

Agenda Item

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| Meeting: | Development Control Committee |
| Date: | Wednesday 26 July 2006 |
| Subject: | Charging for Pre-Application Planning Advice |
| Responsible Officer: | Andy Parsons, Head of Planning |
| Contact Officer: | Les Simpson, Service Manager Development Control |
| Portfolio Holder: | Councillor Marilyn Ashton |
| Key Decision: | No |
| Status: | Public |

Section 1: Summary

This report seeks agreement to introduce charges for the provision of pre-application advice to applicants.

Decision Required

Recommended (for decision by the Development Control Committee)

- 1 The Committee agree the introduction of a charging structure for pre-application advice by the Planning Group, such charges to comprise two elements:
 - i) a charge for pre-application meetings for certain categories of development as set out in Section 2 of this report;
 - ii) a charge for the provision of advice by the Planning Advice Team on certain categories of development as set out in Section 2 of this report
- 2 The scheme for such charges to be advertised on the Planning pages of Harrow Council's website, notified to Harrow's regular agents and advertised in Reception and the local press.

Reason for report

To agree a charging structure that will allow Harrow Council to provide a quality and consistent service to developers and applicants on significant schemes.

Benefits

1. To provide a more effective and comprehensive service to applicants and developers, by improving the quality of applications and speeding up the planning process in general.
2. To generate income for the Planning Group to allow the provision of appropriate pre-application advice to developers and applicants.

Cost of Proposals

The resources with which to provide such advice are currently covered within the service budget, but such provision is intermittent, providing little certainty to developers, and is at the expense of the principal workload of the service, namely processing planning applications and appeals.

Risks

The provision of pre-application advice is a discretionary service. Given the current financial difficulties such a service could not be realistically continued, with consequent impact on the quality of advice given to the development community. This would also run contrary to clear Government advice, and could limit Harrow's influence on the form and nature of development occurring within the borough, particularly in developing Harrow's approach to sustainable development.

Implications if recommendations rejected

See Risks comment above.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Section 93 of the Local Government Act 2003 provides Local Authorities with the power to charge for discretionary services, although this is limited to the cost of providing the service.
- 2.2 In January 2006 Development Control Committee agreed the introduction of a charge for handling complaints about high hedges.
- 2.3 On tonight's agenda Committee is also being asked to agree to the introduction of a support charge for the processing and monitoring of Section 106 agreements.

Relevance to Corporate Priorities

- 2.4 This report addresses the Council's stated priority of enhancing the environment of the Borough.

Background Information and Options Considered

- 2.5 In line with national planning policy the Council welcomes and encourages discussion before a developer submits an application for a major or complex development. Such discussions can be of great assistance to the applicant by identifying the principal planning issues and requirements and speeding up the statutory planning process. They can focus applicants on the specific requirements and help to avoid abortive work.
- 2.6 Planning application fees are based on a nationally-applied statutory scale. These do not cover the cost of pre- or post- application advice, or the handling of reserved matters, but most Local Planning Authorities provide this by various methods within their service budgets. In order that the Council can provide this service to a consistent and high standard it is considered necessary to recover the cost directly from the applicant rather than fall as a general cost to the council taxpayers.
- 2.7 Five London Local Planning Authorities have started to charge for pre- (and post-) application advice: Barnet in 2004, and in 2005: Westminster, Camden, Hammersmith & Fulham, and Havering. Charges range from:

| LPA | Highest and Lowest Charges - one-off cost - based on complexity | | Follow-up Charge? | Charge for Additional Officers attendance? |
|---------------------------------|---|---------------|-------------------|--|
| Barnet | £2935 inc VAT | £646 inc VAT | Same charges | £117.50 inc to £176.00 per hour based on seniority |
| City of Westminster | £2350 inc VAT | £1175 inc VAT | £587.50 inc VAT | No |
| Camden | £1000 + VAT | £1000 + VAT | Same charges | No |
| Hammersmith & Fulham | £1300 + VAT | £650 | By Officer time | Basis for subsequent meeting charges |

| | | | | |
|-----------------|-------|------|-----------------|--------------------------------------|
| Havering | £1200 | £600 | By Officer time | Basis for subsequent meeting charges |
|-----------------|-------|------|-----------------|--------------------------------------|

2.8 The charges imposed by these authorities vary in range and methodology but they provide a basis for realistic proposals for Harrow.

2.9 The proposals for Harrow are to introduce two elements of charging:
i) for pre-application advice, and
ii) for advice provided through the Planning Advice Team.

