

Appendix 1 – Planning Pre-Application Advice

BALANCING THE COST OF SERVICE DELIVERY

Directorate	Place
Service	Development Management
Portfolio	Economy & Regeneration
Title	Pre-Application Advice
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1. Information / Background:

- Implement NEW fee / charge

- 1.1 Despite the increase in planning application numbers over recent years and the officer resource base remaining largely static since 2008, the planning service has continued to offer a free pre-application advice service in connection with planning applications to be determined by this authority. However, the service provided has been limited and dependent upon resources and capacity, and frequently hasn't met with the expectations of our customers, a position which clearly is unsustainable when seeking to ensure that Stockport attracts development and inward investment.
- 1.2 Coupled with the desire to offer improved customer service, the increasing pressure on local authorities to be self-financing by 2020, the drive to be more commercially minded and the recognition that paid for pre-application advice is now widespread and generally accepted by developers, has led to current proposal which seeks to charge for pre-application planning advice.
- 1.3 It is proposed that pre-application charging is introduced for all types of development to recover in full the costs of delivering the service and provide a better customer experience end to end. It is envisaged that the new pre application service will be in place from April 2019.
- 1.4 It is also proposed to review the planning pre-application charging schedule on an annual basis and to make adjustments to those fees where appropriate, to reflect the quality of the service and resources provided and make amendments where required.
- 1.5 Pre-application advice usually involves residents, businesses agents and /or developers seeking specialist advice from the local planning authority and other statutory and non-statutory consultees as part of the process for preparing a planning application. Developers want to know about the potential constraints on a particular site, the planning policy considerations/compliance and the type of information that would need to accompany a planning application.

1.6 The Government's Planning Practice Guidance recognises the role of a pre-application advice service as it can offer:

'significant potential to improve the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success.' (ref Government Guidance 'Before Submitting an Application, paragraph 001)

1.7 The NPPF also acknowledges the importance of early pre-application discussions, stating

- 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
- The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, proactive approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
- The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
- The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

1.8 The Council has offered a free pre-application service in connection with applications to be determined by this authority for many years however, over the recent years the service has been extremely limited and dependent upon capacity. The Council devotes considerable time and effort to offering pre-

application planning advice, and sees it as a key part of delivering a good planning service. At present resources do not allow for a level of service which would meet for customer expectations. This includes in advice not being provided in a timely fashion or not fulfilling the expectations of the requestor.

1.9 Pre-application advice is advantageous both to applicants and to the Council in that it:

- provides an opportunity to suggest that an application should not be submitted if the proposal is wholly unacceptable;
- enables officers to influence the proposal to provide a better development - particularly in terms of design and layout;
- allows discussion regarding the information required to accompany an application and draft legal requirements and;
- allows liaison with other departments to bring out any conflicting views and issues.

1.10 Some forms of pre-application guidance are however essentially non-interactive – for example the provision of extensive content on the Council’s website providing ready access to Supplementary Planning Documents and Local Development Plan Documents, site history and site constraint information. This is an important element as all of the information upon which a planning application is determined is freely available, and as such, if a developer does not wish to engage with the authority they still have the information available to them. Whilst not the subject of the report, it is important to consider any charging proposals in the context of the full extent of guidance which is available, including for example content of the Planning Portal website.

1.11 Whilst all the information is freely available to customer, it is the more interactive aspect (and arguably the time consuming element) of pre-application guidance which being considered here and it is the provision of advice of the council including the holdings of meetings both within the Civic complex and on site and all written forms of communication.

1.12 The Table below indicates the volume of enquiries being received by the Planning Service each year over the last 6 years. Although the Service has changed its procedures during this period and implemented a new IT system, it would appear that Pre-apps are again gradually increasing, a good sign for development activity in Stockport.

Year	Number of Pre-application Enquiries
2013/14	332
2014/15	345
2016/17	279
2017/18	253
2018/19 (to 01/10/18) (6 months)	179

- 1.13 These enquiries concern a very wide range of matters, ranging from relatively simple enquiries in respect of proposed house extensions to significant development proposals such as major new residential or commercial developments.

