

## APPENDIX 2

### Review of Pre-Application Advice

#### 1. Introduction

The current system of a charged-for pre-application advice service was introduced a number of years ago. The aim was to provide a professional opinion on a specific planning proposal, confirm whether it was likely to be supported or not and provide advice and guidance on the application process itself.

The service was introduced as an 'add-on' to the existing work of planning staff, but has suffered from resource shortages and low prioritisation against the statutory functions of the Department. There is dissatisfaction with the service, especially around performance when measured against a 20 working day target.

Pre-application advice is encouraged by the NPPF as it benefits everyone and can go a long way to ensuring the smooth progress of subsequent applications. Resolving issues at pre-application stage results in fewer problems during the application stage and helps in achieving statutory targets.

The purpose of this report is to review the existing scheme and consider options for its future.

The areas of review are:

- a) Customer satisfaction/Value for money of the existing service
- b) The link between the pre-application and subsequent full application.
- c) Options for improving performance and customer service
- d) Options for expanding the service to increase income
- e) Exploring whether the service can be self-financing – as part of a self-sustaining Council.

#### 2. Background Information

##### 2.1 Statistics

In the calendar year 2012 the Council received 128 pre-applications and this increased to 163 for 2013.

A snapshot of the first 50 pre-applications for 2013 identified:-

- a) 41 of the pre-applications were completed, with the remaining 9 either invalid (requiring further information) or withdrawn
- b) Of the 41 dealt with, 19 were followed up by full planning applications and of those, 18 were either approved or are still ongoing. Only 1 planning application was withdrawn.
- c) The total received for these 50 cases was £10,771.( For the financial year 2013/14 the total income was £24,777)
- d) The average time to assess a pre-application was 65 days.

## 2.2 Customer Feedback

As part of this review, a sample of users of the service were contacted and asked to provide feedback.

The key points raised are below together with my comments:-

a) The provision of policy advice is only replicating what is already on the website.

This is both a positive and a negative. Some applicants do not need this information as they have already accessed all our available policy information through the website. However, for others less experienced, an interpretation of policy and how it impacts on a proposed development can be very useful.

b) The advice is too general and does not help applicants overcome policy or other constraints

It is questionable whether we should be providing a 'how to get around our policies' advice, but there is scope to provide applicants with guidance on how to address policy constraints should they wish to go ahead with a scheme that is not supported. However the planning department cannot bring the service into disrepute and must act as an impartial arbiter.

c) There is sometimes a requirement for general advice in advance of formal plans/proposals

Applicants will be advised that the more information they provide at the application stage, the more focussed the response. However, there will be occasions where an applicant wants no more than a general discussion and may seek ongoing short-term support and advice through the application process. The existing service does not provide that level of flexibility

d) Difficulty in arranging site visits/contacting Officers

This has been due to the lack of resources and the lower priority given to pre-applications

e) A competitive cost encourages the use of pre-app advice

As more Local Authorities review their pre-application service, the message that is coming from industry commentators and politicians is that costs need to remain competitive and offer value for money.

f) Advice is needed on possible developer contributions

This is offered within the current service, but mostly focused on major applications. For all other applications, potential S106/CIL obligations can be relayed to the applicant if identified.

g) Officers have a lack of commercial awareness.

It is not expected that Officers will take on the role of Planning Agents, nor provide commercial advice that could leave the Council vulnerable. It is reasonable to expect that pre-application advice takes into account commercial realities and does not seek to recommend actions that will make a scheme unviable if there are options open to the applicant to deliver a good scheme that remains commercially favourable

## Conclusion

The increasing number of pre-applications is indicative of a service that is still very much needed, but feedback suggests that the service is not sufficiently resourced, nor sufficiently flexible to meet the needs of the customer.

