

DARTMOOR NATIONAL PARK AUTHORITY

5 September 2014

CHARGING FOR PRE-APPLICATION PLANNING ADVICEReport of the Director of Planning

Recommendation: That Members agree to public consultation on the draft charging schedule for pre-application advice

1 Purpose of report

1.1 A detailed report on pre-application charging was taken to the meeting of the Audit and Governance Committee on 15 August 2014 (NPA/AG/14/051). At that meeting it was resolved that:

- A scheme of charging should go forward for consideration at the next available Authority meeting
- The scheme of charges as set out together with the exemptions were considered appropriate
- Any scheme of charges should be supplemented with a clear set of advice notes to guide pre-applicants
- The levels of service and general caveats on advice being informal and not binding should also be clearly set out.

1.2 This reports seeks authorisation to issue a consultation document in relation to a scheme of charging for pre-application advice. For information the current charging schedule of West Devon Borough Council/ South Hams District Council (same charges apply to both Councils), and Mid Devon District Council is appended to this report. Teignbridge District Council does not charge for pre-application advice except in the case of major development pre-application forum meetings. They have no current plans to introduce charges. The draft charging schedule proposed is also appended.

2 Breakdown of pre-applications received in 2013/14

2.1 In the last financial year the following pre-application enquiries were dealt with by the planning team. These are broken down into development types.

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| • Advertisements | 11 |
| • Changes of use | 62 |
| • Householder | 391 |
| • Listed Building Consent (LBC) | 68 |
| • 1-9 dwellings | 220 |
| • Other minor devt. | 198 (includes agr.buildings) |
| • Major residential (over 10) dwellings | 18 |

2.2 In terms of numbers of enquiries the bulk of the work appears to fall into householder, LBC, 1-9 dwellings and other minor development categories.

3 Potential income and risks

3.1 On the basis of the charging schedule attached to this report, the potential income generated in a typical 12 month period would be:

Advertisements	£1,100	
Changes of use	£6,200	
LBC	£2,760	(based on a third proceeding to site visit)
1-9 dwellings	£33,000	(based on 1-2 dwellings as this is the majority)
Other minor	£15,840	
Major devt.	£7,200	(based on 10-30 dwellings)

Total income	£66,100	

3.2 Based on experience from constituent Councils in the area, we could expect an initial recoup of about a third of the above figure, but this should rise once the principle of charging and level of charges become more accepted. It will be important to monitor the impact of charges and how this affects both workload and income received, but it is considered that there is a prospect of receiving a reasonable level of income from a targeted charging schedule. It should be borne in mind that it is likely that following the introduction of charges there will be a drop in the number of written pre-application advice requests received particularly from developers who have no real interest in pursuing the matter or potential purchasers.

4 Householder advice

4.1 The view of Audit and Governance Committee was that free householder advice should be continued. This would be time limited to a 2 hour maximum desk top exercise without a site visit. In response to a query from the Audit and Governance Committee, it is confirmed that multiple requests for advice for the same or similar development will not be entertained (subject to a 12 month re-application restriction period). Further advice can be sought from a professional agent at that point to prevent the system being abused.

5 Commercial/residential development

5.1 The draft charging schedule for this category of development, as discussed and ratified by the Audit and Governance, is appended as Appendix 01.

6 Listed Buildings advice

6.1 Audit and Governance Committee agreed that a charge should be made where a site visit was essential. Otherwise it would remain free on the same basis as householder advice.

6.2 Unlike householder enquiries there will be times when a site visit is essential if we are to offer sound clear advice particularly related to the building concerned. The

team will reserve the right to refuse to give desk top advice if a site visit is considered essential in which case a charge will apply.

6.3 Members will be aware that unlike an application for planning permission (PP), an application for Listed Building Consent (LBC) does not attract a statutory fee. In many cases, development proposals will require both LBC and PP. It is not proposed to charge two sets of fees for advice on a single development proposal, and the higher charge only will be payable.

6.4 Some alterations to listed buildings, however, require LBC but do not require PP. The introduction of a fee for pre-application advice in these circumstances, albeit because a site visit is required, will mean that the Authority is levying a charge for advice when an application could be submitted (and re-submitted if unsuccessful) without charge. There may be a small risk that this could result in the proportion of “poor quality” applications being received increasing, although the numbers are likely to be very low.

7 Tree advice

7.1 Advice will only be given free for works to TPO trees or on the removal of trees in Conservation Areas. Advice on trees on potential development sites can be picked up as part of the schedule above and will not be given free separately. Advice will not be offered in future for pruning works for non TPO trees.

8 Advice regarding need for permission

8.1 Advice will continue to be offered informally as part of the written pre-application letter sent out. The informal nature of the advice and it being non-binding will be stressed. Any complexities in this area will need to be dealt with via a formal Certificate of Lawfulness application.

9 Set up costs

9.1 Set up costs will be minimal with no major upgrade changes needed to systems. Officer time will be required to set up guidance notes and an on line payment system but this will not be onerous.

10 Payment methods

10.1 The Audit and Governance Committee agreed that an on line payment system will be easiest to administer and that payment should be made ‘upfront’ before the pre-application request is processed.

11 Exemptions

11.1 The Audit and Governance Committee discussed and approved the exemptions as set out below.

- Parish Councils (own land or land they are to acquire)
- Householder development within the curtilage of a dwelling house (not change of use of land outside the curtilage)
- Listed Building advice with no site visit

- Registered charitable organisations or not for profit organisations
- 100% affordable housing schemes
- Rural 'exception' site affordable housing schemes
- Cross subsidy schemes to be based on open market proportion to assess fee
- Enforcement enquiries to regularise unauthorised development
- Generic advice over the telephone or in reception but on a very limited time basis (no more than 5 minutes)
- Power of absolute discretion to Director to waive or refund any fee but only in exceptional circumstances.

