine dwellings. For all other uses: new building or change of use of building of up to 999sqm floorspace.	25% of application fee
House Extension & Alterations	Not to be introduced at this time
Listed Building Advice	Not to be introduced at this time
Tree Advice	Not to be introduced at this time
Tree Preservation Orders (TPOs) and Trees in Conservation Area	Not to be introduced at this time

47. A training session in the Chamber would be held for all staff to ensure they are clear on:
- (a) What advice is covered under the Duty Officer system
 - (b) What advice is covered under informal pre application advice
 - (c) What advice is covered under formal pre application advice under the new charging structure.
48. The chosen option should be discussed and agreed with the Agents/Developers prior to being implemented, as it is by building a rapport with them and obtaining their agreement, that will make this a success.
49. The portfolio holder will be provided with a review after six months and one year, after which time the charging structure may be revised to reflect the complexity of the service.

Background Papers: None.
Contact Officer: Dave Rush, DC Manager
 Telephone: (01954) 713153

PRE APPLICATION CHARGING COMPARISON TABLE

	Authority	Written advice only	Meeting with planning officer (including written follow-up)	Meeting on Site with planning officer (with written follow up)	Meeting involving two or more officers (with written follow-up)	Follow-up meeting (including written advice)	Fixed rate
Strategic Development							
	Chelmsford BC	N/A	£600 plus VAT	N/A	N/A	By negotiation	N/A
	South Oxon DC	N/A	N/A	N/A	N/A	N/A	To be agreed by Head of Planning
	Wycombe DC	£280 plus VAT	£660 plus VAT per meeting	£660 plus VAT & travel time	N/A	£660 plus VAT	N/A
	North Herts DC	N/A	N/A	N/A	N/A	N/A	£3,000 inc VAT
	Uttlesford DC	N/A	N/A	N/A	N/A	N/A	N/A
Major Development							
	Chelmsford BC	£200 plus VAT	£600 plus VAT	N/A	N/A	£100 plus VAT	N/A
	South Oxon DC	N/A	N/A	N/A	N/A	N/A	£1500 plus VAT
	Wycombe DC	£280 plus VAT	£660 plus VAT	£660 plus VAT & travel time	N/A	£660 plus VAT	N/A
	North Herts DC	N/A	N/A	N/A	N/A	N/A	£1,500 inc VAT
	Uttlesford DC	£215 inc VAT	£538 inc VAT	£646 inc VAT	£54 per additional officer inc VAT	£98 inc VAT	N/A
Minor Development							
	Chelmsford BC	£100 plus VAT	£300 plus VAT	N/A	N/A	£50 plus VAT	N/A
	South Oxon DC	N/A	N/A	N/A	N/A	N/A	No charge
	Wycombe DC	£120 plus VAT	N/A	N/A	N/A	N/A	N/A
	North Herts DC	Hourly rate - see last column	Hourly rate - see last column	Hourly rate - see last column	Hourly rate - see last column	Hourly rate - see last column	Charged per hour (inc VAT) £117.50 up to Principal level £147.00 Planning Manager £176.00 Head of Service
	Uttlesford DC	£108 inc VAT	£270 inc VAT	£323 inc VAT	£54 per additional officer inc VAT	£49 inc VAT	

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House Extension & Alterations							
	Chelmsford BC	No Charge	No Charge	N/A	N/A	No Charge	N/A
	South Oxon DC	No Charge	No Charge	No Charge	No Charge	No Charge	N/A
	Wycombe DC	£60 plus VAT	N/A	N/A	N/A	N/A	N/A
	North Herts DC	No Charge	No Charge	No Charge	No Charge	No Charge	
	Uttlesford DC	No Charge	No Charge	No Charge	No Charge	No Charge	No Charge
Listed Building Advice							
	Chelmsford BC	No Charge	No Charge	N/A	N/A	No Charge	N/A
	South Oxon DC	No Charge	No Charge	No Charge	No Charge	No Charge	N/A
	Wycombe DC	No Charge	No Charge	N/A	N/A	No Charge	N/A
	North Herts DC	N/A	N/A	N/A	N/A	N/A	N/A
	Uttlesford DC ²	£108 inc VAT	£270 inc VAT	£323 inc VAT	£54 per additional officer inc VAT	£49 inc VAT	N/A
	Uttlesford DC (Householder) ²	£98 inc VAT	£245 inc VAT	£294 inc VAT	£54 per additional officer inc VAT	£49 inc VAT	N/A
	Uttlesford DC (urgent structural repairs only)	No Charge	No Charge	No Charge	N/A	No Charge	N/A
Tree Advice							
	Chelmsford BC	No Charge	No Charge	N/A	N/A	No Charge	N/A
	South Oxon DC	No Charge	No Charge	No Charge	No Charge	No Charge	N/A
	Wycombe DC	No Charge	No Charge	N/A	N/A	No Charge	N/A
	North Herts DC	N/A	N/A	N/A	N/A	N/A	N/A
	Uttlesford DC ³	N/A	N/A	£49 inc VAT	N/A	£19.50	N/A
TPOs and Trees in Conservation Area							
	Chelmsford BC	No Charge	No Charge	N/A	N/A	No Charge	N/A
	South Oxon DC	No Charge	No Charge	No Charge	No Charge	No Charge	N/A
	Wycombe DC	No Charge	No Charge	No Charge	No Charge	No Charge	N/A
	North Herts DC	N/A	N/A	N/A	N/A	N/A	N/A
	Uttlesford DC ³	N/A	N/A	£49 inc VAT	N/A	£19.50	N/A

² = There will be no charge for confirmation of whether or not planning or listed building consent is required for development affecting a listed building.

