

Report to CABINET

Proposed Charging Scheme for Pre-Application Advice for Planning Proposals

Portfolio Holder:

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Reason for Decision

Unlike most authorities, Oldham Council currently provides a free of charge service to applicants or developers that would like advice or help with a planning application before submitting a planning application. The statutory planning fees do not cover the cost of pre-application planning advice and the cost of providing this service could be recovered directly so as not to fall as a general cost to the Council taxpayer and enable an improved service to be delivered.

Executive Summary

This report seeks the approval in principle of charging fees for providing pre-application advice to prospective applicants/developers and the approval of the charging schedule attached at Appendix 1.

Recommendations

1. That Cabinet approve the implementation of a fee charging scheme for planning pre-application advice.
2. That Cabinet approves the fee charging schedule as set out in Appendix 1

Proposed Charging Scheme for Pre-Application Advice for Planning Proposals

1 Background

- 1.1 The current statutory planning fees do not cover the cost of preapplication planning advice and as a result of workload pressures and staff resources the service being provided is not as effective as it might be, with some applicants having to wait an unreasonable length of time to obtain advice. Therefore, in order that the Council can provide a timely and consistent service to a high standard, it is considered that the cost of providing this advice should be recovered directly from the developer and not fall as a general cost to the Council taxpayer. The income generated can be invested back into the service to pay for the resources necessary to provide it.
- 1.2 The provision of pre-application advice is encouraged by the Government as best practise as it helps to ensure a better understanding of planning issues and requirements and speeds up the development process. This can help minimise subsequent planning application costs, avoid abortive applications and improve the quality of development proposals.

2 Current Position

- 2.1 Unlike most authorities, Oldham Council currently provides a free of charge service to applicants or developers that would like advice or help with a planning application before submitting a planning application. Due to competing work pressures and a limited officer resource there have been delays in providing advice that has resulted in customer complaints and dissatisfaction.
- 2.2 Most other planning authorities already charge for pre-application advice and the number of authorities that do not charge a fee is diminishing.

3 Options/Alternatives

- 3.1 The main alternative options available are:
- a) Not to provide a pre-application advice service
 - b) To continue to provide a free advice service without any additional funding
 - c) To continue to provide a free advice service with additional budget support to enable a better service to be delivered.

4 Preferred Option

- 4.1 To introduce a charging regime as recommended so that the pre-application advice service could be self-funding by reinvesting the income in the Development Management Service and provide an improvement upon the existing free advice service without additional cost to the public purse. The current advice service is attracting customer complaints due to delays in providing advice and an inconsistency in approach. Stopping providing pre-application advice will result in a poor level of customer service and result in abortive or ill-conceived schemes.
- 4.2 The service is intended to cover all planning applications from the simplest to the most complicated and is an optional service with applicants able to choose to seek their own advice instead. A turnaround of 20 working days will be set as the target for advice to be provided.
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4.3 In considering the level of fees to charge, information has been gathered to enable a comparison with the fees charged by nearby authorities. This revealed that the level of fees being charged from authority to authority vary considerably and the fee schedule proposed in Appendix 1 been set to fall comfortably within the range of those being charged by neighbouring councils.

5 **Consultation**

5.1 None

6 **Financial Implications**

6.1 Charging for pre-application advice will increase the revenue income to the Planning service. As the charges are new it is not currently known exactly how income will be generated. However, it is estimated that the income will be in the order of £50k p.a. The total amount of income received will kept under review. Any income received will be used to off-set existing reported pressures within the Planning Service. (James Postle)

7 **Legal Services Comments**

7.1 Section 1 of the Localism Act gives a local authority the power to do anything that individuals generally may do (the general power of competence). Under section 2, the general power of competence does not enable a local authority to do anything which the authority is unable to do by virtue of a limitation expressly imposed by a statutory provision that is contained in an Act of Parliament or statutory instrument. Therefore just as individuals/companies can offer planning advice, the Council may also do so and there is no specific Act or statutory instrument prohibiting local authorities from offering pre planning application advice.

7.2 Under section 3 of the Act, the general power of competence confers power to charge a person for providing the service to the person, but the Council must secure that, taking one financial year with another, the income from charges does not exceed the costs of provision i.e. local authorities can recover up to the full cost of providing discretionary services, but cannot make profit from such services and cannot subsidise the cost of one discretionary service with profit from another. (A Evans)

8. **Co-operative Agenda**

8.1 The proposals will enable a better service to be provided that will help to improve the quality of planning submissions. response and provide applicants with a better chance of submitting a valid application which meets all policies and requirements. This is particularly important for large scale developments which will have a major impact on the surrounding area.

9 **Human Resources Comments**

9.1 None

10 **Risk Assessments**

10.1 None

11 **IT Implications**

11.1 None

12	Property Implications
12.1	None
13	Procurement Implications
13.1	None
14	Environmental and Health & Safety Implications
14.1	None
15	Equality, community cohesion and crime implications
15.1	None
16	Equality Impact Assessment Completed?
16.1	No – no impact
17	Key Decision
17.1	No
18	Key Decision Reference
18.1	N/A
19	Background Papers
19.1	None
20	Appendices
20.1	Appendix 1 Fee Charging Schedule

Appendix 1

Category	Development Type	Fee for a meeting or letter (no site visit)	Follow Up
Householder	Extensions/ alterations/ outbuildings to single-family dwellings only (including 1 flat but not a listed building)	£50 for a letter only	
		£85 for a meeting	
Minor	<ul style="list-style-type: none"> • Residential - 1 unit • Non-residential up to 99sqm • Agricultural Buildings up to 540sqm • Glasshouses up to 465sqm • Plant and machinery • Car Parks • Advertisements • Demolition of Buildings • CLEUDs • Discharge of conditions • Non-material alterations • Minor-material alterations • Change of use • Shop fronts 	£350	£200
Medium	<ul style="list-style-type: none"> • 2-9 dwellings • 100-999sqm commercial floorspace • Telecommunication • Minerals or Waste less than 0.5ha 	£500	£300
Small Major	<ul style="list-style-type: none"> • 10-20 dwellings • 1,000- 1,999 sqm commercial floorspace • 0.5-1ha site area 	£750	£400
Major	<ul style="list-style-type: none"> • 21-49 dwellings • 2,000-9,999 sqm commercial floorspace • 1-2 ha + site area 	£1,000	£500
Large Major	<ul style="list-style-type: none"> • 50-200 dwellings • Over 10,000sqm commercial floorspace • Over 2ha site area • Energy projects 	£2,000	£1,000
OTHER:			
Planning Performance Agreement	Bespoke service - written advice, a series of meetings, fast track validation & determination	Charge on an individual basis,	
vary, modify or discharge legal agreement	1 dwelling	£300	N/A
	agreement for commercial development or more than 1 dwelling	£500	N/A

Planning History search	Per property	£50 per hour	N/A
Permitted Development Enquiry	As an alternative to applying for a Certificate, an informal opinion will be offered	£50	N/A
specialist officer requested to attend meeting		£150 for each additional officer	
