

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 03 February 2020

<b>Portfolio:</b>	Planning and Development
<b>Subject:</b>	<b>Review of the Council's Pre-Application Planning Advice Service and Charges</b>
<b>Report of:</b>	Director of Planning and Regeneration
<b>Corporate Priorities:</b>	A dynamic, prudent, progressive and best practice Council

**Purpose:**

To advise the Executive of the outcome of a recent review of the Council's pre-application planning advice service and charges.

**Executive summary:**

A review of the Council's pre-application planning advice service has recently been undertaken and found that it was broadly meeting the requirements of customers. The review also established that the Council's current charges for providing pre-application planning advice, represent only partial recovery of the costs of delivering the service. A proposal is therefore being brought to the Executive to increase the level of charging to provide pre-application planning advice.

**Recommendation:**

It is recommended that the Executive:

- (a) agrees the provision of pre-application planning advice based on the service specification set out in Appendix C;
- (b) recommends the proposed increased charges for providing pre-application planning advice set out at Appendix D to Council for approval as part of the Council's budget;
- (c) notes that, subject to the approval of Council as set out in (b) above, the charges will come into effect for all pre-application planning advice requests received on or after the 1<sup>st</sup> April 2020;
- (d) notes that a further report addressing charges in relation to listed building and heritage assets advice, planning performance agreements and design coding work (as set out within Paragraphs 37 and 46-50 of the Briefing Paper) will be presented to a future meeting of the Executive.

**Reason:**

To ensure that the pre-application service meets the needs of customers. To ensure that a greater proportion of the cost of delivering the pre-application planning advice service is recovered from users of the service, reflecting the Council's Medium-term Financial Strategy.

**Cost of proposals:**

If the increased charges proposed in the report are implemented in full, the Council will receive additional income and recover a greater proportion of the cost of delivering the pre-application planning advice service.

**Appendices:**

**A: Fareham's current pre-application planning advice charges**

**B: Comparison of pre-application planning advice charges across Hampshire**

**C: Proposed pre-application planning advice service specification**

**D: Proposed pre-application planning advice charges**

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### Executive Briefing Paper

<b>Date:</b>	03 February 2020
<b>Subject:</b>	Review of the Council's Pre-Application Planning Advice Service and Charges
<b>Briefing by:</b>	Director of Planning and Regeneration
<b>Portfolio:</b>	Planning and Development

#### INTRODUCTION

1. Fareham Borough Council introduced pre-application planning charges in April 2009 for providing advice on many types of development.
2. Providing pre-application planning advice is a discretionary service, but one strongly encouraged by the Government and welcomed by many applicants. Local planning authorities may charge for providing discretionary services under Section 93 of the Local Government Act 2003. Where charges are made, they must not exceed the cost of providing the service.
3. The pre-application charges introduced in 2009 represented partial recovery of the costs associated with the Council providing the advice, rather than full recovery. Annual increases of 5% have been made to the pre-application charges in recent years, but the current charges still do not reflect full cost recovery.
4. Members will be well aware of the considerable spending pressures this Council faces and therefore the importance of recovering costs where it is appropriate and reasonable to do so.
5. Following a full review of the pre-application planning advice service, it is recommended that many of the charges are increased to recover a greater proportion of the actual cost to the Council for providing the service. Some pre-application advice currently provided free of charge, is proposed to remain free of charge at the present time.

#### EXISTING PLANNING ADVICE SERVICE

6. Providing planning advice is an extremely important and valued part of the Development Management service.
7. Development Management presently ensures that a duty planning officer is available to meet customers in person, Monday-Friday, during office hours. Duty planning officers endeavour to answer customer's enquiries on planning matters during that first contact whenever possible, where questions relate to advice which the Council

does not charge for. Many of the customers are residents of the Borough with enquiries relating to their own property or their neighbourhood.

