



Executive Decisions Made by Officers

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 place new requirements on local authorities relating to executive decisions. That is decisions made by the Cabinet, individual Portfolio Holders, Sub Committee or Joint Committees. This also includes executive decisions made by officers under delegated authority.

In order to comply with these new requirements officers must ensure that as soon after an officer has made an executive decision, including those made under delegated authority, that this form is completed and sent to democraticservices@chilternandsouthbucks.gov.uk for publication on the Council's website in accordance with the Regulations.

In order to comply with the Regulation 13, Democratic Services will publish a written statement based on the information provided in the following form:

1. **Name and role of officer:** Head of Planning and Economic Development

2. **Date of decision:** 7 March 2019

3. **Summary of the decision:**

The Head of Planning and Economic Development has agreed to a revised fee pricing structure across the shared planning service of the two District Councils for the Pre-application planning advice service and in particular to:-

- A) amalgamate/streamline the two current charging schedules into one, set fee based structure. Such a fee structure is consistent with those operated by the majority of Local Planning Authorities, and
- B) introduce a 20% minimum increase across the board on all fees payable for pre-application advice, and
- C) streamline the current fee charging categories relating to different forms of commercial development, such that they relate to one non-residential/ commercial category (based on proposed floor space divisions), and
- D) introduce a new Pre-application category in respect of the use of bespoke Planning Performance Agreements (PPA's): this would be applicable when dealing with large scale development proposals in respect of schemes comprising 50+ dwellings and non-residential floor space over 2, 000m²), and
- E) A corollary of the above would also address the current shared service deficiency in not having a consistent charging schedule, and therefore not recovering the full costs, of providing pre-application advice in respect of proposals relating to Listed Buildings

4. Reasons for the decision:

Given the variance in the fee pricing schemes currently operated by SBDC & CDC, the significant variances in charges operated by neighbouring authorities, and having regard to the recent increase in formal planning application fees, it would be appropriate to revise the fee pricing structure.

Bench-marking work recently undertaken illustrates that the Pre-application advice fee charging structure currently operated by the SBDC/CDC Shared Planning Service is out of date and does not realistically cover its costs. The recommendation is therefore to increase the fees across the board by a minimum of 20%, to amalgamate and streamline the two current charging schedules into one in order to make it easier for customers to use and understand, and to introduce the use of bespoke Planning Performance Agreements (PPA's) when dealing with large scale development proposals.

5. When making the decision did the officer take into account information from a report?

Yes Report attached No

6. Details of any alternative options considered and rejected by the officer when making the decision:

Other neighbouring Planning Authorities pre-application fee charging structures are outlined in the report under 4.10 and these were considered by the Head of Planning and Economic Development and at the Planning and Economic Development PAG.

7. (a) Details of any conflict of interests declared by any Executive Member who was consulted regarding the decision:

Were any interests declared by the Member(s)? None

If yes, who?

Type of interest (1):

Nature of interest (1):

Type of interest (2):

Nature of interest (2):

(b) **Note of dispensation:** *A note of dispensation may be granted by the Head of Paid Service in relation to Members' conflicts of interest. Please provide details below.*

Does this notice contain any exempt information? Yes (if yes, select reasons below) No

- 1. Identifies individuals (names, addresses, contact information etc.)
- 2. Likely to reveal the identity of an individual
- 3. Financial or business affairs of any person or organisation
- 4. Consultations or negotiations in connection with any labour relations
- 5. Legal professional privilege that could be used in legal proceedings
- 6. Any enactment (prosecution) to a person or organisation
- 7. Any action taken to do with prevention/investigation/prosecution of crime

Date Notice Published: 15 March 2019

SUBJECT	Revised Pre-application planning advice fee structure
REPORT OF:	Councillor John Read – SBDC Planning and Economic Development Portfolio Holder
RESPONSIBLE OFFICER	Mark Jaggard – Head of Planning and Economic Development
REPORT AUTHOR	Mark Aughterlony – Development Management Manager 01494 732142 Mark.aughterlony@chilternandsouthbucks.gov.uk Mark Jaggard – Head of Planning and Economic Development 837208 Mark.Jaggard@chilternandsouthbucks.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

This report seeks Members approval to the agreement of a revised fee pricing structure across the shared planning service of the two District Councils for the Pre-application planning advice service.

