

Report to Governance Select Committee



Date of meeting: 2 February 2016

Subject: Pre-planning application advice

**Officer contact for further information: Nigel Richardson
Assistant Director Governance (01992 56 4110)**

SCRUTINY



Committee Secretary: M Jenkins (01992 56 4607)

Recommendations/Decisions Required:

- 1. To consider Member involvement in the paid pre-planning application process.**
- 2. To note the Development Control resource requirements for paid pre-planning application advice.**

Report:

Background

1. The Local Government Act 2003 allows Local Authorities to charge customers for holding discussions prior to the submission of planning applications. This Council has been charging on Major Category types since 2007 and has since then expanded this across other development types in 2013 and then more recently, to include householder extensions in 2015. Whilst planning application fees are nationally set, the pre-application advice fee is locally set. Pre-application discussions have always been encouraged by this authority, but a charging scheme does have the benefit of dissuading some ill-conceived proposals and highlighting the cost of officer time in the process and recouping some of this cost. It is also a question asked on the standard planning application form and assists in dealing with a planning application if one is subsequently submitted.
2. The requirements for pre-application discussions with officers involves not only the receipt of a fee based on a category of development at the outset, but also a requirement for an on-line form to be completed and submitted together with some basic plans and information. It is then allocated its own unique reference number, allocated to a planning officer for consideration and relevant consultation is carried out. Rather like the assessment of a planning application, a report in letter form is produced and signed off by a principal planning officer and other than small-scale and householder extension types, by the Assistant Director of Governance (Development Management).
3. Pre-application advice is generally encouraged because it not only reduces the likelihood of submitting invalid planning application and the need to meet local list requirements, but it helps the applicant to understand how planning policies and other requirements affect the proposal as well as highlight potential problems. The officer's report in letter form gives an assessment of whether there seems a reasonable chance of getting planning permission and where possible, suggests how amendments could be made as a way forward. This often involves meeting the developer, but if further officer work is required, then an extra charge is usually made per meeting.
4. The Council still has a Duty Planner Service that offers basic planning advice free of charge for visitors to the planning reception area and through the Duty Officer phone, where the advice is generally a short conversation about a development proposal and

is useful where it has little or no chance of success because it breaches development plan policies.

Member Involvement

5. Members have access to the paid pre-planning application enquiries through the weekly Council Bulletin, with each pre-app having a unique reference number, site address, a description of development and the officer's details as a contact point. However, there is low contact by Members, although officers are aware that some parish and town council's do allow a pre-application presentation from a developer. It is the Government's view that effective pre-application engagement should involve Members, particularly Ward Members, because it should lead to improved quality development that meets the needs of the community and a quicker planning permission.
6. The Planning Advisory Service (PAS) in 2014 worked with a cross sector group from councils, the development industry and statutory consultees on setting out ways of working to improve the contribution of pre-application discussions to good planning and from this produced a "10 commitments to effective pre-application engagement", which is set out as follows:.

1. Enable sustainable development to proceed efficiently from proposal to completion

How? Via open and integrated working with all parties. Adopt a spirit of finding solutions to enable a clearer path through the planning system.

2. Offer a range of pre-application services to developers, making sure that each choice can be delivered in a timely, effective manner; proportionate to the size of the proposal

How? Make choices available; from self-serve guidance to detailed problem solving working on complex proposals. Clearly set out the process, costs, timetable and output for each level and put this on the planning page of your council's website.

3. Help potential applicants to select the level of engagement necessary to deal with the issues raised by the proposal

How? Recognise that potential applicants will only choose services that offer good value for their business. Set out what they will receive and be sure you deliver on service promises.

4. Demonstrate that your pre-application services are good value for money, whether or not you make a charge to the prospective applicant

How? Pre-application engagement costs both the council and the developer. So, make sure the process is efficiently run and effective. If you do charge, make sure that the cost is justified and relates to the services offered.

5. Co-operate to bring together the right people to address all of the development issues

How? Have processes in place to ensure that the right people are involved so advice given and commitments made are carried through to application and permitting stages.

6. Have an open exchange of information.

How? By ensuring all information pertinent to the decision making is freely available to all interested parties prior to the submission of an application.

