

Chichester District Council

THE CABINET

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Report of the Pre-application Review

1. Contacts

Cabinet Member:

Susan Taylor, Cabinet Member for Planning Services,
Tel: 01243 514034 E-mail: staylor@chichester.gov.uk

Report Author:

Tony Whitty – Development Management Divisional Manager
Tel: 01243 534875 Email: twhitty@chichester.gov.uk

2. Executive Summary

Officers have reviewed the current pre-application advice services provided by the Council. Officers recommend revisions to the pre-application advice charging scheme, incorporating a number of new services and a review of fees across all application types, to be implemented on 1 January 2021.

3. Recommendation

3.1 That Cabinet agrees to adopt the revised Pre Application Advice Charging Scheme with effect from 1 January 2021.

4. Background

4.1. The current pre-application advice charging scheme has been operational since February 2017 and a review of the scheme has been undertaken.

5. Outcomes to be Achieved

5.1. To review the existing Pre Application Advice Charging Scheme in order to;

- Introduce additional services to formalise advice given on enquiries which do not fall within the current scheme;
- Optimise the options for customers regarding the level of advice they seek
- Take advantage of opportunities for greater cost recovery;
- Increase attractiveness and accessibility of the service to applicants and agents by rebalancing fees and automating processes;
- Ensure that the speed of the current service is maintained and enhanced where possible
- Ensure opportunities to improve design and development quality are realised

6. Proposals

Pre Application Advice Charging Scheme

6.1. Officers have considered the options for revising the Pre Application Advice Service and recommend the revised Pre Application Advice Charging Scheme (Appendix 1), the key changes to which are detailed in this report. The proposals include the introduction of new services, enhancement of existing services and amendments to fees to better reflect the amount of work undertaken by officers to provide the service to ensure appropriate cost recovery. A table is also included as Appendix 2 which provides a quick reference guide to the proposed changes. The key changes are:

i. Introduction of permitted development enquiries for commercial proposals, residential proposals, advertisements, and works to listed buildings

6.2 The introduction of the Council's Do I Need Planning Permission (DINPP) service in 2017 has been popular, with approximately 80 submissions per year. The DINPP was introduced to deal with Householder enquiries for extensions and outbuildings, however a demand for advice for non-householder permitted development enquiries has arisen. Such enquiries often relate to business premises and listed buildings, and they are often time consuming due to their complexity. Given the changes to the permitted development rules that allow for dwellings to be built, it is likely that enquiries will also now be received about new residential properties. It is considered that additional services are required to formalise advice given on enquiries which do not fall within the current scheme and increased opportunity for cost recovery.

6.3 The revised Charging Scheme maintains the existing DINPP fee for Householder enquires and introduces additional categories to cover commercial/residential proposals, advertisement proposals and proposals that may require listed building consent.

ii. Enhancements to the existing Planning Surgery service

6.4 Planning Surgeries, introduced when the pre-application charging scheme was last reviewed in 2017, have proven to be popular. The feedback received from users of the service and attendees of the Planning Agents Forum indicates the value of the service is primarily through the opportunity for dialogue as well as the shorter timescale compared to a written pre-application enquiry. The Planning Surgery service was introduced with a flat fee of £150 with no limit on the scale of the proposal to be discussed. The service is be aimed at those prospective applicants who have not developed advanced proposals but want to discuss the general issues and opportunities around developing a site.

6.5 Since it was introduced the service has been used by customers to discuss proposals ranging from householder extensions to residential developments. Between February 2018 and February 2019 the type of Surgery enquiries were split approximately 50/50 between 'Householder' and 'Minor' (up to 9 units or commercial development under 1000m²) developments, and

between February 2019 and February 2020 Householder Surgery enquiries made up 38%, with 62% being 'Minor'.

