



To: Executive Councillor for Planning and Sustainable Transport

Report by: Head of Planning Services

Relevant scrutiny committee: Environment Scrutiny Committee *21 June 2011*

Wards affected: All

PROPOSALS FOR THE INTRODUCTION OF CHARGES FOR PRE-APPLICATION ADVICE BY THE PLANNING SERVICE

Not a Key Decision

1. Executive summary

- 1.1 Pre-application planning advice is part of the service that Cambridge City Council currently provides at no charge to its customers. Pre-application advice is an essential part of delivering a quality planning service, providing informal advice to applicants on the form, content and merits of future planning applications. This service enables inappropriate schemes to be discouraged and new development to be informed by technical and policy advice at an early stage in its development.
- 1.2 Recent time recording and benchmarking activities have shown that the provision of pre-application advice accounts for about 20% of the time spent by officers in the development control service area at present. This is not untypical and a number of councils now look to charge for this service. Frequently, the more complex the site, the greater input of pre-application discussion that is necessary. For strategic and complex sites, pre-application discussions may start 3-4 months or more before a formal application is made. The provision of this advice absorbs considerable officer time but is an important area of service and one that is valued by customers.
- 1.3 This report seeks approval for consultation with service users and key stakeholders on the establishment of a scheme of pre-application charging for Cambridge and also the fringe sites that straddle the City and South Cambridgeshire.

2. Recommendations

- 2.1 The Executive Councillor is recommended to approve the draft pre-application advice scheme and charging schedule for user consultation and the outcome of the consultation exercise be reviewed by Environment Scrutiny Committee in the autumn. The consultation exercise would be undertaken in parallel with South Cambridgeshire as it is proposed to cover the fringe sites that lie within both authority areas.
- 2.2 The proposed consultation will be for 6 weeks and will take place over the summer. Service users, fringe site parish councils in South Cambridgeshire, the County Council and key stakeholders will be consulted on the proposals.

3. Background

3.1 The benefits of providing pre-application advice

Whilst council's are not obliged to enter into pre-application discussions, there are recognisable and tangible benefits from well-managed engagement prior to the submission of a planning application. These include:

- Improved efficiency for all users by reducing wasted time and money spent on abortive work
- Clarification about community engagement and involvement
- Identification of who should be involved from an early stage
- Clarity and certainty for the applicants, scoping of issues
- Better quality application submissions and outcomes
- Helps filter out speculative and poorly thought out development proposals
- Pre-application advice is part and parcel of a professional, comprehensive and responsive service
- Helps sustain and improve the service provided and to ensure that the cost of providing pre-application advice does not fall as a general cost to the council taxpayer.

3.2 Charging for Pre-application Advice

Providing pre-application advice is an important but resource hungry area of service that the Council currently provides. Recent benchmarking work¹ has shown that the cost of submitting a planning application does not cover the full cost of dealing with the application

¹ Planning Advisory Service Benchmarking Group 2010
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or providing this part of the planning service². In the current economic climate, the Council needs to review whether it can continue to sustain the provision of a free pre-application advice service.

The introduction of a charge is a fair way of continuing to provide pre-application advice but shifts some of the cost of provision to applicants and those directly benefiting from the service. Charges for pre-application advice are undertaken in many other authorities, the charges are aimed at cost recovery only and is now a recognised practice across the planning and development industry.

3.3 Charging and Cost

The Local Government Act 2003 gives planning authorities a discretionary power to charge for giving pre-application advice. The basic principle behind the income raised is that it must not exceed the cost of providing the service. The key for implementing a successful charging regime is to make it as easy to understand and administer as possible. As such, a simple flat fee system is proposed for City Council pre-application meetings (see appendix A). The fee scales proposed equate to a mid-range fee based upon comparative evidence gathered from other authorities (see appendix B).

The charging schedule should be reviewed on a yearly basis. A bespoke fee for follow-up meetings, especially for strategic sites where numerous meetings over a prolonged period of time may be required will be agreed upon application with the relevant officers before they take place.

Charging for pre-application advice would not alter the informal status of the advice given from the situation that currently exists. Pre-application advice is always given on an informal basis, without prejudice to the ultimate decision of the planning or area committees. This arrangement is a known and understood feature of the planning advice service.

