

<b>Subject:</b>	<b>Pre Application Advice Charging Scheme and Post Application Service</b>	<b>Status:</b>	For Publication
<b>Report to:</b>	Cabinet	<b>Date:</b>	6 <sup>th</sup> July 2017
<b>Report of:</b>	Planning Manager	<b>Portfolio Holder:</b>	Councillor Christine Lamb
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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1.	<b>RECOMMENDATION(S)</b>
1.1	That the updated and revised Pre Application Advice Charging Scheme and Post Application Service as set out within Section 5 of this report is introduced by the Authority.
1.2	That the revised fee structure proposed in this report is adopted by the Council.
1.3	All future minor amendments to the policy to be delegated to the Planning Manager in consultation with the Portfolio Holder

## 2. PURPOSE OF REPORT

- 2.1 To promote the use of early discussions with agents and developers as part of the development management approach to facilitating acceptable development.
- 2.2 To set out clearly in one document what the customer can expect when engaging in the Council's pre-application service, the information required to facilitate productive pre-application discussions and the provision of an updated form to complete for requesting pre-application advice.
- 2.3 To introduce a 'fast-track' condition discharge procedure to help facilitate the delivery of development.
- 2.4 It is considered that early pre-application discussions can help save time, avoid wasted expense and avoid frustration. Further benefits include:
- Avoiding incomplete applications that cannot be registered
  - Reducing the number of unsuccessful applications
  - Raising the quality of development
  - Securing satisfaction with the process
  - Reducing confrontation in the planning process
  - Gaining community acceptance
- 2.5 To introduce new fees for requests which officers currently receive and are provided free of charge but do take officer time and resources.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so

it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.

- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

#### 4. RISK ASSESSMENT IMPLICATIONS

4.1 The proposals could:

- Deter some genuine pre-application discussions and lead to a corresponding increase in ill thought out proposals being received.
- It is recognised that revisions/increases to the existing fee structure will be an additional cost to applicants. However, it is considered the revised costs proposed better reflect the cost of the work of officers and the additional input proposed as part of the revisions to the stages in the pre-application process. The input also saves the applicant time and further expense later on in the process.
- Discourage development or risk harming a good working relationship with local agents
- Matters incurring a fee have a corresponding level of service expectations from the fee payer. These expectations / deadlines can be hard to fulfil when the fulfilling of statutory work remains the highest priority and work levels are high / unpredictable and resources limited.
- Give the impression that the large developers will be favoured in respect of the fast track condition discharge process

#### 5. BACKGROUND AND OPTIONS

5.1 The National Planning Policy Framework recognises *that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*

5.2 The Local Planning Authority began charging for its pre-application service in March 2013.

5.3 In July 2014, the Council updated and adopted a revised approach and fee structure towards pre application advice for major planning proposals which took account of the implementation experience to date. The update was approved for Development Control purposes by Cabinet on the 9th July 2014. The protocol provided for greater timelines for responses and made provision for greater member involvement.

5.4 In November 2014 the charging schedule was revised further to include development types which had previously been exempt from pre-application submission charging. This includes householder developments, advertisements, demolition in Conservation Areas and pre-application advice relating to Listed Buildings. The definition of 'minor' development was also amended for charging purposes.

5.5 Although the current pre-application charging schedule is available to view on line it does not clearly set out what the customer can expect and what information is necessary to facilitate productive discussions. One document has been produced setting out the service along with an updated pre-application request form which will be available to complete on line in the future as part of the Council's new web-site.

5.6 The Council's current charging schedule is as follows:

	Minor	Major
Initial Meeting	£250 plus VAT	£300 plus VAT
Follow up meetings	£125 plus VAT	£120 plus VAT
Significant Major Developments Meeting	£600 plus VAT	
Follow up meeting	£240 plus VAT	
Change of Use <1000m <sup>2</sup>	£250 plus VAT	
Listed Building Consent	£50 plus VAT	
Demolition in a Conservation Area >115m <sup>3</sup>	£150 plus VAT	
Advert	£50 plus VAT	
Householders (eg extensions)	£50 plus VAT	

5.7 These fees have not been increased since 2014 when the major pre-application and minor pre-application protocols with associated fee structures were introduced. As such it is proposed to increase the fees charged to more accurately reflect the officer time involved in pre-application enquiries.

5.8 Across the Lancashire Authorities/ North West fees for pre-application advice vary and the proposed fees, set out below, are mid-range when compared to the other authorities.

