

<b>Subject:</b>	Planning Charges Policy	<b>Status:</b>	For Publication
<b>Report to:</b>	Policy, Overview and Scrutiny Cabinet	<b>Date:</b>	11 <sup>th</sup> February 2013 6 <sup>th</sup> March 2013
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Operational Services and Planning
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <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 Cabinet approve that pre-application fee charging should be introduced in line with the fees outlined at paragraph 5.5 of the report.
1.2	That all future minor amendments to the pre-application policy be delegated to the Planning Manager in consultation with the Portfolio Holder.

## 2. PURPOSE OF REPORT

- 2.1 It is considered that the approach of fee charging should be developed as it has the potential to:
- Allow the Council to recover at least some of the costs incurred through this service.
  - Remove time wasting speculative ventures that will not lead to future development but cost officer time and thus tax-papers money
  - Lead to an improvement in the quality of submissions and less ill thought out proposals.
  - Formalise the current "Development Team" approach which has the potential to lead to internal efficiencies benefitting service delivery as well as efficiencies for the developer
- 2.2 The proposed fee charging to be as outlined at paragraph 5.5 of this report.
- 2.3 Separately, it is proposed that members give support to the approval of developing a methodology in relation to officer time spent on Planning History Searches as such work can be time consuming.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** – creating a better environment for all.
  - **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
  - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Charging could however discourage development or risk harming a good working relationship with local agents;

- Charging could discourage some genuine pre-application discussions and lead to a corresponding increase in ill thought out proposals being received.
- Some initial set up work is required.

## 5. BACKGROUND AND OPTIONS

5.1 The purpose of this paper is to highlight how much several other authorities charge for pre-application advice and the services provided by the authorities for the charge. (See Appendix 1) At present Rossendale provides, at no charge, an informal pre-application service which may involve a Development Team approach depending on the size/complexity of the application.

5.2 Experience has shown that Planning Officers currently devote considerable time and effort to offering this pre-application advice, seeing it as a key part of delivering a good planning service, even though it is not a statutory duty. Many requests for advice, however, are of speculative nature and do not lead to the submission of an application. Charging for pre-application advice allows the Council to recover at least some of the costs incurred through this service. It is also considered that, by charging for pre-application discussions, it could lead to an improvement in the quality of submissions and less ill thought out proposals. Additionally, it will formalise the current “Development Team” approach which has the potential to lead to internal efficiencies benefitting service delivery as well as efficiencies for the developer. In particular for the customer, well prepared pre-application advice:-

- Gives them an opportunity to make changes to their proposals before they apply, to make sure the application moves through the planning system smoothly and quickly;
- May reduce the time spent by professional advisors in working up a proposal;
- May help to understand the way in which an application will be assessed against planning policies and other material considerations;
- Can help to identify if they will need specialist advice, such as flood risk, contamination, trees, highways etc;
- Can give advice on how to meet the council’s requirements for community consultation before they apply;
- May tell where a proposal is likely to be unacceptable to the council saving the cost of finalising the scheme and submitting the application;
- Will help to make sure the application is complete; avoiding delays in validating and determining the application.

5.3 The findings of a national survey done on authorities who charge or who considered charging but decided not to proceed are:

- Charging improves the delivery of what is an essential but time consuming service and helps to ensure better quality application submissions;
- Charging helps filter out speculative and poorly thought out development proposals;
- Charging could, however, discourage development or risk harming a good working relationship with local agents;
- No authority interviewed charged for householder development and most exempted development affecting small business premises;
- Charging is accepted in principle on the basis that developers will receive in return, assured and timely access to the service/staff and carefully considered and constructive written advice at the end of the process;
- Charges need to be easily understood and administered.

5.4 In Rossendale, the scope for large scale development proposals is limited due to a number of factors such as topography and market constraints/attraction. Whilst it is therefore considered that a charging scheme needs to be in place for major proposals, it is

considered that smaller development also needs to subject to charging, due to the nature of applications received in Rossendale. The level of fees must, however, not be set at such a level to stifle genuine investment interest, given the relatively fragile nature of the local economy. The information at paragraph 5.5 shows a potential pricing structure for Rossendale. Consideration has been given to setting a flat fee for example 5% of the application fee. However, it was considered that in relation to the smaller schemes, the fee received would be so small as to be less cost effective when taking account of the additional administration costs in implementing the new service. For example the fee incurred for a single house pre-app would only be £16.75 on this flat rate. Accordingly, it is proposed that the fee structure is set out as per below.

5.5 Proposed Rossendale Planning Service pre-application submission charges and criteria definition are as follows:

Proposed Fees

	Minor	Major
Initial Meeting	£150 plus VAT	£ 300 plus VAT
Follow up meetings	£ 75 plus VAT	£ 150 plus VAT

Please note the above fees are in addition to the national fee requirements as set out in the Town and Country Planning regulations as prescribed by Central Government.

