

Subject:	Pre-Application Charging for Minor and Other Applications	Status:	For Publication
Report to:	Cabinet	Date:	26 th November 2014
Report of:	Director of Business	Portfolio Holder:	Operational Services and Development Control
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: n/a
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1.	RECOMMENDATION(S)
1.1	That a revised Pre-Application Charging Policy for Minor and Other Planning Applications as set out in 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 Director of Business in consultation with the Portfolio Holder

2. PURPOSE OF REPORT

- 2.1 It is considered that the revised approach to fee charging for minor and other applications should be approved as it has the potential to:
- Allow the Council to further recover at least some of the costs incurred through this non statutory service.
 - Lead to an improvement in the quality of submissions and less ill thought out proposals
 - Remove time wasting speculative ventures that will not lead to future development but cost officer time and thus tax-payers money.

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 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 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
- Discourage development or risk harming a good working relationship with local agents
- There is some initial set up work required and minor modifications and potential amalgamation work required on the separate charging papers to ensure consistency and ease of use.
- 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

5. BACKGROUND

- 5.1 The National Planning Policy Framework recognises¹ 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 Council since March 2013 has charged to provide pre-application advice on certain types of planning applications.
- 5.3 In July 2014, the Council updated and adopted a revised approach and fee structure towards pre application advice for major planning applications 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. The cabinet report of the 9th July 2014 made a commitment to bring a further paper to set out proposed changes for minor and other applications.
- 5.4 Minor applications under the March 2013 paper were defined as:
- Schemes of 1-9 dwellings

¹ National Planning Policy Framework, paragraph 188.

- Commercial Development resulting in new floor space on sites smaller than 1 Ha or less than 1000sqm
- Changes of use above 0.1 Ha

The fee rates for the above were £150 plus VAT and follow up meetings were £75 plus VAT.

5.5 The March 2013 paper makes clear at the time that the following ‘other’ development would be exempt from pre-application submission charging.

- Changes of use below 0.1Ha
- Householder developments eg extensions
- Applications for Advertisements
- Pre-application advice for applications for Listed Building Consents
- Pre-application advice for applications for planning permission for demolition in a conservation area.

5.6 Having reviewed practice elsewhere and having regard to the need for further income generation and to reduce speculative queries which can be time consuming but do not result in submissions, this paper reviews the exemption list above.

5.7 Having done so, it is proposed that the following changes to the charging schedule are made in relation to development that has previously been exempt from pre-application submission charging.

- Householder developments requiring planning permission. eg extensions - £50 plus VAT
- Pre application advice for applications for advertisements - £50 plus VAT
- Pre-application advice for applications for planning permission for demolition in a Conservation Area – £150 plus VAT if floor space of building (s) to be demolished is above 115 cubic metres
- Pre-application advice on applications for Listed Building Consent – £50 plus VAT. Where planning permission and LBC is required, the LBC fee will be added to the pre-application fee related to the scale of the planning application proposal sought.

5.8 Separately, it is proposed to modify the wording for clarity sake (based on experience of implementation) on the March 2013 paper to amend the last bullet point on the definition of ‘minor’ to state:

- Change of use of land and or buildings of smaller than 1Ha or less than 1000sqm.

Finally, in relation to the rates set in the March 2013 paper, it is proposed that taking account of implementation experience to date on officer time involved with ‘minor’ proposals as defined in paragraph 5.4 and the revision referenced in the bullet point above the costs should be increased to £250 plus VAT.

5.9 In relation to the types of development described in paragraphs 5.4, 5.7 and the revisions to the definition in paragraph 5.8, in order to be able to provide advice of worth, the following level of information will be required by completing an enquiry form:

- Site Location plan at appropriate scale
- Details of current use
- Brief description of proposals
- Photographs of site and surroundings
- Sketch of proposals and layout

5.10 In all of the above, the service provided will be to respond within 35 days of receipt of the form and fee setting out:

- Whether the proposals would be acceptable with reference to relevant planning policies. The advice given is without prejudice to the formal determination of any subsequent application

5.11 Case officers will at their professional discretion undertake a site visit as part of the service where considered necessary in order to give appropriate advice.

6. **OPTIONS**

6.1 Option 1 - To retain the approach as set out and approved by Cabinet in March 2013.

6.2 Option 2 - To undertake revisions to the approach as set out in Section 5 of this report.

6.3 Having regard to the experience gained to date by officers and additional insight by way of learning from the shared service approach and from other authorities, it is considered that revisions to the pre-application process and fee structure should be made. It is proposed that the revisions as proposed will on balance improve the service for customers and has the potential to increase income received for the Council. It is considered the fees proposed are reasonable having regard to the types / scale of development to be included in the revised schedule. The fees are also consistent with the fees charged by other authorities in the North West. Accordingly, having regard to the above options, it is considered that option 2 should be pursued in relation to the pre-application submission approach for minor and other types of applications.

6.4 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.

There are existing policy provisions that accommodate those with a disability, and this will not be affected.'

COMMENTS FROM STATUTORY OFFICERS

7. SECTION 151 OFFICER

7.1 Financial matters are noted in the report

8. MONITORING OFFICER

8.1 Comments included within the report

9. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

9.1 The proposed protocol is consistent with the approach advocated by Government in the National Planning Policy Framework.

9.2 The Portfolio holder and Management team has been consulted on the proposals.

Background Papers

Planning Charges Policy – Report to Cabinet 6th March 2013

Managing Major Planning Applications – Report to Cabinet 9th July 2014