

 <b>Executive: 1 July 2015</b>		<b>Agenda Item No.</b>  <b>7</b>
<b>Title</b>	The introduction of a pre-application charging regime for development proposals.	
<b>For further information about this report please contact</b>	Gary Fisher	
<b>Wards of the District directly affected</b>	All wards	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	14 January 2015	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes
<b>Equality Impact Assessment Undertaken</b>	N/A

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	7/6/15	Chris Elliott/Bill Hunt
Head of Service	7/6/15	Tracy Darke
CMT	7/6/15	
Section 151 Officer	7/6/15	Mike Snow
Monitoring Officer	7/6/15	Andy Jones
Finance	7/6/15	Jenny Clayton
Portfolio Holder(s)		Councillor Stephen Cross
Consultation & Community Engagement		
This report follows consultation with key external stakeholders; summarises the comments that have been received and where appropriate indicates where the proposals have been revised to incorporate those comments.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **Summary**

- 1.1 The purpose of this report is to seek authority to proceed with the implementation of a regime which introduces financial charges for the provision of pre-application planning advice following the consideration of the consultation responses received from key external stakeholders.

## 2. **Recommendation**

- 2.1 That Executive recommends to Council that Officers be authorised to:-
  - i. Plan and introduce an appropriate pre-application charging regime to be undertaken for an initial period of 18 months;
  - ii. Fund any shortfall of the initial resourcing of this proposal (arising from the level of income received) to provide the equivalent of an additional FTE Senior Planning Officer over that period from the Planning Reserve;
  - iii. In consultation with the Development Services Portfolio Holder and the Leader of the Council, review the operation of that regime after 12 months to determine whether to permanently retain it in its existing or a modified form, or whether to discontinue its operation.

## 3. **Reasons for the Recommendation**

- 3.1 Pre-application advice is increasingly becoming a key element in the provision of a rounded and effective development management service.
- 3.2 The provision of such advice is important in providing developers with an appropriate steer as to the acceptability of their proposals prior to the submission of a planning application. It is also useful in identifying at an early stage schemes where there is little or no prospect of success thereby potentially preventing significant expenditure on the part of an applicant directed at schemes which are not acceptable.
- 3.3 To date, unlike many other Local Planning Authorities across the sub-region including Warwickshire County Council, Stratford on Avon District Council, Solihull Metropolitan Borough Council, and Nuneaton and Bedworth Borough Council, this Council has resisted the introduction of pre-application charging essentially due to concerns about the extent to which potential users may be discouraged by the requirement to pay for such a service.
- 3.4 However, it is widely acknowledged that the benefits of effective pre-application services are generally welcomed within the development industry and that developers are willing to pay for that service subject to it being provided in a timely and transparent manner. In fact, many potential applicants have indicated that they would be willing to pay for such a service despite no schedule currently being in place.
- 3.5 As Members will be aware, this Council's Development Management Team provides an effective and speedy service in determining planning applications and in that respect is recognised as one of the top performing Local Planning Authorities in the country. However, the current level of resourcing within the Team is such that in many cases it has not also been possible to prioritise pre-application submissions and discussions to the extent to which the team aspires. As a consequence, it is acknowledged that the team currently under

performs in that area and misses opportunities to advise and influence proposals prior to a formal submission being made to the detriment of the provision of a fully rounded service and the reputation of the Council.

- 3.6 Drawing on the experience of other Local Planning Authorities, it is considered that the introduction of an appropriate pre-application charging regime including suitable safeguards to ensure that in particular householders wishing to extend their home and where appropriate other potential applicants are not disadvantaged, offers an opportunity to further enhance the quality of the development management service offered to our customers.
- 3.7 The proposed pre-application service incorporating a charging regime upon which key stakeholders have been consulted is included at Appendix 2 to this report<sup>1</sup>. A summary of the responses received with any revisions included as a result of the consultation highlighted are also included in Appendix 1.
- 3.8 Members are asked to note that the proposed charging schedule has been drawn up on a sliding scale reflecting the complexity and scale of development proposals and that the level of charging proposed has been carefully considered taking into account the wide range of charging schedules currently operated across the country and within the sub region.
- 3.9 As part of this approach, we will be providing an enhanced service to householders by way of the introduction of a combined development management and building control drop in service on a regular basis. It is not proposed that any charge will be made for advice provided to householders, unless the service request includes the provision of written advice.
- 3.10 It is considered that initially, in order to resource the provision of an enhanced pre-application service, a further full time Planning Officer post is required within the Development Management Team as the current level of resourcing within the team does not build in sufficient capacity to ensure that pre-application work can be prioritised and undertaken in a robust and timely manner which will be crucial to the success of an enhanced service. For that reason, over the initial 18 month provision of that service it is also proposed to seek any funding required over and above the income received from the Planning Reserve.
- 3.11 Should the introduction of this service prove to be successful, it is anticipated that the level of income likely to be derived from it will be such that in the longer term it will become self-funded (see section 5 below).