2. Why introduce charges now?

- 2.1 The desire to provide an improved service to our customers, the need for local authorities to be self-financing by 2020 and the recognition that paid for pre-application advice is now widespread and generally accepted by developers has led to the proposal being put forward. It is no longer sustainable for the authority to resource and provide the advice free of charge. It is also considered that providing a better quality pre-app service will increase certainty for developers, increase the quality of the planning applications which the authority receives and the thereby reducing the time spent for the determination of applications.
- 2.2 The Government acknowledges that Councils can charge for this type of discretionary service on a not-for-profit basis and the Government's Planning Practice Guidance states that:
- Where charges are made they must not exceed the cost of providing the service. It is important that any charging does not discourage appropriate pre-application discussions. In this context local planning authorities need to consider whether charging is appropriate in all cases, given the potential for pre-application engagement to save time and improve outcomes later in the process. Where possible, local planning authorities are strongly encouraged to provide at least a basic level of service without charge.' (ref. Government Guidance 'Before Submitting an Application, paragraph 004).
 - In addition to the provision of a free pre-app service, the Council operates a Duty Planning Officer system daily which enables our community and customers to access a planning officer for informal planning advice. It is however considered that this service (offered 2 hours each working day) costs the planning service circa £0.020m to operate. All of the information provided on this system is available on the Councils Website, and as such, whilst officers will continue to be available to customer, the proposal is to stop operating the Duty Planning Officer system from April 2019.
- 2.3 A significant proportion of Councils across the country now charge for pre-application advice including those within Greater Manchester. In GM where authorities aren't currently charging, with the exception of Manchester City Council, neighbouring authorities are also looking to charge (Salford, Rochdale, Bury and Trafford currently charge). Furthermore statutory consultees such as Natural England, the Environment Agency and Historic England also charge for their pre-application advice.
- 2.4 The impact of not introducing charging results in the service either being unable to provide a pre-app service, or continuing to offer a reduced service which is not fit for purpose. Discussions with local agents has identified that

they would welcome a chargeable service which provides responses in a timely manner and ensuring that all relevant matters were considered. This would then provide developers greater certainty on the information they would require to be submitted with any application. Pre-app discussions allow for many matters to be ironed out and the authority to highlight our policy requirements, thereby giving great potential to have input into a scheme before details have been finalised by the applicants.

- 2.6 Based on the proposal, it is proposed that circa £0.067m would be anticipated to be generated by charging based on previous year's level of interest.
- 2.7 In addition to the cost expressed based on nature of the enquiry should the developer wish for meetings to be attended by Senior Officers, this would generate a further fee which would be based on the hourly rate for the Chief Planning Officer or Senior Planning Manager.

3. Risk / Reward Analysis:

- 3.1 There is a risk that the introduction of charges will put off some developers from seeking pre-application advice but the charge will help in managing demand and the use of increasingly stretched Council resources by discouraging speculative developers who have no serious intentions.

Risk Description	Response / Mitigation
Number of pre-application submissions reduce and consequential reduction in application numbers	Antipate that poorer quality submissions which are particularly resource intensive will fall away. With a consequential improvement in quality
Poorer quality submissions due to lack of pre-application engagement	Clear policies and supporting Supplementary guidance will be maintained and where necessary updated to provide alternative for applicants to design proposals on the basis of this freely available advice.

4. EIA Required: No

- 4.1 No EIA has been carried for this scheme however, there is no evidence from an initial assessment of an adverse impact on equality. There will be significant economic and social benefits to the Borough through the development of new homes and employment opportunities in Stockport.
- 4.2 The pre-application advice service will ensure that schemes, when submitted to the Council, are of good quality, saving time and improving outcomes at later stages in the planning process.

5. Legal Considerations:

- 5.1 Section 93 of the Local Government Act 2003 enables authorities to charge for discretionary services that 'the authority is authorised, but not required, by an enactment to provide' such as pre-application advice, provided that it is on a not-for-profit basis.