- 6.6 The revised scheme proposes the introduction of three different tiers of Planning Surgeries: 'Household', 'Minor' and 'Major'. The fee difference between them would be reflective of the work associated with the Planning Surgery and provide the opportunity for cost recovery and fee generation which the current flat-rate surgery service does not. Between February 2019 and February 2020 there was a fee income of £12,900 from Planning Surgeries. By splitting the Planning Surgeries into tiers based on the scale of development the fee for the same proposals based on the revised charging scheme would be £18,200. Given the Planning Surgery fee is below that of the Written Pre-Application submission and the anecdotal evidence of the benefits of having the discussion, officers consider it unlikely that the fee increase would discourage uptake of the service.
- 6.8 Since the introduction of the Planning Surgery service it has become apparent that it is commonly used by applicants following refusal of an application, where no pre-application advice had been previously sought. Unfortunately, this results in advice being provided by a different officer, which results in a less consistent service. As an alternative way of meeting this demand, it is proposed to introduce an additional service to provide meetings to discuss a recent refusal / withdrawn application. This would be arranged with the relevant case officer who dealt with the application to ensure that the customer benefits from the consistency and familiarity that comes with knowledge of the case.
- 6.9 The current Planning Surgery service is for the most part provided by Senior Planning Officers, and it is considered that the use of Planning Officers for the householder planning surgery and where a planning officer has already dealt with a previous planning application would reduce costs whilst providing an appropriate level of service to customers.

iii. Enhancements to the written pre-application advice services available including specialist tree advice

- 6.10 At present the pre-application advice charging scheme does not provide for any fees to be paid for specialist tree advice. The Council's Tree Officer receives a significant number of enquiries about the potential for works to trees, and in order to cover the cost of this work the revised pre-application advice charging scheme would include the provision of Specialist Tree Advice as a new service.
- 6.11 In addition, following a review of the charges for pre-application advice it is clear that some of the categories for development and their associated charges are not appropriate for the scale of development proposed. For example, during the Covid-19 pandemic enquiries have been received about the operation of businesses from residential properties; this is more complex and time consuming than a householder enquiry about an extension, but the charge for a solely commercial enquiry would be prohibitive to individuals setting up a business at home. Therefore additional written pre-application advice services proposed include specific written pre-application categories for alterations to shop fronts and for businesses at residential properties

where a change of use or operational development is required with an appropriate fee to cover the cost of these enquiries.

iv. Introduce service to provide advice on validation requirements

6.12 Guidance on validation requirements is currently provided as part of a written pre-application enquiry. However, it is common that guidance is sought outside of the pre-application advice service so it is proposed to offer this information as a stand-alone part of the service.

v. Amendments to the fees

6.13 During the course of the review it has become clear that some of the fees charged are no longer appropriate as a result of changes to the planning application fees, or because there is a large difference between a residential scheme for 9 units compared to a residential scheme for 10 units. For example, under the current scheme, pre-application advice has been sought for nine units which underutilises the space of the site, and officers consider that it is likely that this is due to the difference in fee between a nine-unit scheme of a 'Large Scale Minor' at £550 and a ten-unit scheme of a 'Small Major' at £2,000. The jump in the fee at this level appears to discourage customers from accessing the pre-application service at an appropriate level.

6.14 The revised charging scheme would introduce a new scale of fees for residential developments including a 'Major' pre-application enquiry for large scale developments to enable smaller major residential schemes to have a lower fee, thereby reducing the gap to the minor pre-application enquiries. The scale of fees has been adjusted such that it would enable the largest schemes to balance any reduction in fee income from the smaller schemes.

6.15 Based on the fee income from February 2018 - February 2019 the current thresholds would have generated a fee income of £40,000, under the proposed revisions this would have been £53,750. For February 2019 – February 2020 the current scheme would have generated £37,500 and the proposed scheme £42,250. It is therefore considered that the amendments to the fees would better reflect the costs involved with dealing with the enquiries and would encourage developers to access the level of service required.

vi. Increase attractiveness and accessibility of the service

6.16 Due to changing working practices due to COVID-19 officers have undertaken meetings with applicants virtually and applicants and agents have also engaged with virtual Planning Committees. It is therefore proposed to maintain this flexibility moving forward, with the ability for Planning Surgeries and other meetings to be undertaken by video call where necessary. This can also be retained as an option available to the customer once regular working arrangements have returned, allowing greater flexibility and accessibility.