#### Consideration of the Consultation Responses Received

- 3.12 The consultation responses received from regular users of the Council's Development Management Service including architects and Warwick University are in support of the introduction of a charging regime and welcome the potential improvements to the quality of service that will result. No responses were received which opposed the proposals.

---

<sup>1</sup> The consultation process involved comments on the proposed regime being invited from a sample of approximately 50 planning agents and architects practices who regularly submit planning applications to WDC; 20 internal and external partners and organisations who are regularly consulted on planning applications; and all ward Councillors.

- 3.13 Those responses identified the importance of the provision of a clear framework for a revised pre-application regime; the application of a proportionate charging framework; and the provision of responses within clear timescales, all of which are proposed to be the case.
- 3.14 One of the responses received suggested that the exemption from charging should be extended to include charitable organisations which is now proposed to be incorporated within the scheme.
- 3.15 Responses were received from 2 external and 2 internal statutory consultees, one of which identified the potential risk of the reduction in the level of pre-application requests which is discussed at paragraph 5.3 below.
- 3.16 Responses were received from 4 ward councillors which were supportive of the proposals except for one response which did not support the exemption from charging of projects supported by the Local Enterprise Partnership.
- 3.17 As part of its aim to drive economic growth and insodoing remove barriers to such growth, the Coventry and Warwickshire Local Enterprise Partnership has developed a planning protocol, a key element of which is the provision of pre-application advice by Local Planning Authorities without charge. It is therefore considered that in order to assist in the promotion of the economic development of the District it would not be appropriate to revise the regime to exclude projects supported through the LEP from the proposed exemption to charging<sup>2</sup>.
- 3.18 The responses received from users of the development management service were very much as anticipated by your officers in highlighting the potential benefits of the introduction of a charging regime whilst identifying key elements of an enhanced service and insodoing reinforcing the proposals before members in this report.

#### 4. **Policy Framework**

- 4.1 **Fit for the Future** – It is anticipated that the provision of an enhanced pre-application service will increase the quality of development schemes being delivered within the District and the service offered to our customers, and as such will contribute to the vision of making Warwick District a great place to live, work and visit as set out in the Sustainable Community Strategy and therefore be consistent with the Fit for the Future programme.

#### 5. **Budgetary Framework**

- 5.1 The successful provision of this enhanced service carries with it a need to increase resourcing within the Development Management Team by 1 x FTE Planning Officer. The total cost of the post including overheads is approximately £40,000 per year which initially is proposed to be funded from the income received, with any shortfall provided from the Planning Reserve.
- 5.2 On the basis of the current level of demand for pre-application advice which during 2015 totalled in excess of 300 requests and the range of development projects in respect of which advice has been sought, it is anticipated that the income received would be likely to be commensurate with the additional cost of

---

<sup>2</sup> In reviewing this aspect of the proposals, officers also consider it to be appropriate that schemes brought forward to assist disabled people are exempt from the application of a charge.

providing the service such that in the longer term it will become self-funding. The income from charging should be initially used to replenish the Planning Reserve for the cost of the additional member of staff.

- 5.3 However, there is also a risk that the introduction of a charge for pre-application advice would result in a reduction in the level of demand for that service which would in turn impact upon the level of income derived from that service. For that reason, it will be important to review the financial position after 12 months in order that this can be monitored.

## **6. Risks**

- 6.1 In addition to the risk identified at 5.3 above, there is also a risk that without sufficient resourcing, officers will be unable to respond to service requests for which a charge has been made in a proportionate and timely manner. The success of this proposal relies upon the effective provision of appropriate advice and the level of resourcing required to achieve that has therefore been carefully considered.
- 6.2 There is however considered to be a greater risk associated with the continued provision of pre-application advice without charge and without any increase in the resourcing available within the team. Such an ongoing position would in all likelihood result in a continued low level of customer service generating an increasing number of complaints and further lost opportunities to proactively influence development proposals at an early stage.
- 6.3 For that reason, it may also be necessary to consider whether the cessation of the provision of a pre-application service would be preferable to the provision of a poor service.

## **7. Alternative Option(s) considered**

- 7.1 As set out at paragraph 6.2 above, it is considered that the continued operation of this aspect of the development management service in the current manner does not provide an appropriate level of customer service or contribute as effectively as it could to the delivery of increasingly good development across the District.
- 7.2 Consideration has also been given to the additional resourcing of the service without the introduction of a pre-application charging regime. However, in view of the annual cost of approximately £40,000 involved; the current financial climate including the need to make ongoing savings; and the potential opportunity for introducing a self-financing initiative, at this stage this has been discounted.