RECOMMENDATIONS:

That Members consider this report and adopt the recommendations outlined at paragraph 4.19 below, which are: -

Given the variance in the fee pricing schemes currently operated by SBDC & CDC, the significant variances in charges operated by neighbouring authorities, and having regard to the recent increase in formal planning application fees, it would be appropriate to: -

- A) amalgamate/streamline the two current charging schedules into one, set fee based structure. Such a fee structure is consistent with those operated by the majority of Local Planning Authorities, and**
- B) introduce a 20% minimum increase across the board on all fees payable for pre-application advice, and**
- C) streamline the current fee charging categories relating to different forms of commercial development, such that they relate to one non-residential/ commercial category (based on proposed floor space divisions), and**
- D) introduce a new Pre-application category in respect of the use of bespoke Planning Performance Agreements (PPA's): this would be applicable when dealing with large scale development proposals in respect of schemes comprising 50+ dwellings and non-residential floor space over 2, 000m²), and**
- E) A corollary of the above would also address the current shared service deficiency in not having a consistent charging schedule, and therefore not recovering the full costs, of providing pre-application advice in respect of proposals relating to Listed**

Buildings

2. Executive Summary

Bench-marking work recently undertaken illustrates that the Pre-application advice fee charging structure currently operated by the SBDC/CDC Shared Planning Service is out of date and does not realistically cover its costs. The recommendation is therefore to increase the fees across the board by a minimum of 20%, to amalgamate and streamline the two current charging schedules into one in order to make it easier for customers to use and understand, and to introduce the use of bespoke Planning Performance Agreements (PPA's) when dealing with large scale development proposals.

3. Reasons for Recommendations

The original Business Case for the shared planning service was predicated upon the provision of an excellent service to the customer. The Exemplar Planning Service Action Plan also highlighted the need for an updated CDC/SBDC pre-application advice service and associated charges. The recent PAG meetings relating to the draft revenue budget for 2019/20 highlighted the need for all non-statutory fees and charges to be reviewed annually, in order to ensure that they fully cover the council's costs, and are in line with the average charge, or higher, from neighbouring authorities. Planning agents that regularly work across both authorities have expressed the view at agent's forums that they would be prepared to pay extra for pre-application advice provided that they received a quality and timely service that provided them with good value for money. Members are therefore recommended to proceed with the above recommendation, as this is considered to accord with the Council's policy objectives, shared planning service programme and budgetary targets.

4. Content of Report

Background.

4.1 This report follows on from the original Business Case for the provision of a shared planning service across the two councils dating back to January 2017, the ultimate aim of which was the provision of excellent customer service. Members will recall that three of the stated six goals of the shared service review were: -

- to instil a culture which is customer focussed,
- to provide a pre-application advice service that is timely and readily available in order to enable and encourage customers to submit only those applications which are likely to receive a favourable decision, and
- a high performing service that is adequately resourced to meet both local and national targets and regulatory and statutory requirements.

- 4.2 Furthermore one of the projects of the Programme Board, set up as part of the review, was the generation of income (or, at least for the service to cover its costs). This report therefore relates to the provision of an adequately resourced and customer focussed, improved and enhanced pre-application service.
- 4.3 Members will be aware that fees applicable in respect of a formal planning application are set centrally. These were last revised on 17 January 2018 (See link below).
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
- 4.4 Pre-application planning advice fees however are set locally, at the discretion of the relevant Local Planning Authority. It is the case that until now both South Bucks District Council and Chiltern District Council have each run an entirely different pre-application fee pricing structure (see links below)
<http://www.southbucks.gov.uk/preapp>
<http://www.chiltern.gov.uk/planning/preapp>
- 4.5 The fees applicable in respect of SBDC pre-app service were last set/reviewed on 1 April 2013. The fees applicable in respect of CDC pre-app service were last set/reviewed on 1 April 2016.
- 4.6 In respect of SBDC, Pre-application advice fees are currently based on the estimated amount of time that it would take for a particular level of Development Management officer to formulate and provide their response. This fee pricing structure covers the production of a written informal officer response and then, should it be desirable, a further flat rate fee is payable for a site visit. Members are also asked to note that in respect of pre-application advice relating to a Listed Building, a fee is currently payable.
- 4.7 In respect of CDC, Pre-application advice is based on a set fee according to the development type proposed. The fee entitles the enquirer to a written response whilst the opportunity also exists to request a meeting with the planning officer. Upon receipt of the initial Pre-application advice an enquirer can then ask for further informal advice on a revised scheme for householder enquiries only. There is also a further fee applicable for any subsequent meeting, which also involves the generation of a follow up letter/response. In respect of pre-application advice relating to a Listed Building, CDC does not currently charge a fee.
- 4.8 When Members considered the Business case it was desirable that a more customer friendly approach to the pre-application service be provided, along the lines of that currently operated by SBDC. In furtherance of this at local forums held over the last 18 months with regular planning agents, that operate across both SBDC and CDC, it has been expressed to officers that agents actively

encourage their clients to make use of the Pre-application advice service. They have consistently said that they/their clients would be prepared to pay extra provided that they received a quality and timely service that provided them with good value for money. In this respect planning agents and their clients will therefore have a much better understanding of what the cost of the service will provide.