### **SMALL SCALE DEVELOPMENT**

#### **£60 (£72 with VAT)**

- Extensions/ alterations to dwellinghouses which do not constitute permitted development
- Domestic outbuildings which do not constitute permitted development
- Advertisements unrelated to the premises on which they are displayed
- New Telecoms Installations
- Non-residential schemes or changes of use with a floor space of less than 100 sq m
- Flat Conversions

### **LISTED BUILDING CONSENT AND CONSERVATION AREAS**

#### **£180 (£216 with VAT)**

- Demolition within a Conservation Area – whole or part
- New development within the Conservation Area – Residential and None Residential
- Alteration to the exterior of the property including:
  - Extensions / alterations to a house or its roof (Including doors and windows)
  - Cladding, rendering or similar treatments
  - Buildings erected in the grounds / curtilage of dwellings
  - Chimneys, flues, soil or vent pipes
  - Satellite dishes or other antenna
  - Certain extensions to industrial buildings or warehouses
  - Certain electricity or telecommunication buildings or installations

- Advertisements – From Conservation Area aspect

### **MEDIUM SCALE DEVELOPMENT**

**Fee £300 (£360 with VAT) Follow Up Fee £144 (£172.80 with VAT)**

- Residential Schemes of less than 10 dwellings
- Non-residential schemes or changes of use with a floor space of  $\geq 100$  sq m and less than 1,000 sq m
- Changes of use above 0.1 Ha

### **MAJOR DEVELOPMENT**

**Initial Fee £360 (£432 with VAT) Follow Up Fee £150 (£180 with VAT)**

- Residential Schemes  $\geq 10$  units and less than 50 units; or if no units are specified, with a site area  $\geq 0.5$ ha and less than 2ha
- Non-residential schemes with a floor space of  $\geq 1000$  sq m and less than 2,000 sq m; or on sites  $\geq 1$ ha and less than 2.0ha
- Schemes with 2 or more land uses on sites  $\geq 1.0$ ha and less than 1.5ha
- Changes of Use of building(s) with a gross floor area  $\geq 1,000$  sq m and less than 1.5ha

### **SIGNIFICANT MAJOR DEVELOPMENT**

**Initial Fee: £720 (£864 with VAT) Follow up Fee £288 (£345.60 with VAT)**

- Developments of 50 or more dwellings or  $\geq 2000$  sq m or  $\geq 2$ ha
- Retail, Commercial & Industrial Schemes  $\geq 200$ sq m or  $\geq 2$ ha
- Education / hospital / leisure / recreation schemes  $\geq 2$ ha
- Schemes with 2 or more land uses on sites of 1.5ha or more
- Changes of Use of building(s) with a gross floor area  $\geq 1,500$  sq m
- Any Scheme requiring an Environmental Impact Assessment

- 5.9 The Council currently provide full planning history details and planning enforcement information relating to properties/ land free of charge however this work can take extensive officer time particularly going back into the historic planning records which are not stored electronically. To reflect the time spent providing this service it is proposed to introduce a charge of £60 (£72 with VAT) to provide a full planning history search/ planning enforcement history search. The intention is for the service to become more electronically based and enable customers to search for all applications either on-line or electronically which would reduce officer time in respect of undertaking history searches. This will take time, however, to ensure all records are accessible electronically and it is considered that, although the Council do not receive an excessive number of these types of enquiries, the charge would reflect the work involved for such an enquiry.
- 5.10 There may be occasions when developers require a quick decision in respect of discharge of planning conditions to enable them to commence development as soon as possible. It is proposed to offer a Fast Track service for condition discharge. This would accelerate the administration and processing of the discharge application for an additional charge (£360 compared to the standard rate of £97).
- 5.11 The Council are required to decide a discharge of condition application within 8 weeks unless an extension of time is agreed and nationally the Government have acknowledged that delays in the discharge of condition process can prevent developments with planning permission from commencing. The Government is keen to ensure that developments with planning permission are commenced as quickly as possible. The Local Planning Authority are actively trying to reduce the number of pre-commencement conditions attached to planning consents

by working with developers and agents before decisions are made however it is also considered that a 'fast-track' service could assist developers to get onto site quickly.