### **3. Future Options**

Assuming that the existing pre-application service needs to change, the report considers 3 options:

- a) Withdraw the pre-application advice service altogether
- b) Increase general planning resources to support pre-application advice requests
- c) Create a pre-application advice “trading arm”

The options in detail

#### **4. Withdraw the pre-application service**

This is not a recommended approach. The NPPF encourages pre-application advice and removing the opportunity to charge for that will put the same pressure on resources, with no option to offset some of the costs. It is also likely to lead to reduced performance as some applications will take longer to process with a likely increase in the number of appeals.

#### **5. Increase general planning resources to support pre-applications**

The service has already recognised that it needs to use its resources flexibly, to be able to meet the peaks and troughs of the workload. Recruiting, for example, one extra Senior Planning Officer will lead to a general improvement in performance, but would be unlikely to have a significant impact on pre-app performance given that general planning performance has to remain a priority.

There is the option of recruiting a Senior Planning Officer who only deals with Pre-application advice requests, but there is a real risk that the pressure of other work would eventually lead to pre-application requests taking a lower priority and the current situation would return.

#### **6. Create a pre-application service**

This is the recommended option

- 6.1 The Council’s latest SIMALTO exercise has recently concluded that the Council should consider trading to offset its costs and increase income.
- 6.2 Pre-application advice is non-statutory and the Council is not under any planning obligations regarding the scope of the service or fees charged. Further expansion of services could be considered if a new service was successful.
- 6.3 A standalone service will introduce flexibility of provision and remove the rigid requirements of the current system. Applicants will be able to buy the amount of advice that meets their requirements and that their budget allows. Additional advice is easily chargeable as proposals develop. The current system requires, in most cases, to start the pre-application process again if major changes are proposed.

- 6.4 The service can charge on a time basis to be agreed with the applicant at the outset. This introduces a clearer 'contract' between applicant and Officer and necessitates a closer working relationship between the two. Initially, this charging mechanism will be based on the salary of the Officer recruited. However, further reviews could introduce a varying price structure depending on the staff used.
- 6.5 Although it is possible for the pre-application request and resultant planning application to be dealt with by different Officers, experience has shown that it is preferable for both to be undertaken by the same Officer. The pre-application service can deal with the subsequent planning application and receive the planning fee (or a reasonable percentage of it).
- 6.6 The two charging elements together will need to meet the cost of the service.
- 6.7 The commercial nature of this new service will need a suitably qualified and experienced Officer, with the additional skills required to explore and develop business opportunities. The service will need sufficient time to establish itself and become self-sufficient.
- 6.8 Consultation with the Planning team has confirmed that it is preferable for the pre-application advice service to focus on smaller scale applications.. This is because the larger schemes often require the input of other staff and external bodies across various specialisms. It is also important that the anticipated workload handled by the service (involving pre-application enquiries and subsequent applications, appeals etc) doesn't overwhelm the initial resource allocated to it.

The service will have the scope, income allowing, to utilise other resourcing options, such as the Planning Contractor Panel to ensure it meets its targets.

There is also the option to consider reviewing the pre-application fees for larger schemes to more adequately reflect the cost and introduce some flexibility during the pre-application and planning application stages.

## **7. The proposals in detail**

### **7.1 Trial Period**

It is proposed that the Pre-application service works in a similar commercial environment to Building Control in that it has a 3 year accounting period and be cost-neutral over this time period

### **7.2 Staffing**

Initially the service will be staffed by 1 FTE Senior Planner at a cost (including on-costs) of c£55k pa

### **7.3 Fees**

The pre-application service will be chargeable on an hourly basis at £60.00 ph. This enables an applicant to have control over the initial costs of advice and supplement this with further advice as their budget allows.

25 chargeable hours per week over a 45 week year would realise £67,500 per annum

60 planning applications at £120 (retaining some of the fee for departmental overheads) would realise £7,200

Total income £72,700

These figures represent a reasonable breakdown of time and concludes that the service is sustainable. Applicants will compare the new system with the old and there needs to be a recognition that this represents value-for-money and not just an exercise in raising fees

#### 7.4 Expansion

Although there is no direct evidence, it is expected that as service performance improves, it will be used by more applicants. This provides the service with opportunities for expansion both in staff numbers and levels of services provided.