4.9 Members are also asked to note that the way in which requests for Pre-application advice are administered is currently different across the two authorities. This has proved to be inefficient, inconsistent and time consuming in respect of officer time and resources. It therefore follows that, should Members agree the recommendation above, one consistent system of processing and registering all requests for Pre-application advice across the shared planning service will need to be introduced.

4.10 **Bench-marking:** Table 1 below compares the planning Pre-application fee charging structure operated by four nearby Planning Authorities - Wycombe District Council (WDC), Dacorum Borough Council (DBC), South Northants Council (SNC) and Aylesbury Vale District Council (AVDC) with that operated currently by CDC (all of which are based on a set/fixed fee, as opposed to SBDC which is set at a rate payable per hour/officer) in respect of three types of development, these being:-

- (a) an extension/alteration to a dwelling,
- (b) the erection of a single new dwelling and
- (c) the creation of between 1-100 Sq. m of commercial floor space: -

Table 1.

	LIL	Ext/Alt	New dwelling	1-100 Sq. m commercial
CDC	CD	£110 (involves a site visit and a written response)	£380 (which includes a meeting)	£255 (for a written response whilst a meeting would result in a total charge of £385)
WDC	WD	£480 (involves a site visit and a written response)	£720 (for an initial meeting with a written response)	£480 (for an initial meeting with a written response)
	DB	£115 (involves response and a meeting)	£150 (with an additional £50 fee for a meeting)	£300 (For a letter, with an additional fee of £100 for a meeting)
SNBC	SN	£100 (for written advice which site visit & a meeting)	£160 (which includes a meeting)	£200 (for written advice which includes a meeting)

AVDC	AVI £77 (for a written response)	£446 (for an office based meeting followed by a written summary)	£77 (for written advice, with an officer based meeting incurring an additional fee of £115)
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4.11 Wycombe District Council (WDC) – It should be noted that the WDC fee of £720 for a new dwelling covers a residential proposal comprising from between 1 – 9 dwellings. Link to WDC Planning Advice service below: -

<https://www.wycombe.gov.uk/pages/Planning-and-building-control/Planning-applications/Planning-advice-service.aspx>

4.12 Dacorum Borough Council (DBC) – Link to DBC pre-application advice service below: -

<http://www.dacorum.gov.uk/home/planning-development/planning-applications/pre-application-advice>

4.13 South Northants Council (SNC) – Link to SNC pre-application planning advice service below: -

<https://www.southnorthants.gov.uk/info/173/planning-process/91/pre-application-planning-advice-service>

4.14 Aylesbury Vale District Council (AVDC) - Link to AVDC pre-application advice service below: -

<https://www.aylesburyvaledc.gov.uk/section/pre-application-advice>

4.15 It is understood that AVDC are currently looking at revising and increasing their Pre-application fee charges whilst it should also be noted that in respect of certain types of proposed extensions to dwellings, AVDC operate a separate Home Extensions Fast Track (LDO) service, the charge for which is a flat fee of £200. (see link below)

<https://www.aylesburyvaledc.gov.uk/home-extensions-fast-track-service>

4.16 At the executive summary above reference is made to the current fee charging structures being out of date and not realistically covering the costs of providing the service. By way of example, at Table 1 the current cost of a pre-app relating to an extension to a dwelling is £110, which involves a site visit and a written

response. The hourly rate for a Planning Officer is £70. The work of a planning officer involved in assessing a pre-app of this type will typically include:

- a thorough researching of the site and its history via the Uniform system,
- an assessment as to which planning policies, documents and guidance would be applicable,
- a site visit (which will include travel time, and anything up to 30 minutes on site, not only looking at the site itself but also its surroundings), and
- a written response in the form a letter.

(It should be noted that the above does not include the fact that the planning officer will also be paid an allowance by the authority for their petrol)

4.17 It is invariably the case therefore that the site visit alone, including travel time to and from the site, could easily equate to up to one hour (£70). The work required before the site visit (listed above) and the preparation of the formal response, which also has to be (read, and) signed off by a senior officer, can take anything from one hour upwards, dependant on the complexity of the case. This therefore illustrates that the current full, real cost of providing the service can be (a minimum of) £140. When considered against the current fee of £110, the Council is therefore running at a loss of £30 (approx. 27% of the current fee) every time such a pre-app is dealt with.

