

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: MSDC Cabinet BDC Cabinet	REPORT NUMBER: MCa/18/71
FROM: Councillors Glen Horn and Nick Ridley, Cabinet Members for Planning	DATE OF MEETING: 4 March 2019 7 March 2019
OFFICER: Philip Isbell, Acting Chief Planning Officer	KEY DECISION REF NO. CAB107

AMENDMENTS TO THE PLANNING PRE-APPLICATION CHARGING ADVICE SERVICE AND CHARGING SCHEDULE

1. PURPOSE OF REPORT

- 1.1 To amend the scope of, and the schedule of charges for, the charged planning pre-application advice service to reflect potential service improvements and opportunities for more effective cost recovery.

2. OPTIONS CONSIDERED

- 2.1 Two clear options, other than that recommended, are available. The first is to cease charging for pre-application advice. This would remove a viable income stream arising from charging and would re-introduce a number of service pressures which led to the adoption of a charged advice scheme. It is likely that service quality would be undermined and adverse reputational impacts could result. This would also require further liaison with Suffolk County Council as to do so now would remove funding for their elements of the advice service. This is not recommended.
- 2.2 The second option is “do nothing”. The changes proposed are intended to make the charging arrangements more effective and sensitive to our support to local communities through other service areas so that the Councils approach is more obviously “joined up”. If these are not introduced then the Council will not be as obviously “joined up” in its work as it could be nor as clearly and coherently supportive of other interventions in local communities. Other changes are intended to better reflect actual time and resources impacts on related services when delivering cohesive pre-application advice. If these are not introduced then those costs and resources pressure will remain on the District and County Councils. This is not recommended.

3. RECOMMENDATIONS

- 3.1 To approve the proposed changes to the charged pre-application advice service and associated charges as set out in the attached draft Schedule at Appendix (a).
- 3.2 To delegate authority to the Assistant Director Planning & Communities to, at least annually, review the Schedule of charges and as need be to amend the Schedule in consultation with the Cabinet Member for Planning to reflect current good business practice in pre-application charging.

REASON FOR DECISION

The decision to agree the changes to the pre-application advice service and associated charges will refine and improve the service offered to users and the delegation of authority will enable continued service improvement in an iterative way.

4. KEY INFORMATION

- 4.1 The proposed changes to the Pre-application charging schedule introduce a number of changes which learn lessons from the needs of customers, develop opportunities to better recover District and County Council costs and rationalise the relationship between different service area offers.
- 4.2 The new Schedule introduces a reduction in the price for 1-4 dwellings scale proposals. This would be supportive of the Small & Medium sized Enterprise (SME) sector which continues to provide an important contribution to housing delivery across the Districts. A separate category for 5-9 scale dwellings would be introduced.
- 4.3 Experience has indicated that pre-application site meetings and on-site appointments have proved popular service offers but require a level of resource which is not currently reflected appropriately in the charging Schedule. In order to better cover the higher time and preparation costs of these the pricing has been adjusted accordingly.
- 4.4 Our original service offer included the option to negotiate the charge within a Planning Performance Agreement (PPA) specific arrangement for the category of 200+ dwellings but due to lack of take-up it is now appropriate to include an offer of an alternative pre-application option for those who want initial advice without committing to a PPA. It remains desirable to retain the PPA option which can programme work through pre-application stage and beyond to give applicants greater confidence in the pre-application and application timetable.
- 4.5 The new Schedule introduces a cost recovery element for advice on Affordable Housing issues and this is being underpinned by a Service Level Agreement to safeguard timely service. Discussions with Suffolk County Council have also identified that the time and resource costs associated with the advice of the County Obligations Manager should be recovered as this can be a material element of Major pre-application discussions.
- 4.6 In order to refine the pre-application offer in relation to listed buildings and other heritage assets where no planning advice is required by customers a "Heritage only" option is proposed. Experience also indicates that there is an opportunity to offer case specific advice on potential Community Infrastructure Levy (CIL) charges either as an add-on to pre-application advice or subsequently as stand-alone service. The Schedule now includes this option for customers.
- 4.7 Given that some enquiries by community groups or other organisations are the subject of separate grant funding by the Council it is proposed to introduce a fee exemption for planning pre-application advice in these circumstances and to provide a 50% reduction in the fee for Heritage advice.
- 4.8 Pre-application advice requests for commercial developments would continue to be charged at the original rates without change. It is considered that this represent a fair balance which is supportive of the business sector.

For clarity the proposed revised Fee Schedule is appended at (a) below together with a summary of the key financial changes (b) and Fee Schedule showing VAT breakdowns by element.

5. LINKS TO JOINT STRATEGIC PLAN

- 5.1 The Development Management service contributes to a number of the key priorities identified in the Joint Strategic Plan, including the delivery of housing, supporting strong and healthy communities and boosting and developing the local economy. On this basis the delivery of the pre-application service has the potential to contribute to the achievement of the Council's Strategic aims and priorities.