#### 7.5 Relationship with the planning team

The Officer undertaking this new role would be a member of the planning team for training, development, management and quality control purposes. It is important, however, that the service maintains its own identity – to test the service model and ensure it meets its financial and performance targets.

#### 7.6 Risks

7.6.1 Currently the service receives the income for the pre-application advice before any work is undertaken. Whether upfront payment is still required is to be decided, but there will inevitably be some charges made after work has been completed. There is a risk of disputes, non-payment etc and there will be additional invoicing and recovery work to be undertaken.

7.6.2 Pre-application advice numbers cannot be accurately predicted and they are not necessarily spread evenly across a year. There is a risk of workload peaks and troughs with the need to have some resilience measures in place. This could be dealt with through the contractor's panel or by the purchase of spare capacity within the planning team – although the latter is less likely to be an option.

#### 7.7 Publicity

7.7.1 It is important to publicise the service and make it easy to understand.

Appendix A is a proposed revision to the Council's website.

### 8. Fee comparison with other East Kent Councils

Authority	Householder/Change of use	Minor
Canterbury	£60 – Written £240 – with meeting	£180 – Written £420 – with meeting
Thanet	£60 – Written £100 – with meeting	£150 – Written £250 – with meeting
Ashford	£80 – Written £425 (P/hour) with meeting	£160 – Written £425 (p/hour) with meeting
Shepway	Free	Free
<b>Dover</b>	£60 (p/hour)	£60 (p/hour)

## **Why Seek Advice?**

Whether you are a developer of a large scheme or a householder wishing to improve your home, it is advisable to seek advice before submitting your planning application. We can let you know whether your proposals are supported by planning policy and whether there are any issues that may prevent you from obtaining planning permission.

Basic administrative advice on the planning process is available by visiting a local office or over the telephone and our website contains a wealth of information on planning matters. All of this is available free of charge.

If you would prefer a specific review of your proposals and detailed guidance on the application process, we would recommend you obtain formal pre-application advice. This is a charged-for service and is available to meet any scheme and any budget.

We are happy to provide this advice at any time, whether it is just a discussion on some initial ideas or a review of more detailed plans. You can use the service just once or obtain advice throughout the progress of your scheme.

There are considerable benefits in seeking our advice such as

- It gives you an opportunity to understand how our policies will be applied to your development
- It can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscape, noise, transport, contaminated land, ecology or archaeology
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more quickly
- It may lead to a reduction in time spent by your professional advisors in working up proposals
- If a proposal is unlikely to be acceptable we can advise you in advance to enable you to suggest amendments or consider alternative proposals

## **Our charges**

### **Small scale developments of up to 5 dwellings, general advice on land-use and small commercial developments of up to 500sq metres of commercial space**

Pre-application advice is chargeable at £60.00 per hour with a minimum charge of 1 hour and then at £30 per 30 minutes or part thereof. This includes travel time to site visits if required.

The Planning Officer will advise you at the outset of the estimated cost and will not exceed this without your agreement.

You can minimise costs by providing as much information about your scheme as possible in advance, but there is no requirement to do this.

## **All other applications**

### **Fee**

- £500 or 1.5% of the appropriate fee under the Application Fees Regulations, whichever is the greater, for up to an hour long meeting and written response
- If the Planning Officer recommends further time is spent on your proposal we will provide you with an estimate and obtain your agreement.

### **You will also need to provide the following information**

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Contact details including phone number and email address
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development.

### **What the costs cover**

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

### **How to Apply**

Please email [planningadvice@dover.gov.uk](mailto:planningadvice@dover.gov.uk) or ring

Pre-application advice cannot guarantee the final formal decision that will be made on your application(s). However, any pre-application advice that has been provided will be carefully considered in reaching a decision.