4.18 In conclusion and having regard to Table 1 above, there is no one consistent scheme of Pre-application fee charging used by nearby/neighbouring planning authorities. What is clear however is that a straightforward, set-fee based charging system, as opposed to a scheme based on charging for anticipated hours/time taken to respond per level of officer, is more definitive, reliable and cost effective in providing a timely and quality service to all our customers.

4.19 **Recommendation.** Given the variance in the fee pricing schemes currently operated by SBDC & CDC, the significant variances in charges operated by neighbouring authorities, and having regard to the recent increase in formal planning application fees, it would be appropriate to: -

- A) amalgamate/streamline the two current charging schedules into one, set fee based structure. Such a fee structure is consistent with those operated by the majority of Local Planning Authorities, and
- B) introduce a 20% minimum increase across the board on all fees payable for pre-application advice, and
- C) streamline the current fee charging categories relating to different forms of commercial development, such that they relate to one non-residential/commercial category (based on proposed floor space divisions), and
- D) introduce a new Pre-application category in respect of the use of bespoke Planning Performance Agreements (PPA's): this would be applicable when

- dealing with large scale development proposals in respect of schemes comprising 50+ dwellings and non-residential floor space over 2, 000m2), and
- E) A corollary of the above would also address the current shared service deficiency in not having a consistent charging schedule, and therefore not recovering the full costs, of providing pre-application advice in respect of proposals relating to Listed Buildings.

5 Consultation

- 5.1 This was specifically discussed with a mixture of planning agents at the Agents Forum in November 2018.

6. Corporate Implications

- 6.1 Financial - Members will be aware that significant resources have been allocated by the Shared Planning Service to the provision of a Pre-application planning advice service, which accords fully with paragraphs 39 – 46 inclusive of the National Planning Policy Framework July 2018 (see link below)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf
- 6.2 The cost of providing a Pre-application advice service should be recovered directly from the user/enquirer. As highlighted above, it is now between 2.5 – 5.5 years since both CDC & SBDC pre-application fee pricing schedules were reviewed. In that time not only has inflation risen, the current rate for November being 2.5%, but also the fee for submitting a formal planning application has been increased by 20% (January 2018).
- 6.3 It is therefore considered reasonable and appropriate to use the Government's January 2018 20% figure as a minimum for an increase in fees for the CDC/SBDC pre-application service.
- 6.4 The implications arising from the recommendations above would help to ensure that the Shared Planning service attempts to realistically cover its costs, and not make a loss when providing a quality Pre-application planning advice service.
- 6.5 Providing an exemplary planning service includes dealing with as many planning issues at the pre application stage to ensure once the scheme is submitted it can be dealt with in a timely manner.
- 6.6 At the same time the Council is looking to establish a Design Review Service which would take place at the Pre Application Stage. The cost of this service would be negotiated with the applicant as part of the bespoke Planning Performance Agreement (PPA).

6.7 It is recommended that the new, increased charges come into effect on 1 April 2019, and then these subsequently be reviewed each year after.

6.8 Legal – None applicable

7. Links to Council Policy Objectives

7.1 As outlined in the aims and objectives of SBDC Council, the above proposals would significantly aid the delivering of a cost effective; customer focused planning service, working towards safer and healthier communities.

<http://www.southbucks.gov.uk/aims-and-objectives>

8. Next Steps

8.1 Should the above recommendations be agreed, the SBDC/CDC shared planning service would seek to advise forthwith applicants and agents of these changes. Work will be undertaken on revising and amalgamating the current pricing schedules, the results of which would be produced and made available on the Council web sites. It is also recommended that the web sites for SBDC and CDC carry an explanation as to the proposed revised pricing schedule coming into effect on 1 April 2019. A short presentation would also be appropriate at the next planning agent's forum, scheduled to take place in late March 2019. However, agents will be notified of the proposed changes following agreement at both cabinets.

Background Papers:	<p>SBDC/CDC Exemplar Planning Service Action Plan</p> <p>Planning Portal – English planning application fees</p> <p>South Bucks District Council Web site – Pre-application advice (2013)</p> <p>Chiltern District Council Web site - Pre-application advice</p> <p>National Planning Policy Framework - July 2018</p> <p>Wycombe District Council Web site – Planning Advice service</p> <p>Dacorum Borough Council Web site – Pre-application advice</p>
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	<p>South Northants Council Web site – Pre—application planning advice service</p> <p>Aylesbury Vale District Council Web site – Pre-application Advice and enhanced planning services - Home Extensions Fast Track Service</p> <p>SBDC/CDC Shared Planning Service Implementation Programme</p>
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