## Appendix 1

### Summary of Consultation Responses: Proposed Introduction of Pre Application Charging

Respondent	Summary of Response	Officer Comments
Robothams Architects	The proposals are in line with the approach of other authorities. The key factor is delivering a response within a known timescale.	It is intended that the service be resourced so as to ensure that responses are provided within clear timescales.
Martin Smith Architect	Access to a prompt and clear pre-application enquiry process is the key issue. The provision of charges is not unreasonable. Welcomes the opportunity to receive pre-application advice and improvements to the current level of service in that respect.	The proposed introduction of charging is to enable increased resourcing and improved service provision.
Andrew Grudzinski	Response within a specific time limit should be applied and adhered to, to avoid the current long delays with pre-application advice.	As above.
Craig Callingham Associates	It would be appropriate to charge a fee subject to the provision of a response within a realistic guaranteed timescale. This would put WDC back at the top of the league and providing it can be resourced properly would be a valuable tool for professional agents. It must also remain possible to have a quick phone call with an officer without a lengthy procedure in front of it.	It is not proposed that officers will cease to provide advice and guidance outside the scope of the charging regime for example by telephone.
Alfresco Design	Asks whether there will be a charge for telephone advice.	As above
The University of Warwick	Support for the introduction of fees provided that the fees are reasonable and proportionate and provide increased efficiency and quality of service. The information required; details of	The scheme will set out the minimum level of information required to be provided; the service that will be provided and the

	<p>the service to be provided and response timescale must be clearly given.</p> <p>Seeks clarification on the service level to be provided.</p> <p>Suggests that the exemption to charging should also be extended to charitable organisations.</p>	<p>timescale for response.</p> <p>It is proposed that charitable organisations be included in the exemption from charges.</p>
WDC Neighbourhood Services	Ask whether charges made by other Councils have been considered in setting the proposed charging levels.	The proposed charging regime has been carefully considered taking into account the wide range of charging schedules operated by other Councils.
WDC Health and Community Protection	Highlights that applicants often contact them directly for pre-application advice and that this needs to be factored into the proposals; identifies the need for clear service standards including response times to be provided; and advocates a one stop shop approach.	Subject to the decision of the Executive, the detailed operation of the proposed scheme including the involvement of internal and external consultees and the levels of service to be provided will be finalised as quickly as possible.
English Heritage	Notes that the proposals are similar to other Local Authorities and that the proposals do not specifically include proposals relating to Listed Buildings.	Proposals including works to Listed Buildings are not excluded from the proposed regime.
The Highways Agency	Notes that proposals to charge could result in reduced level of pre-application enquiries which would be of concern. Request involvement in appropriate pre-application submissions.	<p>It is anticipated that the enhanced quality of service proposed will encourage applicants to engage in pre-application discussions particularly those in which the Highways Agency may be involved.</p> <p>It is proposed that the charging regime is initially introduced for a period of 18 months in order that over that period its operation, including the</p>

		number of enquiries received can be monitored.
Former Councillor Elizabeth Higgins	Supports the proposed introduction of a charging regime.	
Former Councillor Eithne Goode	Supports the proposals and the scale of charges.	
Former Councillor Ann Blacklock	Supports the proposals including the drop in service for householders; the sliding scale of fees proposed and the exemption of certain types of organisation. Does not support the exemption of LEP related projects.	The exemption of projects supported through the LEP is proposed in order to assist in stimulating economic growth within the District.
Councillor Judith Falp	Asks whether the staffing capacity is available to introduce this proposal.	As set out in the report, this proposal includes the provision of an additional member of staff to ensure that it is sufficiently resourced.



## Appendix 2:

### Warwick District Council Proposed Pre-Application Service on which consultation is to be undertaken.

<b>Tier 1:</b> Self service advice via the WDC website.
<b>Tier 2A:</b> Request for a written response as to whether planning permission is required. Fee of £35 for a written response.
<b>Tier 2B:</b> Request for a written response as to the acceptability of a minor proposal: Fee of £50 for householders or £150 for other proposals.
<b>Tier 2C:</b> Introduction of regular Development Management/Building Control drop in sessions for householders. Provision of verbal advice: free of charge.
<b>Tier 3:</b> Provision of pre-application advice for small scale non-householder proposals which do not fall with tiers 4 – 6: Fee of £150 per meeting or written response; or £300 for both.
<b>Tier 4:</b> Provision of pre-application advice for proposals which fall within the “minor” development category: i.e. residential proposals of 1-9 dwellings or involving a site area up to 0.5 ha; commercial proposals involving less than 1,000 sq m of floor space or a site area of less than 1 ha: Fee of £300 per meeting or written response; or £600 for both.
<b>Tier 5:</b> Provision of pre-application advice for proposals which fall within the “small scale major” development category: i.e. residential proposals of 10 – 199 dwellings or involving a site area of 0.5 - 4 ha; commercial proposals involving between 1000 and 9999 sq m of floor space or a site area of 1 -2 ha: Fee of £600 per meeting or written response; or £1200 for both.
<b>Tier 6:</b> Provision of pre-application advice for proposals which fall within the “large scale major” development category: i.e. residential proposals of 200 or more dwellings or involving a site area of 4 ha or more; commercial proposals involving 10000 sq m or more of floor space or a site area of 2 ha or more: Fee of £900 per meeting or written response; or £1800 for both.

All fees are inclusive of VAT

A fee will not be charged for advice provided to **charitable organisations**, local community organisations including housing associations, and in respect of **schemes which are brought forward to assist disabled people**, and which are supported through the Local Enterprise Partnership.