Minor development definition:

- Schemes of 1-9 dwellings
- Commercial development resulting in new floor space on sites smaller than 1ha or less than 1000sqm.
- Changes of use above 0.1 Ha

Major development definition:

- More than 10 dwellings
- Offices / Research / Business and light Industry >1000m2 or >1 ha
- Heavy industry / manufacturing / storage and warehousing >1000m2 or >1ha
- Retail distribution and servicing >1000m2 or >1ha

All other major developments

What development will be exempt from Pre Application submission Charging?

The charges would be applied with the following exemptions:

- Changes of Use below 0.1Ha
- Householder developments e.g. extensions
- Applications for advertisements
- Applications for Listed Building Consents
- Applications for Conservation Area Consents, normally only required for demolition

Who will be affected by the charging and who will be exempt?

Having regard to the definitions outlining which development will incur charging and what development will be exempt, it will affect those looking to undertake significant development, mostly for financial/business reasons. This will mean that existing homeowners including minority groups will not be affected by this new proposal. For example, those wishing to undertake development to adapt their existing residential property to meet the needs of disability, or those needing to extend their existing residential property to meet their family needs, particularly those from ethnic minorities, as has been identified in the latest Rossendale Housing strategy will not be affected.

## 5.6 Information required and Service provided

The service to be provided by paying a fee would be as follows:

The prospective applicant makes a request for a meeting on a form with the following information submitted:

- Site location plan at an appropriate scale
- Details of current use
- Draft Design and Access Statement
- Photographs and/or sketches of site and surroundings
- Drawings showing height and scale of development proposed
- Drawings showing layout
- Whether they have undertaken pre-submission community consultation or not

If the appropriate information is submitted, Rossendale Borough Council Officers will contact the potential applicant within 10 working days of receipt of the form and seek to set a meeting within 28 days. The Planning Manager normally attends the initial meeting. If a scheme put forward is, in principle, unacceptable, the applicant is informed in writing. If after being informed the applicant still wishes to proceed, the charges as specified apply.

Once all have accepted the request for the meeting, the relevant fee is paid at least one week before the meeting is held, if not, the meeting is cancelled or rescheduled.

Once the fee is received and the meeting confirmed, a Planner is nominated as Case Officer and prior to the meeting will:

- Research the history of the site
- Undertake a site visit
- Identify and assess the prospective application against Council policies and standards

The meeting will then be arranged and operated in accordance with the Council's development team approach

After the meeting the case officer will:

- Within 10 working days, provide a detailed written response in the context of the plans provided and meeting discussions, which will be issued in the name of, and signed off by the Head of Service
- Invite follow up meetings if considered necessary

The written response will make clear that any views or opinions expressed are given in good faith, without prejudice to the formal consideration of the application and that any subsequent alterations to local or national policy may affect the advice given, particularly if there is a significant time delay between pre-application submission and formal submission.

### **COMMENTS FROM STATUTORY OFFICERS:**

#### **6. SECTION 151 OFFICER**

6.1 Financial matters are noted in the report.

6.2 Members are aware that as part of its Medium Term Financial Strategy, the Council has to reduce its annual net expenditure by in excess of £1.3m

#### **7. MONITORING OFFICER**

7.1 No additional comments to that contained within the report

## **8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

8.1 The Equality Act 2010 requires the Council to have due regard in the exercising of its functions in relation to the three aims of the Equality Duty, for the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advanced equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The amount of regard that is “due” is set out in the Act and will depend on the circumstances of the case. Under the general equality duty there is a requirement to engage with people with protected characteristics and to have an adequate evidence base for Council decision-making. Further, the Council is under a duty to consult representatives of a wide range of local people; this should include local voluntary and community organisations and small businesses in such consultation.

## **9. CONSULTATION CARRIED OUT**

9.1 The matter has previously been considered by Management Team, Cabinet Portfolio Holder and Cabinet members. More recently, consultation on the proposals then commenced with Developers, Agents, Councillors and local groups for three weeks. This consultation commenced on the 18<sup>th</sup> January 2013 and ended on the 8<sup>th</sup> February 2013. Comments received during the consultation are at Appendix 2.

9.2 Consideration has been given to whether any particular groups would be affected disproportionately or unfairly by the introduction of these changes and therefore should be specifically consulted prior to its introduction to ascertain its impact. However, it is considered that by setting out the criteria in section 5.5 of this report, the introduction of fee charging will not disproportionately affect minority groups. As alluded to in section 5.5 of the report, changes required for adaptation for those with disability will not incur a fee. The inclusion of householder applications as not incurring a fee also means that groups who may be most affected by the need to enlarge their existing home will also not be affected.

## **10. CONCLUSION**

10.1 In Rossendale, the scope for large scale development proposals is limited due to a number of factors such as topography and market constraints/attraction. Whilst it is therefore considered that a scheme needs to be in place for major proposals, it is considered that smaller development also needs to be subject to charging due to the nature of applications received in Rossendale. The level of fees must, however, also not be set at such a level to stifle genuine investment interest, given the relatively fragile nature of the local economy. The definitions of development to be affected by the charging regime will mean that homeowners, including minority groups, will not be affected by the policy.

## **11. OTHER DOCUMENTS CONSIDERED**

11.1 Appendix 1 – Fees of neighbouring authorities.