6. Pre Implementation Consultation / Communication:

- 6.1 There is no statutory duty for consultation in this instance, however, discussions have been held with a number of frequent users of the service to establish feedback and discuss the proposals thus far. The feedback provided is that the system would be welcomed, it would provide for better customer service and ensure that their clients are provided with the feedback that they seek. Agents have expressed matters which they would like to be included in any pre-app responses. It is proposed to engage further with agents further prior to 1st April 2019.
- 6.2 The proposed scheme is set out in Section 7 of this report. It is intended that charging will be implemented on 1st April 2019, which allows the planning service time to ensure processes and procedures are in place and further consultation has been carried out with agents.
- 6.3 Whilst charging for formal pre-application advice, the web-based free service giving basic information will continue to be provided and extended. This includes self-serve web access to site history, constraints, planning policy (including supplementary planning guidance/documents).
- 6.4 In advance of the formal introduction of the new service, promotional material would be provided explaining the benefits of the new service and sign-posting agents to all necessary information.
- 6.5 In the event that a decision is taken to introduce the charging service, consideration would be needed as to how pre-existing enquiries would be dealt with. In this regard it is proposed that a cut off date would be provided whereby all current enquiries would be determined / no new enquiries would be accepted. Such an approach would require careful consideration and management to avoid a situation where the Council receive an influx prior to the cut off point.
- 6.6 In respect of the Duty Planning Officer service, we continue to monitor the flow of enquiries and remind those making use of the service of the other ways that the information can be obtained. As in the case of the pre-application service, the website would be updated to advise the public when the service would cease and what other options are available to them.

Background papers:

- ☐ Planning Practice Guidance – before submitting an application
<https://www.gov.uk/guidance/before-submitting-an-application#the-value-of-pre-application-engagement>
- ☐ Section 93 of the Local Government Act 2003
<http://www.legislation.gov.uk/ukpga/2003/26/section/93>

7. Contribution to Income:

- 7.1 It is considered that with the introduction of pre-app charges that there would be a decrease in the number of pre-app enquiries, taking away the more speculative development and enabling the planning service to clawback time resource which is currently spent providing applicants and agents with advice which is available elsewhere.
- 7.2 Guidance states that the charges for pre-application advice should not exceed the costs of providing it. In arriving at the scale of charges due consideration has been taken to ensure this. Charges will be reviewed/revised on an annual basis.
- 7.3 Officers have confirmed that the charging proposals within the report will not exceed the cost of providing the service.
- 7.4 Taking account of the reduction in pre-apps it is anticipated that the following income could be achieved

Activity	2018/19	PROPOSED POSITION 2019/20		
	Current Charge per transaction. £	Proposed Charge per transaction. £	Increase %	Indicative Additional Income. £
<i>Development Management : Householder</i>	£0.00	£70.00	n/a	£4,900
<i>Development Management : Householder (In Conservation Area)</i>	£0.00	£120.00	n/a	£6,000
<i>Development Management : Change of Use</i>	£0.00	£100.00	n/a	£1,000
<i>Development Management : Advertisements</i>	£0.00	£100.00	n/a	£500
<i>Development Management : Minor Development (non Res upto 999sqm)</i>	£0.00	£500.00	n/a	£5,000
<i>Development Management : Minor Development (res 1-9 units)</i>	£0.00	£500.00	n/a	£5,000

Activity	2018/19	PROPOSED POSITION 2019/20		
	Current Charge per transaction.	Proposed Charge per transaction.	Increase	Indicative Additional Income.
<i>Development Management : Small Scale (10-49 Resi Units)</i>	£0.00	£1,000.00	n/a	£8,000
<i>Development Management : Small Scale (1000 - 2999sqm)</i>	£0.00	£1,000.00	n/a	£8,000
<i>Development Management : Medium Scale (50 - 199 Resi Units)</i>	£0.00	£1,500.00	n/a	£6,000
<i>Development Management : Medium Scale (3000 - 9999 sqm)</i>	£0.00	£1,500.00	n/a	£6,000
<i>Development Management : Large Scale (200+ Units)</i>	£0.00	£2,500.00	n/a	£5,000
<i>Development Management : Large Scale (10,000+ Sqm)</i>	£0.00	£2,500.00	n/a	£5,000
<i>Development Management : Works to Trees</i>	£0.00	£100.00	n/a	£1,000
<i>Development Management : Conservation/Listed Building</i>	£0.00	£120.00	n/a	£1,200
<i>Development Management : Section 38 - Small - 600</i>	£600.00	£850.00	41.7%	£1,250
<i>Development Management : Section 38 -Medium - 1000</i>	£1,000.00	£1,250.00	25.0%	£1,250
<i>Development Management : Section 38 - Large - 1500</i>	£1,500.00	£1,750.00	16.7%	£1,250
<i>Development Management : Refunds other - Full</i>	£0.00	£35.00	n/a	£700
Operational Cost Recovery.		Sub-total:-		£67,050