6.17 Officers have also considered automating the booking process of the Planning Surgeries, which currently involves a telephone call to customer services to take payment and to book a slot. Automating the process to allow the customer to choose the appropriate slot and pay online would make

accessing the service quicker, and also ensure that the appropriate information is submitted for the case officer by having the automated system direct customers to the appropriate service through asking the relevant questions.

- 6.18 When the current pre-application advice charging scheme was adopted in 2017 there was a reduction in the response time to pre-application advice from 25 working days to 20 working days in most cases. In addition, the timescale for 'Do I need planning permission' enquiries is 15 working days. Performance in meeting these targets had been good, and it is considered that the additional services can be delivered whilst maintaining performance and customer expectations, particularly where they are formalising existing informal enquiries.
- 6.19 The wording within the Pre Application Advice Scheme has been adjusted to clarify the advantages and limitations of each service, as well as to direct customers to the appropriate service. In addition officers propose that an advice note is included as part of any application form in relation to the Pre Application Advice Service similarly setting out not only the benefits of each type of pre-app advice, but also the limitations.

7. Alternatives Considered

- 7.1. Officers considered alternative options which included retaining current working practices. Various options have been set out in the paragraphs above. Officers did consider whether to remove the Duty Planning Officer service, however there were concerns that this would leave no 'free' routes with which the public could engage with the Planning Service to obtain guidance on the appropriate route. The Duty Planning Officer offers a signposting service which is valuable to the public in steering them through what can be a complex process. Officers therefore concluded that the Duty Planning Officer should remain free of charge.

8. Resource and Legal Implications

- 8.1. The proposals have no significant financial or staffing impacts and accord with legal requirements.
- 8.2. The current pre-application advice scheme generated income of £100,741 in 2018/19 and £92,843 in 2019/20. If the proposed revised charging scheme were applied to the same number and type of submitted pre-applications in those two years, it would represent an income of £126,731 (a difference of £25,990) and £109,148 (a difference of £16,305), respectively. These figures do not include newly added services that were not previously offered, and for which any additional income would be in excess of the figures above. If the revised pre-application advice scheme is implemented, an increase in estimated income will be reflected in the budget for 2021-22. Given the tangible other benefits to the scheme (other than financial) it is proposed to implement from 1 January 2021, rather than waiting until the start of the new financial year.

9. Consultation

- 9.1 The majority of proposals have been formed as a result of a review of the current service by officers, feedback from customers and also following discussions with planning agents who attend the Agents Forum.
- 9.2 The outcome of the pre-application advice scheme review was presented to the Planning, Environment & Health Protection Recovery group on 12 October 2020 and various suggested amendments of the group have been incorporated in the scheme now presented to Cabinet.

10. Community Impact and Corporate Risks

- 10.1. Officers believe the proposals maintain and enhance the existing opportunities for community participation in the work of the Planning Service and, therefore, should have a positive impact on people and places.

11. Other Implications

	Yes	No
Crime and Disorder		X
Climate Change and Biodiversity Early influence on planning proposals is likely to increase chances of securing improvements to schemes that will benefit biodiversity and contribute to climate change reduction targets.	X	
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing Early influence on planning proposals is likely to increase chances of securing public realm enhancements within planning proposals, which will contribute to health and wellbeing of communities.	X	

12. Appendices

Appendix 1: Revised Pre Application Advice Charging Scheme December 2020

Appendix 2: Comparison of services offered and fees charged in existing and proposed schemes

13. Background Papers

None