3.4 What Service will be charged for

The fee for pre-application advice will cover the cost of the meetings involved (officer attendance and any preparatory work) and the preparation of a written response signed off by the New Neighbourhoods or City Development Managers.

² Approximately 40% of the costs of the Development Control service are covered by fees (2010/11 figures)

The structure of the meeting and key attendees will be agreed in advance with the developer. The Council will minute the meeting and provide a follow-up written response.

The attached template based upon a simple categorisation of issues should form the basis of advice. At the very least the response should include an analysis of: the relevant planning history; site constraints; key policies and how they would be applied; recommended consultations; an indication concerning the principle of the proposal; a summary of the key issues and how these might be addressed through amendments.

For strategic sites, it will often be necessary to accommodate a series of follow-up meetings. This might comprise, for example, six meetings over a three-month period. This allows for an iterative process that better suits the development of strategic proposals.

3.4 What is required of the Local Planning Authority

If an approach for a pre-application meeting is made by a developer the Council will aim to provide the following level of service:

- Confirm the name and contact details of the case officer for the site
- Agree the scope of the meeting and officers required
- Arrange a meeting within 21 days of payment
- Provide a written response within 14 days of the meeting setting out the advice on the development proposals

3.5 What is required of the Developer

Once the pre-application fee has been paid and the meeting date set, the developer will:

- Provide the required plans and supporting information in one hard copy set and electronically at least 5 working days prior to the meeting date.

This will allow officers time to understand the nature of the proposal, undertake any research required, informally discuss its merits and scope the need for any further information or clarification. The provision of this information upfront will allow for a more efficient meeting. It is in the interests of the developer to provide as much information as possible.

3.6 Other Issues

The following table estimates the number of pre-application development proposals that the Local Planning Authority deals with and the time taken to provide the pre-application advice. A suggested hourly rate based upon the likely level of experience of the officer dealing with the pre-application development is provided. These rates include service and corporate on-costs. These costs reflect the City Council input to the pre-application process.

Type of Development	Estimated No. of applications where pre-app sought*	Average time to arrange, convene and respond to one meeting request for pre-app (hours)*	Suggested Rate (per hour)
Strategic Development	10* (40)	14.5-17.5	£50
Major Development	37* (74)	10	£41
Minor Development	256	3 (written only 2)	£31
Householder	87	1 (also could fall within duty officer free service)	£31

*Strategic development sites are likely to involve continued pre-application discussions for periods of between 2 – 6 months involving on average 4 pre-app meetings per site/application.

*Major development sites are likely to involve on average 2 pre-application meetings per site/ application

For the Fringe sites a joint approach is proposed with South Cambridgeshire and alignment/adjustment of costs on joint schemes may be necessary. Officers have had discussions with their counterparts at South Cambridgeshire and this issue may necessitate adjustment to the final fee schedule once consultation has taken place. Likewise the County Council has not yet determined that it will make a charge for the input it makes to pre-application discussions but may opt to do so over the coming months. Officers will work with both councils through the consultation process to ensure that there is clarity over the final proposed charges for service users by the time the scheme comes back to Environment Scrutiny Committee.

The implementation of a charge for pre-application advice is estimated to bring in income of between £20,000 and £40,000 in the first full year. This will support the cost of providing this important area of service.

3.7 Freedom of Information Act Implications

The Freedom of Information Act 2000 requires us to make all documents available if requested. Pre-application advice can only be treated as confidential if there are clearly demonstrable issues of commercial sensitivity or other significant reasons why this information may not be made public. If a planning application is made as a result of pre-application advice, all documentation may be publicly available, as they will form background papers to the application.

4. Implications

Staff

The formalisation of the pre-application advice service will bring in income to support the staffing and overhead costs in providing this important area of service.

Finance

The financial implications are set out within 3.6 above.

Environmental

The environmental implications are set out within the report above.

Community Safety

There are no direct community safety implications.

Equalities and Diversity

There are no direct equality and diversity implications. An EQIA will be undertaken to determine any adverse impacts or mitigation that will be required

5. Background papers

These background papers were used in the preparation of this report:

Planning Advisory Service guidance on introducing pre-application charges.

6. Appendices

Appendix A – Protocol and Charging Schedule

Appendix B – Level of charges from other authorities

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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Appendix A:

Cambridge City Council: Protocol for Providing Pre-Application Advice and charges

Introduction

We are able to provide you with pre-application advice and information if you are considering carrying out development within Cambridge.

We would encourage you to seek advice before submitting a formal application in order to help speed up the development process and avoid unacceptable proposals.

The provision of such advice is time consuming and costly so we have formalised the procedures for handling this area of work. In most cases we charge a fee for providing advice under the provisions of the Local Government Act 2003. Most of the charges are based on an assessment of the cost in terms of officer time for providing the pre application advice. The charging arrangements will help us to sustain and improve the service provided. They will also ensure that the cost of providing advice does not fall as a general cost to the Council taxpayer.

The benefits of pre-application advice

Pre application advice will provide you with the following benefits:

- A better understanding of how our policies will be applied to your proposal
- An identification of the need for specialist input at an early stage
- Assistance in the preparation of proposals for formal submission, which, if you follow our advice, should be handled more quickly and be more likely to result in a positive outcome
- A reduction in the time that you or your professional advisors spend in working up the proposals
- An indication where proposals are unacceptable, saving the cost of pursuing a formal application.

Proposals requiring a fee

The pre-application process - how it will operate

1. Discuss the need for pre-application advice with the New Neighbourhoods or City Development Managers. They will confirm the name and contact details of the case officer for the site who will then contact you to agree the scope of the meeting, the officers required and the cost.
- 2: Fill out the formal request form and pay for the meeting. The case officer will then seek to arrange a meeting within 21 days of payment.
- 3: Provide the required plans and supporting information as agreed with the case officer in one hard copy set and electronically at least 5 working days prior to the meeting date (provide link for required list of plans).
- 4: Convene the meeting bringing any professional advisors as necessary. The meeting will have an agreed agenda and will be minuted by council officers.
- 5: A written response setting out the informal advice on the proposed development will be provided within 14 days unless otherwise indicated. The advice will be signed off by the New Neighbourhoods or City Development Manager.
6. Where necessary you should amend the scheme in the light of the comments received and either: proceed to a formal application; or if significant alterations to a scheme are required to make the proposal acceptable, then a further round of correspondence and meetings may be needed prior to a formal submission and a further fee may be required.
7. When you consider that the application is ready for submission, a further discussion with the case officer is advisable in order to ensure that enough information is submitted to validate the application.

Community Involvement in the Planning Process

We encourage community involvement in the planning process at an early stage, often before an application is submitted. This may take the form of a local exhibition, public meeting, circulation of leaflets, or the creation of a well-publicised dedicated website, including a facility to make comments. The case officer can advise you of community groups that are likely to have an interest in the proposal. Their comments should be considered before formalising a proposal and any application which has undertaken pre-application consultation with a community group should set out the details of the consultation process and how the application has responded.

Without prejudice Footnote

Any advice given by the Council in relation to pre-application enquiries will be based on the case officer's professional judgement and will not constitute a formal response or decision of members of the Council with regard to any future planning applications. Any views or opinions expressed, are given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application.

Appendix B

Comparative charges - other councils Appendix B

Authority	Range of Costs and Service Provided	<i>Maximum Charge including VAT</i>
Barnet	<p>Scales of Major applications: 100+ residential units or 4,000m²+ commercial floorspace =£5,000</p> <p>25+ residential units or 2,000m²+ commercial floorspace =£4,000</p> <p>10-24 residential units or 1,000-2,000m² commercial floorspace =£1,875</p> <p>Minor: 2-9 residential units or 100 -999m² commercial floorspace =£750</p> <p>Small scale –various charges ranging from £100-£250</p> <p>Specialist advice e.g. highways, conservation, urban design =£160 per hour</p> <p>Service level: One meeting and written advice + with officers other than the planning officer: per hr: £100 Officer & Principal, £130 Team Leader, £160 Section Head/Director.</p>	£5,000
Westminster	<p>One meeting and written advice Further charges by agreement for a defined series of meetings (charge for officer time at cost)</p> <p>Scales of Major applications: 100+ residential units or 1,000 – 9,999m² commercial floorspace =£3,120 (initial scoping only/other charges by agreement)</p> <p>10-99 residential units or 10,000m²+</p>	£3,120

