

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Portfolio Holder 1 September 2009
AUTHOR/S: Executive Director (Operational Services) / Corporate Manager
(Planning and Sustainable Communities)

PRE APPLICATION CHARGING

Purpose

1. To provide the portfolio holder with supplementary information to agree the charging structure for pre application advice for South Cambridgeshire District Council (SCDC).

Executive Summary

2. Pre application charging was agreed at the last Portfolio Holder meeting on 7 July.
3. This report is to provide the Portfolio Holder with evidence of how our revised charging structure has been reached, the revenue it could generate and commitment to the service.
4. When the Local Government Act 2003 gave planning authorities a discretionary power to charge for giving pre-application advice, it allowed authorities the opportunity to recover some of the costs associated with pre application discussions. Since this Act came into force, a small number of authorities have chosen to introduce charging, for example:

Premier Division

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|-----|------------|--|
| (a) | Chelmsford | 1 June 2009 |
| (b) | South Oxon | 1 April 2009 (Major Developments only) |
| (c) | Wycombe | 1 January 2008 |

Neighbouring authorities

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|-----|-------------|----------------|
| (a) | North Herts | 1 October 2007 |
| (b) | Uttlesford | 1 January 2009 |

5. Cambridge City Council and Huntingdonshire District Council are considering introducing pre application charging; the success of our charging structure/scheme will contribute to their decision.
6. Pre application charging aims to:
 - Increase revenue
 - Improve service delivery
 - Encourage good quality development schemes
 - Reduce number of Appeals

Background

7. Upon speaking with Chelmsford, South Oxon, Wycombe, North Herts and Uttlesford, it is apparent that honesty has led to the success of their schemes. All identified the need to generate income due to reduction in the number of planning applications being submitted and in return, provided a quality, timely service.
8. As part of a 'Systems Thinking' exercise of the Registration and DC process, it has been identified that quality pre application advice is key to receiving good plans and development schemes.

Considerations

Payment

9. Payment would accompany the pre application request form and be present at the time of submission; the pre application guidance is being worked on with DC, in accordance with other LAs.

Income

10. Income generation of £20,500 is included in the 2009/10 budget and was derived by looking at the income stream from other authorities and how many applications they had; a comparison figure has therefore been taken. However, with the downturn in the market and time available, this figure may not be met.
11. To achieve the figure contained in the 2009/10 budget, we would have to undertake in the order of:
20 meetings for Major applications @ £600 and 40 meetings for Minor applications @ £300 = Total of £24,000
12. With the recession, this figure could only be achieved if the majority of applicants undertook formal pre application advice and the number of applications increased.

Managing the Service

13. Pre application submissions will be logged and checked by either the Team Leader or Principal Planning Officer. Once checked, the submission will be allocated to a case officer; the customer will be contacted to arrange a meeting within 5 days of receiving the request. 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.
14. The new DC system will include a pre application module as part of the DC process, will hold all pre application details/advice and match this to the application if received. Regular stats of pre application advice success will be generated.
15. Formal pre application advice will be strictly monitored to ensure written timeframes/ meetings are met. If the Council exceeds a period of 8 weeks and is at fault, a refund will be given to show our commitment to providing a quality service.
16. A pre-application protocol was introduced in February 2009 and is available on the web. This sets out what is expected of Agents/Developers and how they should prepare a pre application submission, with a general aim of improving the quality of applications and their chance of success.
17. The final advice given represents the view of the officers and is offered *without prejudice* to the formal decision of the Council.
 - (a) During Agent consultation, it has been expressed that the final advice given should represent the view of the department, rather than an individual officer. The Portfolio Holder is asked to consider this when reviewing this report.
18. Parish Councils will be notified of all formal pre application requests.

What does it mean for the Authority?

19. In advance of the implementation of the new DC system in April 2010, an Access database has been set up to record enquiries and monitor timeframes; this will also be monitored closely by the Performance Manager.

What does it mean for the Authority?

20. 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.
21. It is not possible to 'guarantee' the same planning officer throughout, in the event of sickness and annual leave.
22. Having to pay for pre application advice will encourage developers to provide quality, well thought out submissions. Officers will spend less time on proposals that are not likely to come forward.

Options

23. The following exemptions will apply:
 - (a) Proposals for people with disabilities where no application fee would be required
 - (b) Charities
 - (c) Parish Councils
 - (d) Permitted development proposals covered by Article 4 directions
 - (e) Householder developments
 - (f) Small businesses up to 5 employees
 - (g) Works to listed buildings and demolition in conservation areas where planning permission is not required
 - (h) Trees
24. The final charging structure to be considered is either:

1. Fixed percentage charge

This charging was recommended with the first report and is calculated by charging a percentage of the application fee. This structure is expensive; Agents/Developers were consulted on this option and are against this being introduced.