6. FINANCIAL IMPLICATIONS

Income Item (Including all service elements without recharges)	Total	2017/18 Part year July/April	2018/19	2019/20 (prediction)
BDC net		£82,636.00	£88,714.00	£117,000
MSDC net		£92,605.00	£100,000.00	£127,000
Net Effect – See appended Table (b)				

7. LEGAL IMPLICATIONS

- 7.1 Section 93 of the Local Government Act 2003 introduced a discretionary provision which enables Local Planning Authorities (LPAs) to charge for pre-application advice, but it is also clear that where charges are made they must seek to recover costs only. The proposed changes to the charging schedule seek to recover costs associated with providing those new elements of the pre-application advice service.
- 7.2 The charged pre-application advice service has been in place for over a year and has successfully recovered costs with clear ongoing demand. It is important that any charging does not unduly discourage appropriate pre-application discussions and evidence from demand and survey work undertaken is that this is not the case. There are opportunities to improve the service provided to save time and improve outcomes later in the process.
- 7.3 A basic level of planning advice service and signposting to other resources continues to be available since the introduction of pre-application advice charging. That service will remain available free through to telephone enquirers and website users.

8. RISK MANAGEMENT

- 8.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. Risk No. 1b – We may not have a sufficient, appropriate supply of land available in the right locations, 1c – We may be unable to meet the Governments new Housing Delivery test and 5e – We will be unable to successfully target and provide our services. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
<p>The revised pre-application service is not taken-up by customers.</p> <p>This will limit the fee income achieved by the service and may lead to an increased volume of applications submitted without the benefit of pre-application advice which in turn may lead to an increased number of refusals and appeals.</p>	2. Unlikely	1. Minimal	<p>The process has been designed to provide added-value to customers and will be reviewed to ensure that the level of advice provided is beneficial and attractive to customers.</p> <p>Planning Performance Agreements are also available as an alternative if this is preferred by customers.</p>
<p>The advice given fails to take account of or accurately assess potentially relevant planning considerations.</p> <p>This may lead to advice given being incomplete or inaccurate leading to an increased risk of refusals and appeals. Consequent risks include reputational damage and foreseeable complaints about service quality and value.</p>	3.Probable	2. Noticeable	<p>Officers giving advice follow a template for the advice response. Draft advice will be mentored and screened by more senior officers throughout the process.</p> <p>Training for the team on the revisions to the scope of the service will be given and the importance of addressing all relevant considerations highlighted. Refresher training will also be programmed.</p>
<p>Relevant professional or technical advice is not obtained in appropriate time to inform the pre-application advice given.</p> <p>This may lead to advice given being incomplete or inaccurate leading to an increased risk of refusals and appeals. Consequent risks include reputational damage and foreseeable complaints about service quality and value.</p>	3.Probable	2.Noticeable	<p>A Service Level Agreement (SLA) is already operating with Suffolk County Council to safeguard the delivery of pre-application advice in matters that they would usually advice upon (Highways, Sustainable Drainage, Education & other County delivered infrastructure).</p>

Risk Description	Likelihood	Impact	Mitigation Measures
			An internal Service Level Agreement is being concluded with BMSDC Housing Enabling and Infrastructure teams team to safeguard the delivery of pre-application advice in relation to those new elements of the offer. Where appropriate other SLA's will be considered as need be.
The revised pre-application service as delivered does not safeguard the open for business reputation of the Council. This could undermine the reputation of the Council and risk the credibility of the economic development offer to the business community and development industry.	2.Probable	2.Noticeable	The Development Management leadership team including Senior officers will oversee and monitor the delivery of the pre-application service for quality and training purposes in consultation with stakeholders and customer groups. Where appropriate training, support and professional development measures will be implemented.

9. CONSULTATIONS

- 9.1 The proposed amendments to the scope of the pre-application advice service and to the schedule of charges have been the subject of consultation with internal stakeholders including Housing Enabling and Infrastructure team colleagues. Consultation with Suffolk County Council stakeholders has also been undertaken. Appropriate service standards and costings have been included in the proposed amended schedule.
- 9.2 The amended fee schedule has been the subject of discussion with Portfolio Holders with service specific responsibilities but no formal consultations have taken place.
- 9.3 A survey of user / customer experience was undertaken in May 2018. Further engagement has also been undertaken case by case with developers and agents about the service offer and improvements. The changes to the proposed service, including timescales and charging will be have been discussed at our Client Side Panel. This identified that they want to see an uplift in the quality of pre-application service offered and that they would be prepared to pay for this service if they were offered an improved understanding and certainty of issues.

10. EQUALITY ANALYSIS

If any of the protected grounds may be affected as a result of the recommendations in this report a full Equality Impact Assessment (EIA) will need to be carried out. Equality Impact Assessment (EIA) is not required for this report. There are no immediate equality and diversity issues arising from this report. The proposed service changes have a positive impact in that they safeguard charging exemptions for enquiries relating to proposals to alter or extend a house for the benefit of a registered disabled person and those to provide a means of access for disabled persons to buildings to which members of the public are admitted.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 There are no negative environmental implications arising from the amendments to the pre-application advice scheme. It is considered that the provision of effective advice is likely to promote positive environmental effects by encouraging appropriate forms of development with due regard to those effects.

12. APPENDICES

Title	Location
(a) Draft fee Schedule with 2019 proposed amendments	Attached
(b) Summary of key changes proposed to pre-application charging schedule	Attached
(c) Draft fee schedule with 2019 proposed amendments and VAT splits	Attached

13. BACKGROUND DOCUMENTS

None.