12 Timescale to give advice and process

- 12.1 The timescale for giving advice will be maintained as it is at present i.e. 28 calendar days. There will not however be any refund of the fee if this target is not met. This will be monitored and our target may need to be adjusted depending on experience.

13 How the scheme will operate in practice

- 13.1 For clarity all pre-application requests will need to be made in writing with a dedicated form to be provided, will include an appropriate level of details such as location plan, other plans, and photographs. The fee will be confirmed as well as any additional information required before work commences. All pre-application requests will be formally responded to in writing (letter or email) and will include the comments of both internal consultees and external consultees such as the Highway Authority when appropriate. A meeting with the pre applicant can be in the office or on site and may include multiple officers. Any meeting will be followed up with written advice. Members are referred to the procedure flow diagram appended to this report.
- 13.2 The Audit and Governance committee remarked on the 'culture' change that will be needed to robustly implement a scheme for charging. In the past Officers have been willing to offer advice so as to improve the quality of applications (and the eventual built development), discourage 'no hoper' applications and to generally go the extra mile in customer service. If a scheme of charging is implemented it will be necessary to guard against applicants trying to avoid charges, or making multiple requests on the same proposal. Officers will be required to avoid giving site specific advice over the telephone or in the office.
- 13.3 Another matter of procedure needs to be stressed in relation to seeking amended plans. It is considered that if a charging scheme is in place and an applicant chooses not to seek advice before submission then it should remain the prerogative of the planning team not to enter into negotiations or discussions to amend plans **unless** the design or other amendments are easy to achieve (preferably without any attendant need to reconsult). Planning authorities are not obliged to accept amended plans although best practice does encourage problem resolution during the processing period.
- 13.4 A stance of non-negotiation where significant amendments are needed could result in a greater rate of refusals and a potential increase in appeal work. This is the one area which cannot be quantified but will need to be monitored. Any refusal could however come with an offer to enter into pre-application discussion on payment of the appropriate fee. Members are reminded that the central government 8 week

performance figures are here to stay and the Authority will continue to be judged against this performance standard.

- 13.5 Members of the Authority also have a part to play in this culture change by stressing the advantages of seeking advice at an early pre submission stage and acting on the advice given. Officer committee reports will continue to confirm if advice has been sought and if the officer advice has been followed.
- 13.6 In addition pre applicants can help themselves in that there will continue to be a wealth of information and advice on our web site. This information over the next year will need to be streamlined and access made easier. Advice notes relating to pre-application will stress the importance of early use of our web site preferably before any written request for pre-application advice is made.

14 Other major developments and Member involvement

- 14.1 The Audit and Governance Committee made reference to Pre-application Forum meetings and involvement of Members at pre-application stage. Officers agree and consider this is in line with government best practice. A system will be brought forward as soon as time allows and Members views sought prior to its formal introduction. In the meantime Members will be involved from time to time in an informal way particularly on the larger schemes that may be submitted.

15 Financial Implications

- 15.1 The potential income generated is set out above. Expenditure to set up the system is expected to be very low, limited to the costs of the public consultation, the production of internal forms, promulgation of new advice and dealing with any complaints.
- 15.2 There is expected to be a drop in the overall number of pre-application advice requests. This should have the benefit of freeing up some officer time, which can be re-allocated to other work streams.
- 15.3 Any increase in the number of refusals of planning permission or listed building consent (because of a failure to take pre-application advice) could have a knock-on impact on the number of appeals. This area of work is highly resource intensive in officer time. However, it is by no means certain that many or most poor applications continue through to a refusal and an appeal. Some applicants and agents accept officer advice on their application, albeit at a late stage, withdraw and reconsider the way forward.
- 15.4 If it is determined to introduce a Scheme of Charges for Pre-Application Advice, the impact on requests for pre-application advice, applications, decisions, appeals and complaints will be monitored and trends reported to the Audit & Governance Committee on a regular basis.

16 Equality and Sustainability Impact Assessment

16.1 Members will note a number of exemptions to fees set out above. These are aimed at those customers who are less able to afford fees and for whom there are different needs from the planning service. We will continue to offer free householder advice, and free advice to community not for profit groups provided they are properly set up and constituted. Registered charities will also be exempt. The Director will maintain a power to exempt in special circumstances if required taking into account equality and sustainability issues.

17 Conclusion

17.1 Members are asked to consider the report and draft charging schedule. A key issue for consideration is the relative merits of a potential new income stream to offset costs and/or reduced workload (i.e. through reduced volume of pre-application enquiries) versus the negative perception of charges, the potential impact in terms of 'poorer quality applications', increased refusal rates and appeals.

17.2 If Members wish to proceed with potential pre-application charges, the next stage is a public consultation exercise. It is recommended that the following consultee views are sought

- Planning agents
- Statutory consultees
- Parish Councils
- Dartmoor Preservation Association
- Dartmoor Society
- Community Council of Devon

17.3 Any consultation will be carried out electronically with a link to this report and the earlier Audit and Governance report, and will include a draft charging schedule. Detailed advice notes will follow based on queries and other comments that may come out of the consultation exercise.

17.4 Results of the consultation will be reported to Authority for decision on whether to proceed. Suggested timescale for implementation is the start of the 2015/16 financial year. Fees would then be reviewed annually.

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Background Papers and appendices

(NPA/AG/14/035)

(NPA/AG/14/051)

Attachments:

- Appendix 1 – Draft DNPA Schedule**
- Appendix 2 - Charging schedule of Mid Devon District Council**
- Appendix 3 – Charging schedule of South Hams/West Devon Councils**
- Appendix 4 – Procedural flow chart for pre-application advice**