8. The service also receives numerous informal requests each year for advice on whether planning permission is likely to be granted for proposals before a formal planning application is submitted. Providing this advice in relation to an extension to a residential property is often relatively straightforward; major proposals however involve considerable officer time and can also involve Officers across a number of the Council's Services.
9. There are also a large number of written enquiries received by the service ranging from general questions about planning through to whether or not planning permission is required.
10. Fareham's scheme for pre-application planning advice and charges was first introduced in April 2009. With the exception of the small annual increase in the charges, the scheme has remained essentially unchanged since its introduction.

### **EXISTING PRE-APPLICATION CHARGING SCHEDULE**

11. At the present time pre-application planning advice is provided free of charge for the following proposals:

- Householder extensions and alterations, including all outbuildings, 'granny' annexes, extensions, roof extensions and alterations, hardstandings, satellite dishes, solar panels and similar energy efficiency proposals at a residential property
- Community uses which are non-profit making
- Works solely relating to trees
- Works solely relating to listed buildings
- Adverts directly related to a small businesses
- Lawful use certificates

12. This Council currently charges to provide planning advice for the following types of development:

- New residential dwellings (created through both new build and conversion)
- Provision of retail, commercial, agricultural and industrial floor space
- Provision of educational, hospital, leisure and recreational floor space
- Change of use applications
- Telecommunication/ mast proposals
- Advertisements (not relating to small businesses) and hoardings
- Variation of planning conditions (non-householder)
- Moorings/ pontoons
- Engineering operations
- Means of enclosure/ security measures (non-householder)

13. Fareham's current pre-application charges are based on the scale of the proposal (which are described as Level 1, 2 and 3 development). A fixed fee is currently charged irrespective of the time spent upon it. The amount currently charged for pre-application advice on different scales of development are set out at Appendix A.

14. Following the submission of paid for pre-application enquiries, Officers assess

proposals against Government policy and guidance, adopted and emerging policies and relevant planning history. Officers also consult with internal consultees and often undertake a site visit. Officers then provide feedback on proposals either through meetings with the enquirer or in writing. When meetings are held internal consultees may also be invited to attend.

## **REVIEW OF FAREHAM'S PRE-APPLICATION ADVICE SERVICE**

15. As explained earlier in this report, there has been no fundamental review of the pre-application planning advice service since its introduction in 2009. In undertaking this review Officers have looked at three distinct areas.
16. Firstly, Officers looked at the charges made by other Hampshire local planning authorities for providing pre-application planning advice.
17. Secondly, Officers have reviewed a number of pre-application cases of different levels where pre-application advice was provided. In reviewing these cases Officers have considered how many Officer hours, across all services, was spent in providing the advice.
18. Lastly, feedback from customers of the pre-application planning advice service have been considered. Such feedback relates to the quality of the advice, the speed with which it was provided and whether it represented good value for money in the customer's opinion.

## **PRE-APPLICATION PLANNING ADVICE CHARGES IN OTHER LOCAL AUTHORITIES**

19. In comparing the pre-application charges currently levied at Fareham with the other planning authorities within Hampshire, Officers looked at charges in respect of a number of 'hypothetical' planning proposals. The 'hypothetical' proposals chosen were: an extension to an existing residential house, 1 new dwelling, 50 new dwellings and 1000 square metres of industrial floor space.
20. The table at Appendix B, sets out Fareham's current charges at the top for the four different proposals, followed by the headline charges levied by all other local planning authorities across Hampshire for providing pre-application advice for the same proposals.
21. It should be stressed that these charges set out in the table represent 'headline' charges. Fareham's charges for example include all costs with the exception of external consultant fees. Fareham also gives customers the choice of a meeting or written response. Some local planning authorities only provide written responses and apply additional charges if customers request a meeting as well. Some authorities base their pre-application fee as a percentage of what the planning application fee would be.

## **REVIEW OF PRE-APPLICATION ADVICE PREVIOUSLY PROVIDED**

22. In reviewing the Council's pre-application planning advice charges, a number of 'completed' cases have been reviewed. The review looked at the number of officers involved in providing advice and their time taken in doing so.
23. The Council's Finance Officers provided hourly rates (including all on costs) for Planners at different tiers within the Development Management service along with Officers within other Council services.