³ = The Council will no longer provide an advisory service in respect of trees that are not subject of a Tree Preservation Order or in a Conservation Area. General advice on tree matters can be obtained from an arboriculturist.

PRE APPLICATION ADVICE GUIDANCE

Introduction

South Cambridgeshire District Council welcomes and encourages discussions before a planning application is submitted. Such discussions can assist in better quality applications, which stand a better chance of a successful outcome.

There are considerable benefits in seeking advice before making an application:

- It gives you the opportunity to understand how policies and guidance will be applied to your development
- It can identify at an early stage where there is a need for specialist input, for example about urban design, listed buildings, trees, landscape, noise, transport, contaminated land, ecology or archaeology
- It may lead to a reduction in time spent by your professional advisors in working up proposals, identifying potential problems and sorting them out before an application is submitted
- It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application
- It will ensure that you provide all the necessary information and drawings to enable the application to be registered as valid.

General Advice

There are some general points, which you should take into account before you contact us:

- Try to contact us at the earliest reasonable opportunity in your project
- Undertake some initial research yourself by using the planning pages on the Council's website www.scambs.gov.uk
- Sound out the views of those that may be affected by your proposals
- The more information you can give us, the more accurate and helpful our response can be - vague proposals will receive only vague advice. The key to the success of this service will be providing adequate information in advance, and
- On complex issues be prepared to seek private professional help - our service is not intended to be an alternative to employing professional consultants.

What areas can be covered in pre-application discussions?

The matters, which could be subject to pre-application discussions, include:

- Planning history of the site
- The surrounding context of the site
- Statutory designations and site constraints (Conservation Areas, Green Belt, SSSTs, Protected Species etc)
- Relevant planning policies
- The likely requirements for developer contributions
- Informal and without prejudice comments on the preparation, content and presentation of an application
- The need for additional information such as an Environmental Impact Assessment (if relevant)
- The Design and Access Statement (if relevant to the type of application) Ref: CABA guidance document
- The contents of the application to ensure that it can be registered as a valid application
- Providing an adequate level of biodiversity information, collected at the correct time of year.

PRE APPLICATION ADVICE GUIDANCE

What is the procedure for seeking pre-application advice?

1. Within 5 working days of receiving a request we will contact you by phone or email to confirm the following:
 - That the Council is prepared to offer pre-application advice (the Council has the right to decline a request for pre-application advice where it is not considered appropriate)
 - To confirm what information should be submitted
 - To provide the name of the case officer who will be dealing with your enquiry
 - To suggest dates for a pre-application meeting if this is required (normally within 10 working days of receipt of all the information requested).
2. If a meeting is considered necessary the date and venue will be confirmed. Normally this will be at the Council offices, but site meetings will be arranged if appropriate
3. The Council will endeavour to provide written advice (prepared by the case officer and agreed with a senior manager) within 10 working days unless an alternative timescale has been agreed between the parties, for example, to allow consultation with other organisations or individuals
4. Anyone using this service should note the following important information:
 - Any advice given by Council officers in response to pre-application enquiries does not constitute a formal response or decision of the District Council in respect of any future planning applications
 - Any views or opinions expressed are given in good faith, based on existing planning policies, standards and the information provided at that time, without prejudice to the formal consideration of any future planning application
 - It should be noted that policies, constraints etc. change from time to time and may affect the advice given. The weight that can be given to pre-application advice will therefore decline over time
 - The provisions of The Freedom of Information Act bind the Council, as a public authority, and therefore it should be presumed that information supplied to the Council is likely to be disclosable under the above Act. If you want information to remain confidential, you should state clearly why. Information sent to the Council "in confidence" may still be disclosable under the above Act. Before sending such information you are advised to take legal advice if there are fears that disclosure would prejudice you in some commercial way
 - Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response under the provisions of the Local Land Charges Act 1975.

What you should provide

You will need to write to us including the following as a minimum:

- Proposed developments involving 200 dwellings or more or 10,000 sq.m. floor space or more, should be accompanied by an initial outline for the proposal **including if possible a draft Masterplan** for the site
- Description of the nature and scale of development proposed and the uses to which land and buildings are to be put
- Full site address and location plan (1:1250 scale) with the site outlined in red
- Site history i.e. occupancy of the site
- Photographs of the site and adjoining properties affected by the development

PRE APPLICATION ADVICE GUIDANCE**What you should provide continued ...**

- For proposals, which will be submitted as full or reserved matters applications, sketch drawings providing details of the proposal. Floor plans for each floor of the proposed building together with at least sketch elevations that are sufficient to indicate the initial architectural approach and palette of materials. Drawings should also show any adjacent buildings and boundaries to identify the context of the scheme
- Draft of Design and Access Statement (if relevant to the type of application)
- Presence of protected species.

How will the advice be structured?

The written advice will depend upon the information presented (please see 'what you should provide'). Advice will usually be in the form of a written report considering the following areas:

- Relevant planning history
- Relevant policies and constraint
- Whether the proposed type of development is acceptable in principle
- Recommended consultations before the application is submitted
- Issues relevant to the type and scale of proposed development, such as: urban design (encapsulates design and its surroundings), amenity, transport and environmental issues including noise, contamination, flooding, drainage and biodiversity
- Developer contributions
- List of additional information, which will be required from the adopted Local List to validate an application.

Call Development Control: 08450 455 215