7. Be collaborative; the requirements of all parties should be given consideration

How? The planning considerations might be the starting point, but to encourage delivery, the needs of other parties have also to be taken into consideration.

8. Provide an opportunity for councillors to be actively involved in pre-application discussions

How? Bring councillors and developers together to help develop a scheme to meet the area's needs.

9. Engage with local communities about development proposals as early as possible

How? Facilitate conversations between communities, councillors and developers to help inform and influence the proposals.

10. Maintain an agreed record of information submitted, advice given and any agreements reached

How? Share agreed notes to provide transparency, help build trust, and ensure that pre-application discussions have traction when the application is considered.

7. As point 8 above states, councillors should have the opportunity to become involved at pre-application level and through the Council Bulletin, the opportunity is there, but with a low take-up, so therefore should more be done to get at least the Ward councillor involved and the local council? Whilst there have been occasions when developers have presented to a planning committee before a meeting starts, some other local planning authorities have taken this much further in the form of community engagement through developer forums, working groups, Member briefings for example.
8. Appended to this report is an extract from a PAS document outlining how councillors and communities can become engaged in pre-application discussions and encourages more committee member involvement in early discussions to provide a steer, which would not only assist in the final decision process but better inform decision makers.

Resourcing

9. In terms of officer resourcing of the pre-application enquiry process, there are 10 Development Control Officers who carry a workload of pre-planning application enquiries as well all other types of planning applications and related work. Since the category of charging for application types was expanded in 2013, the number received and dealt with has markedly increased and whilst this has brought in a larger income to help set against the cost of providing a statutory Development Control service, it has also added significantly to officer's workload. Given the number of enquiries, there is not quick turnaround time.
10. The workload increase is demonstrated as follows:

Year	No. of Paid Pre-Application Enquiries	Total Income (£)
2010/11	13	15 000
2011/12	6	3 000
2012/13	19	23 000
2013/14	108	74 000
2014/15	129	105 000
2015/16 (9 months)	173	83 000

11. The charge fee for the category of pre-application advice was last increased in 2014 and together with the process of dealing with them, including time frame for responses, are attached as a 2nd Appendix to this report. It is fair to say that given the workload of officers, that the time frame for response, which is within 21 days of a meeting, is rarely achieved because the pressure for turning around planning applications in a timely manner has a greater priority. It is hoped though that the very recent Cabinet approval of two trainee planning officers for 2016/17 will improve the resources of this very busy and demanding service area

and we are also looking to producing more meeting notes advice as opposed to the more time consuming report-type responses.

Summary

12. As a local planning authority the objective of providing pre-application advice is to improve the service to our customers. Constructive pre-application discussions between potential applicants and planning officers have been recognised as helping to ensure all relevant considerations are addressed when an application is submitted and to potentially speed up the determination of an application and bring more certainty into the process, which the involvement of councillors at an early stage in the overall application process would potentially do.
13. A good pre-application service also reduces the costs for both the applicant (in failed application and lost time) and for the Council – avoiding the need for repeat or free-go applications. The current high level of pre-planning application enquiries is putting increasing pressure on officers to effectively deliver this particular service and although extra resources is on its way, this will take some time to bed in.
14. Should Members consider that the pre-application process should become more formalised, particularly in the case of Major development types and certainly where they are of strategic importance, then councillor involvement at an early stage has proved to be beneficial in understanding planning issues and giving a steer to developers at other council's. However, there is likely to be a need for more planning officer resources and councillor time.

Reason for decision:

Options considered and rejected:

The report is predominantly informative and options are open for consideration.

Consultation undertaken: None

Resource implications:

Budget provision: None, but potentially could require extra resources.

Personnel: None

Land: None

Community Plan/BVPP reference: None

Relevant statutory powers: Town and Country Planning Act 1990, Localism Act 2011 and The National Planning Policy Framework (NPPF).

Background papers: PAS –“ Pre-application Suite”. Point 1 – 10 in paragraph 6 above and appended “Engaging councillors and communities in pre-application discussions” are extracts from this.

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: None

Impact Assessment:

Risk Management

There are no risk management issues arising from the recommendations of this report.

Equality:

There are no equality implications arising from the recommendations of this report.