- 5.12 As part of this service the Local Planning Authority (LPA) will use all reasonable endeavours to provide a written response to the discharge of condition application within 20 working days of receipt of a valid application. The term 'all reasonable endeavours' is used as when consultation with external parties is required, which the LPA have no control over, it is not possible to confirm that the consultee will have responded within 20 working days. The service would however ensure that the applicant receives a written response within 20 working days dealing with as many conditions as possible at that time. The application would not be closed down until all conditions have been discharged in the cases where all the conditions are not initially dealt with within 20 working days.
- 5.13 A Local Planning Authority is required to determine an application for approval of a condition within 8 weeks following receipt of the application (or such other longer period as may be agreed between the applicant and the LPA in writing). It is not intended that the 'fast track' service would disadvantage customers who choose to proceed as per the existing standard process as the LPA is committed to ensuring that developers/ applicants can get on site as soon as possible and will endeavour to determine such applications within the nationally prescribed time scale. It is also important to note that for minor development with one/ very few conditions such applications are unlikely to take 8 weeks to determine and applications will be dealt with as soon as reasonably possible.
- 5.14 It is also important to note that within the Town and Country Planning (Development Management Procedure) Order 2015 a deemed discharge process has been introduced. This enables applicants to serve notice on the LPA six weeks after the application was submitted stating that the conditions will be 'deemed' discharged. If the LPA do not notify the applicant of its decision within 14 days of receiving the deemed discharge notice then the conditions will be discharged. The introduction of this process reinforces the Government's direction of travel in respect of enabling development to commence quickly and provides comfort to our customers that by not choosing the 'fast track' process their applications will still be dealt with within the nationally prescribed time limits.
- 5.15 This new process will purely give our customers further choice if they are keen to get on site quickly and will assist with the Council's aspirations of creating a growing and successful Rossendale.
- 5.16 It is also proposed to introduce a charge for confirmation of compliance in respect of Planning Enforcement with an expedited service available for a higher fee. The service currently receives compliance requests which are provided free of charge however they do involve officer time and resources. Although we do not receive extensive numbers of such requests the fees proposed reflect officer time in respect of responding to the requests.

## **OPTIONS**

- 5.17 Option 1 - To retain the approach as set out and previously approved by Cabinet.
- 5.18 Option 2 - To undertake revisions to the approach as set out in Section 5 of this report.
- 5.19 It is considered that revisions to the pre-application process and fee structure should be made as, on balance, it is considered that the revision proposed will improve the service for customers and has the potential to increase income received for the Council.

- 5.20 Other Local Authorities within the country have introduced fast track services including fast track householder services and fast track works to trees applications. Additionally local authorities throughout the country charge for full planning history searches as it is acknowledged that they can involve significant officer time. The fees are consistent with the fees charged by other authorities in the North West.
- 5.21 Other Council's with the country charge for confirmation of compliance in respect of enforcement and the fees proposed reflect those charged by other councils.
- 5.22 An equality impact assessment has been undertaken in respect of the proposals for option 2. No adverse or disproportionate negative impacts were identified for any protected equality group adverse or disproportionate negative impacted identified for any protected equality group as a result of implementing this policy decision.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

- 6.1 Financial matters are noted within the report and will contribute to Council's Medium Term Financial Strategy.

**7. MONITORING OFFICER**

- 7.1 All comments are covered in the body of the report.

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 The proposals relate to the modification of existing policy. No new policy implications have been identified.

**9. CONCLUSION**

- 9.1 Accordingly, having regard to the above options, it is considered that option 2 should be pursued in relation to updated the pre-application service and introducing a post-application service in respect of planning history searches and fast track condition discharge process.

Background Papers	
Document	Place of Inspection
Planning Charges Policy (March 2013)	<a href="http://www.rossendale.gov.uk/meetings/meeting/743/cabinet">http://www.rossendale.gov.uk/meetings/meeting/743/cabinet</a>
Managing Major Planning Applications (Major Application Protocol) (July 2014)	<a href="http://www.rossendale.gov.uk/meetings/meeting/856/cabinet">http://www.rossendale.gov.uk/meetings/meeting/856/cabinet</a>
Pre-Application Charging for Minor and Other Applications (November 2014)	<a href="http://www.rossendale.gov.uk/meetings/meeting/870/cabinet">http://www.rossendale.gov.uk/meetings/meeting/870/cabinet</a>
Current Pre-Planning Submission Charges	<a href="http://www.rossendale.gov.uk/info/608/development_control/269/planning_application_process">http://www.rossendale.gov.uk/info/608/development_control/269/planning_application_process</a>
Pre Application Advice Charging Scheme and Post Application Service (July 2017)	Attached