24. For all of the 'completed' cases reviewed, the charges levied for the pre-application planning advice, did not cover the full cost of providing the advice based on the time spent on each case using the hourly rates provided by the Council's Finance Officers.

## **FEEDBACK ON CURRENT PRE-APPLICATION SERVICE FROM PLANNING AGENTS**

25. Feedback from customers who have used the Council's pre-application advice service has been obtained through telephone surveys with planning agents, and other feedback received both in writing and verbally.

26. The broad feedback on the existing service has been:

- Level of charges do not discourage use of the service
- Speed of response good
- Choice of either meeting Planners or receiving written response appreciated
- Planners honour pre-application advice when the planning application is submitted

27. Some planning agents requested that any future pre-application scheme should look to achieve the following:

- Need to respond quickly to enquiries to encourage applicants to use the service
- Planners should visit all the sites before providing advice
- The opportunity to discuss pre-application proposals on site would be welcomed
- Internal services should be consulted on proposals and their advice shared
- Following receipt of advice, future clarification/ minor changes should not attract a further cost for applicants
- Make it possible to submit all pre-application enquiries electronically.

### *Response to the service enhancements requested by planning agents*

28. Enabling pre-application planning proposals to be submitted entirely electronically will be implemented as soon as it is practicable to do so.

29. Officers will endeavour to visit sites before any advice is provided, in connection with enquiries where a fee has been paid. Consideration will also be given to where it would be practical for pre-application planning discussions to take place on site.

30. It is the aim of the pre-application service that all relevant services within Fareham Borough Council will be consulted on the proposals. The responses received from those services (with the exception of the Council's own legal advice) could be shared with users of the service.

31. The request that minor clarifications and changes following the provision of pre-application planning advice should not be required to pay a further fee is noted. If a clarification/ change is truly minor and does not require further research or consultation with other services, then this request can be accommodated. Likewise, any clarification or change which requires further research or consultation with other services or requires the provision of a further detailed response will require a further fee. A judgment will need to be taken by the Planner on a case by case basis.

32. A 'Proposed pre-application planning advice service specification', is attached at Appendix C.

## **PROPOSED PRE-APPLICATION SERVICE – PLANNING ADVICE PROVIDED FREE OF**

## **CHARGE**

33. The fact that residents can get advice free of charge when they 'drop in' to the Civic Offices is very popular and has led to a lot of positive feedback about the service. The provision of this service was developed as part of the Vanguard Intervention to ensure that the Development Management service meets the needs of our customers.
34. By proportion, householder planning applications make up the greatest number of planning applications submitted to Fareham Borough Council each year. There is a good take up of the planning advice service in respect of householder proposals, which enables planning officers to work through issues with applicants and/or their agents in advance of planning applications being submitted. The fact that residents can drop into the offices or telephone at any time during the working day means that the opportunity exists to obtain advice at an early stage before proposals are drawn up.
35. In addition to this, the fact that it is possible for applicants and agents to speak directly to Planners means that many customers can obtain advice through their first point of contact. This in turn reduces the number of written requests for advice the Council receives. It is recommended that the Council continues to provide planning advice to residents looking to alter or extend their homes free of charge.
36. It is further recommended that pre-application planning advice relating to the following continue to be provided free of charge at the present time:
- Community uses which are non-profit making
  - Works solely relating to trees
  - Adverts directly related to a small business
  - Lawful use certificates
  - Works solely relating to listed buildings

### *Advice on matters relating to Listed Buildings and other Heritage Assets*

37. With regard to listed buildings in particular, it is evident that a lot of advice has previously been provided to listed building owners free of charge, which often involved the Conservation Planner undertaking site visits to the properties involved. A review will be undertaken shortly looking at how advice could be provided on listed buildings and other heritage assets in future and whether a charge should be levied for providing this advice.