Pre-application Advice Charges

2.10 £1000 for formal advice (followed up in writing) on major scale / complexity cases
£500 for formal advice (followed up in writing) on medium scale / complexity cases

2.11 Previously, pre-application meetings have normally involved the case officer and a number of other officers, dependent on the complexity of the case. The proposal is that the basic cost of the meeting will be an inclusive charge to include all necessary officer attendance, but excluding team leaders or above. These officers would attract an appropriate additional hourly charge.

2.12 It is also proposed that subsequent or follow-up meetings be charged according to officer attendance, and be based on hourly rates. Some sites may well involve a series of meetings with officers and a suitable rate will be agreed prior to the commencement of pre-application discussions.

2.13 The categories for these cases are explained in the table below. The major categories are based on definition within Circular 15/92:

| Major Scale / Complexity Development |
|---|
| 10 or more residential units |
| 1000m ² or more of commercial floorspace |
| Development involving a site of 0.5ha or more |
| Reserved matters applications on outline "major" developments |
| Commercial developments of 1000m ² or more |
| Changes of use of 1000m ² or more |
| Developments requiring Environmental Assessment |

| Medium Scale / Complexity Development |
|---|
| Flat conversions |
| Commercial proposals of between 100 - 999m ² |

| |
|---|
| Changes of use of 100-999m ² or more |
| Proposals for extensions and alterations to commercial listed buildings |
| New telecommunications equipment and masts (full applications and applications for prior approval) |
| Proposals for extensions and alterations requiring specialist conservation and / or design advice (other than shopfronts) |

- 2.14 The mechanism for administering the process would be for the developer to write, in the first instance, seeking a meeting, and the necessary processes would be put in place subject to Members' agreeing the charging regime. The base fee would be payable in advance of the meeting, and any additional Officer time charges would be invoiced after the meeting.

Planning Advice Team Charges

- 2.15 The Planning Advice Team comprises an Officer-based group representing 10 disciplines: Development Control, Policy, Conservation, Trees and Landscaping, Urban Design, Access, Building Control, Highways, Housing, Metropolitan Police (Crime Prevention Design Advisor). The group was set up in December 2004 and meets fortnightly to consider informal submitted proposals from developers, and provides an advice letter in response. Many of these approaches result in repeat requests for advice as proposals are developed.
- 2.16 The proposal is that each item considered by the Planning Advice Team would require an advanced charge of £100 per advice item. Following consideration of the item at the internal Officer meeting a letter summarising the advice would be sent to the developer. Repeat requests for advice would be charged at £75 per item.

Free Advice

- 2.17 It should be made clear that the following categories of development will continue to be free of charge and borne within the existing service budget:
- householder extensions and alterations
 - extensions and alterations to existing flats
 - changes of use, including conversions, of 99m² or less
 - applications to vary hours of use
 - applications to clear conditions other than reserved matters on outline permissions
 - commercial development (including extensions) of 99m² or less
 - shopfronts
 - advertisements
 - enforcement cases
- 2.18 The Duty Planner service will continue to provide its free informal advice service during each weekday morning and on Thursday evenings. The explanatory note

relating to this service is attached as **Appendix A** for Members' information, to clarify the level of advice that is currently, and will continue to be, provided.

Projected Income

- 2.19 It is extremely difficult to project the likely income from such charging regimes as the take-up is impossible to predict. However, the experience of other boroughs is encouraging. It is estimated that the introduction of a pre-application charging regime could generate a revenue in excess of £20,00 per year
- 2.20 Charging for the Planning Advice Team service is estimated to generate an income of between £5,000 to £10,000 per annum.
- 2.21 Clearly, whatever income is generated through such charging regimes it would need to be ring-fenced to the service in order to resource the pre-application advice service.

2.3 Conclusions

- 2.3.1 The proposed charges would enable the Planning Group to resource an appropriate and realistic planning advice service.

2.4 Consultation

- 2.4.1 None undertaken.

2.5 Financial Implications

- 2.5.1 The proposals will allow the Council to resource a discretionary but significant service for applicants and developers.

2.6 Legal Implications

- 2.6.1 The power to charge a person for providing a service to him that the council is authorised, but not required, by an enactment to provide is subject to a duty to secure that, taking one financial year with another, the income from the charges does not exceed the costs of provision.
- 2.6.2 In exercising its powers the council may set such charges as it thinks fit and may, in particular, charge only some persons for providing a service or charge different persons different amounts for the provision of a service and in doing so shall have regard to such guidance as the Secretary of State may issue.

2.7 Equalities Impact

- 2.7.1 The proposed charging structure would reflect the diverse elements within the borough.

2.8 Section 17 Crime and Disorder Act 1998 Considerations

2.8.1 None

Section 3: Supporting Information / Background Documents

Background Documents: