

Executive Committee



5 February 2010

Report of: **Head of Planning**

Report no. 107/09

Author: **Mike Gilbert**

Telephone: **01235 547681**

E-mail: **mike.gilbert@whitehorsedc.gov.uk**

Executive/Cabinet portfolio holder: **Councillor Mary de Vere**

Telephone: **01235 203169**

Wards affected: all

E-mail: **mary.devere@whitehorsedc.gov.uk**

Charging for pre-application planning advice

Recommendation

That approval is given to charging for providing pre-application planning advice on major and minor applications from 01 April 2010.

Purpose of report

1. This report requests the executive's agreement in principle to introduce a scheme of charging for giving pre-application planning advice. As of 1 February the new scheme of delegation gives authority to directors and each head of service to determine the fees and charges to be levied for all council services, (excluding car parking charges) in consultation with the relevant cabinet / executive member and opposition leader

Relationship with corporate plan

2. The report accords with the strategic objective of managing our business effectively.

Background

3. The council currently provides pre-application planning advice free of charge and responded to approximately 600 requests during 2009. This can be time consuming and it is not included in the cost of determining planning applications. Not all requests for pre-application advice subsequently lead to a planning application being submitted. A recent review of costs versus income highlighted the need to introduce a scheme of charging and so recover the cost of providing the service.

4. The Planning Advisory Service (PAS) notes that developers and their agents broadly accept charging for pre-application advice. This is provided they receive timely access to a planning officer and carefully considered and constructive written advice at the end of the pre-application advice process.
5. Under current arrangements matters other than determination of planning applications cannot be given priority due to resource constraints. Pre-application advice is fitted in around other workloads. If we introduce pre-application charging we will set clear service standards so that clients are clear about what to expect from the service.
6. Increasing numbers of councils are introducing charging, including South Oxfordshire District Council and Oxford City Council. Most charge for “Major” (i.e. developments of ten or more dwellings or 1,000 sq m or more floor area) and “Minor” (i.e. developments of up to nine dwellings or 1,000 sq m floor area) proposals. Fewer currently charge for advice on “Other” proposals (i.e. householder developments, listed building/conservation works, advertisements and changes of use of land or buildings).
7. We estimate that providing pre-application advice on “Major” and “Minor” proposals will generate an annual income of about £20,000.
8. A written protocol of the agreed scheme will need to be set up and placed on the website. In addition, PAS advises that local agents and “major local players” need to be informed prior to the charging scheme being introduced, and the scheme needs to be reviewed every six months and possibly amended in the light of experience.

Options

9. There is the option to charge for all pre-application advice – i.e. Major, Minor and Other proposals. However, the planning advisory service (PAS) advises that charges are more appropriate for significant commercial development rather than householder proposals. In addition, most other councils that have introduced charging do not charge for householder proposals as home owners are most likely to be put off entering into a dialogue with the council prior to the submission of their application if they have to pay a fee in addition to the application fee. It also needs to be remembered that there is no fee for submitting applications for listed building consent or conservation areas. We do not therefore recommend that charging is introduced for giving pre-application advice for “Other” proposals, provided the enquiry takes no more than half an hour of officer time. A charge will be made if the advice exceeds half an hour although this is unlikely.
10. PAS also says that developers prefer fixed fees (rather than an hourly rate) as these are unambiguous and easy to administer. Therefore, it is recommended that fees are fixed.
11. Charging levels need to take into account the nature of the service provided. A variable scale of charges is recommended to reflect the following four options:
 - i. written response only
 - ii. written response following a meeting in the office

- iii. written response following a meeting in the office and a site visit
- iv. package of work involving meetings and ongoing advice in the preparation of significant major applications

12. We intend to set the fee rates at a similar level to those recently introduced by South Oxfordshire District Council.

13. We consider it inappropriate to charge for any advice relating to enforcement cases (as it is in the interest of all parties to discuss such matters openly and expeditiously without the hindrance of charging), advice to town/parish councils/meetings, and proposals relating directly to the needs of someone with a disability.

Financial, legal and any other implications

14. It is estimated that this proposal will generate an annual income of about £20,000. The mechanism for charging for a discretionary service is set out under the Local Government Act 2003. From 1 February 2010 (new Constitution), the head of planning in consultation with the executive member for planning and the opposition leader can authorise the level of charges.

Conclusion

15. The introduction of charges for pre-application planning advice for Major and Minor applications is an appropriate way for the council to recover its costs for providing such a service. The scale of charges will be set by the head of planning in accordance with the Constitution.

Background papers: - None