## **PROPOSED PRE-APPLICATION SERVICE – PLANNING ADVICE FOR WHICH A CHARGE IS MADE**

38. Between 1<sup>st</sup> April 2019 and the 15<sup>th</sup> January 2020, the Council received 63 requests for pre-application planning advice, for which a fee was paid. Of these 63 requests, 10 related to 'Level 1 Development', 20 related to 'Level 2 Development' and 33 'Level 3 Development' (as defined at paragraph 13 of this report). The fees paid in connection with these 63 requests total £12,605.
39. From the review of a sample of 'completed' cases, it is evident that this Council did not recover the full cost of providing the pre-application planning advice. It is therefore considered appropriate to increase the charges for providing pre-application planning advice.

40. At the same time, it is proposed to introduce a new charging structure. The reason for this is that whilst the cost of dealing with smaller scale proposals can be predicted with some degree of accuracy, for larger scale schemes an assessment needs to be taken on a case by case basis. By way of example, under the Council's current charging scheme the fee for providing pre-application planning advice on a scheme of 15 houses is the same as it would be for providing advice on a scheme of 1,500 houses.
41. As the scale and complexity of the proposals increase it becomes considerably more difficult to set a fixed fee which ensures that the Council achieves cost recovery for the advice it provides. To address this the new charging schedule proposes a 'Price on Application' (POA) approach to charges for the more complex/ larger scale proposals. In these cases, the Council would provide applicants with a projection of the likely number of Officer hours which would be spent on the project and base the charge upon this. Such an approach should ensure that cost recovery is achieved with the larger, more time and cost intensive schemes.
42. Whilst it is considered appropriate to increase the level of charges, it is important to ensure that the extent of any increase does not discourage customers from using the pre-application planning service. A careful balance in this respect therefore needs to be struck.
43. In order to establish the costs of providing pre-application planning advice, this Council's Finance Officers advised that the following reflects the hourly rates (including all relevant on costs) for a range of Officers within Fareham Borough Council:
- Planner/ Local Scale 6 post: £60
- Senior Planner/ Local Scale 8: £75
- Principal Planner/ Local Scale 10: £90
- Head of Service: £115
44. Based on the information provided by the Council's Finance Officers, the Officer time spent on previous pre-application planning advice cases and having had careful regard for the level of charges set by other local planning authorities within Hampshire, a proposed set of new charges is set out at Appendix D of this report.
45. Officers have reviewed the last 10 pre-application planning advice requests which have been received by the Council and calculated what fee would be payable under the new charges proposed at Appendix B. Of the 10 requests, 4 paid a fee of £158.40, 5 paid a fee of £316.80 and 1 paid a fee of £422.40; a total of £2639.80 was paid for the 10 requests. Under the proposed charging structure, the fees payable for the first 9 requests described would be £3,350. The final request for multiple proposals on a site would have attracted a fee of £1,000.

## **Further Service Enhancements**

### *Planning Performance Agreements*

46. The need to respond quickly to pre-application planning enquiries is recognised by the Council. The ability to achieve this relies on the actions of the Council, external consultees and the enquirers themselves. To this end Officers will explore whether



this Council should make use of 'planning performance agreements'.

47. A planning performance agreement is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. They can cover the pre-application and application stages and can also extend through to the post-application stage.
48. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees.
49. A planning performance agreement is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed.

#### *Design Codes- Welborne and other large scale developments*

50. There is also likely to be demands placed on the pre-application planning advice service as a result of proposed allocations within the emerging Fareham Local Plan 2036, and the progression of the Welborne development. With some larger scale developments, the pre-application planning advice service may need to be involved in other planning work including the preparation and review of Design Codes. The potential resource implications to the Council of these additional areas of work will be subject to a separate report to the Executive in the near future.

#### **RISK ASSESSMENT**

51. If the charges are not increased for providing pre-application planning advice, the Council will need to continue funding this part of the service from other revenue budgets.

#### **CONCLUSION**

52. The Executive is invited to approve the Proposed pre-application planning advice service specification set out in Appendix C and to recommend to Council the Proposed pre-application planning advice charges set out at Appendix D.

#### **Enquiries:**

For further information on this report please contact Lee Smith (Ext 4427)