Authority	Range of Costs and Service Provided	<i>Maximum Charge including VAT</i>
	<p>commercial floorspace =£3,120 Minor: 5-9 residential units or 500-999m2 commercial floorspace =£1,800</p> <p>Other minor: Various types of proposals -£420</p> <p>Householder –written advice= £120</p>	
Merton	<p>Scales of Major applications: 50 residential units or 2,000m2 + commercial floorspace/Environmental Impact Assessment developments =£3,000</p> <p>10-49 residential units or 1,000 – 1,999m2 commercial floorspace =£1,500</p> <p>Minor: 1-9 residential units or 100-999m2 commercial floorspace =£900</p> <p>Householder =£90</p> <p>Bespoke charges are applied for complex listed building consent proposals. One meeting and written advice Basic charge per hr: £100 Officer, £170 Team Leader/Manager, £250 HOS</p>	£3,000
Hart	<p>Householder =£40</p> <p>Other –up to 50 residential units or 3,550m2 commercial floorspace = 25% of planning fee</p> <p>Over 50 residential units etc -by agreement based upon officer time</p> <p>A range of charges are applicable for listed building advice, depending on complexity.</p>	£1,200 estimated

Authority	Range of Costs and Service Provided	<i>Maximum Charge including VAT</i>
	£100 Officer, £120 Principal, £150 DCM, £200 HOS (total process time)	
Derby	<p>Scales of Major applications: 200+residential units =£1,200</p> <p>10-999 residential units or 1,000m2+ commercial floorspace = £1,200</p> <p>Minor: £600</p> <p>No charges for householders</p> <p>One meeting and written response</p>	£1,200
Mid Sussex	<p>Scales of Major applications: 150+residential units or 5,000m2+ commercial floorspace =£512.50</p> <p>10 + residential units or 1,000m2 commercial floorspace =£307.50</p> <p>Minor: £205</p> <p>Other including some listed building advice etc =£153.73</p> <p>Householder =£50 if site visit required</p> <p>Meeting and written advice</p>	£512.50
Lewes	<p>Meeting and written advice</p> <p>Subsequent advice charged at hourly rates £30 Officer, £40 Principal, £50 Team Leader, £60 HOS + VAT</p>	£705
S Cambridgeshire	<p>Scales of Major applications: 100 residential units+ or other 5,000m2+ floorspace or 2 hectares+ =£720</p> <p>10 or more residential units/0.5</p>	£720

Authority	Range of Costs and Service Provided	<i>Maximum Charge including VAT</i>
	<p>hectares or 1,000m² other floorspace =£720</p> <p>Minor: £360</p> <p>No charges for householders. Meeting and written advice (Lower rates apply for written advice only)</p> <p>Follow up meetings by negotiation</p>	
Oxford	<p>Scales of Major applications: 25+ residential units or 2,000m²+ commercial floorspace = £864</p> <p>6-25 residential units or 500-2,000m² commercial floorspace or 10-50 student units = £648</p> <p>Less than 6 residential units or 500m² commercial floorspace =£432</p> <p>Other bespoke charges for protracted negotiations</p> <p>Specialist officers =£50 +VAT</p> <p>No charges for householders</p> <p>Extra charges are applied for site visits</p> <p>There are separate charging scales for written advice and advice given through meetings</p>	£864
St Edmundsbury	Meetings and written response – residential: £150 -£1000 depending on scale, commercial £150 - £1000	£1000
Cambridge (as proposed)	Scales of Major applications: 100 or more residential units or other 5,000m ² + floorspace/sites 2 hectares	£1050

Authority	Range of Costs and Service Provided	<i>Maximum Charge including VAT</i>
	<p>or more = £1050</p> <p>Long-term /protracted strategic proposals by agreement</p> <p>50+ student units = £870</p> <p>10-99 residential units or 1-1.99 hectares or other 1,000-4,999m2 floorspace =£500</p> <p>10-49 student units = £500</p> <p>Minor: £120 (£80 written advice only)</p> <p>Householder =£40</p>	