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

2. Fixed charge

Charging a set fee to include planning officer time and specialist consultation both internal and external. This structure is based on Chelmsford, who has been successful with pre application charging.

	Written advice only	Meeting with planning officer (including written follow-up)	Follow-up meeting (including written advice)
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.	N/A	£600 plus VAT	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.	£200 plus VAT	£600 plus VAT	£100 plus VAT
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.	£100 plus VAT	£300 plus VAT	£50 plus VAT
House Extension & Alterations	No Charge	No Charge	No Charge
Listed Building Advice	No Charge	No Charge	No Charge
Tree Advice	No Charge	No Charge	No Charge
Tree Preservation Orders (TPOs) and Trees in Conservation Area	No Charge	No Charge	No Charge

Implications

25. There are implications associated with pre application charging.
26. The loss of an informal pre application advice service, albeit for a quick conversation. Officers will no longer be agreeing to meet Agents informally which may result in Agents not using this service and a breakdown in relations.

27. Financial	£20,500 is included in 2009/10 budget With the downturn in the market and limited time available, this may not be achieved. It is however anticipated that once the market begins to recover, a regular income will be seen.
Legal	No legal implications at this time. The final advice given will reflect that it represents the view of the officer and is offered <i>without prejudice</i> to the formal decision of the Council.
Staffing	This service will impact on existing staffing levels and increase officer workload.

Risk Management	<p>Officer's will be under increased pressure to:</p> <ul style="list-style-type: none"> ▪ Undertake pre application advice in a timely manner ▪ Provide written formal advice ▪ Provide quality, accurate advice to promote good development <p>Strict management is required for this to be effective.</p>
Equal Opportunities	The service actively promotes equality of access to this service.

28. If Cambridge City Council introduces pre application charging, there would be scope for New Communities to implement charging after the six month review of the service.

Consultations

29. Agents/Developers were consulted via mailshot on Friday 17 July and given to Friday 7 August to respond. Of those who responded, nearly three quarters were against charging. The majority of responses received felt the decision to charge for pre application advice should be deferred until the upturn in the market. Cllr Mrs Bear also expressed this view at the Portfolio Holder meeting on 7 July.
30. A couple of Agents understood the need to charge and were happy, on the understanding that they received 'quality advice, in a timely manner'.
31. The original Pre Application Charging Report outlines all previous consultations.

Effect on Strategic Aims

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

33. Agent consultation was against the introduction of charge but, if implemented, identified the need for our charging structure to be:
- a. Revised
 - b. Include revised guidance
 - c. Provide discussion in September at the next Agents Forum
 - d. Consider deferring introduction of the scheme until the market recovers.
34. Chelmsford took the time to work out their officer costs and based their charging around the average time taken to provide pre application advice. Estimations of time made by officers at South Cambridgeshire District Council have confirmed this.

35. The South Cambridgeshire District Council service will include:
- Fair 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 IV for further details of agreed timescales for pre application advice)
 - Constructive and helpful letter tone to help build a rapport with developers and promote better quality developments
 - Quality advice given by a Senior Planning Officer or above
 - Strict monitoring to ensure timeframes are met, quality and consistency
 - Regular review of charging and service at six monthly intervals.
36. Pre application charging is an opportunity to introduce a service that promotes good development; the success rests with a commitment to invest time with the customer and provide quality advice.
37. Pre application charging can be brought into effect from 1 October 2009. Although the implementation date has been deferred by one month, this will allow time to:
- a. Brief our staff on the changes in service
 - b. Discuss revised charging structure at the Agents Forum
 - c. Redesign our website to promote the service

Recommendations

38. Having consulted with Agents and other Local Authorities, it is recommended that the Planning Portfolio Holder authorises measures to
- a. Revise the charging structure as set out in the below noted table
 - b. Defer charging until 1 October 2009
 - c. Formally train staff on the change in service
 - i. Duty Officer system
 - ii. Informal pre application advice
 - iii. Formal pre application advice
 - d. Redesign the website to promote the service
 - e. Provide clear guidance, forms and documentation
 - f. Manage the service carefully
 - g. Provide the Portfolio Holder with a six month review
39. It is recommended that the Portfolio Holder adopt a fixed charge pre application charging structure, as shown under: paragraph 24.(2. Fixed Charge)
- The charging structure will be presented to the Agents Forum in September 2009, providing confidence in what will be included, how the charging structure was determined and our commitment to reviewing the service after six months.
- A feedback questionnaire will be included with each pre application request, together with the ability to discuss their experience via the Performance Manager.
40. It is recommended that Pre application charging be reviewed after six months to identify:
- a. Areas of improvement
 - b. Rates of charge
 - c. The take up of the service by Agents

- d. If the service should be extended to other types of application and to New Communities.

Background Papers: None

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