



DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 26 JULY 2006

SUPPLEMENTAL COMMITTEE AGENDA

AGENDA - PART I

17. **Retrieval of Planning Support Charge for Section 106 Agreements:**
(Pages 1 - 4)
Report of the Head of Planning.
18. **Charging for Pre-Application Planning Advice:** (Pages 5 - 12)
Report of the Head of Planning.
20. **102 High Street, Harrow on the Hill:** (Pages 13 - 16)
Report of the Head of Planning.

AGENDA - PART II - NIL

Please note: The main agenda frontsheet stated that a report on 102, 104, 106 High Street, Harrow on the Hill was 'to follow' (agenda item 19). This was an error. There will not be a report on this issue submitted to the 26 July 2006 meeting of the Development Control Committee.

Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda item has been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-

<u>Agenda item</u>	<u>Special Circumstances/Grounds for Urgency</u>
17. Retrieval of Planning Support Charge for Section 106 Agreements	These reports were not available at the time the agenda was printed and circulated. Members are requested to consider these items, as a matter of urgency.
18. Charging for Pre-Application Planning Advice	
20. 102 High Street, Harrow on the Hill	



Agenda Item

Meeting:	Development Control Committee
Date:	Wednesday 26 July 2006
Subject:	Retrieval of Planning Support Charge for Section 106 Agreements
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 a support charge to facilitate the processing and monitoring, by the Planning Group, of Section 106 agreements.

Decision Required

Recommended (for decision by the Development Control Committee)

- 1 The Committee agree the introduction of a charging structure for technical and support costs incurred within the Planning Group, for the processing and monitoring of Section 106 agreements - such charge to be 5% of the overall cost value of the agreement up to a maximum of £50,000, or, in the absence of any monetary value arising from the agreement a flat rate of £500.
- 2 The Committee agree that such charges be included as a specific head of agreement in all future proposals to grant planning permission subject to legal agreement.

Reason for report

To agree a charging structure that will allow Harrow Council to monitor Section 106 agreements effectively and efficiently, by reflecting the cost of Officer time involved. The levy of the proposed charge will allow the Officers to process and, more significantly, monitor the Section 106 agreements to ensure compliance with the agreed terms and timeliness in progressing developments agreed by the Development Control Committee.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

The resources with which to administer such monitoring and processing work are not currently covered within the current service budget. The proposals would provide income to facilitate the monitoring and finance recovery process.

Risks

There is a statutory requirement to maintain a register of Section 106 agreements, but there is no comprehensive system in place to monitor or track the progress of Section 106 agreements. This situation is unsustainable in the present financial and economic climate and could leave the council open to challenge.

Implications if recommendations rejected

See Risks comment above.

Section 2: Report

2.1 Brief History

- 2.1.1 The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2002 required Local Planning Authorities to maintain a register with details of any planning obligations or agreements. In essence this is simply an extension of the existing statutory register of planning applications.
- 2.1.2 There is a more pressing need, and has been for some years, to be able to track and monitor legal agreements, to ensure compliance with the heads of terms and to be able to accurately account for all the requirements including any financial provisions.
- 2.1.3 This element has been difficult to resource but is now a pressing requirement, in the light of the current financial and economic climate. Two attempts have been made during the last 18 months to appoint a Section 106 Monitoring Officer and this has proved unsuccessful. An interim step is therefore to finance an in-house resource that will allow the group to monitor and audit the whole process and to ensure appropriate progress on agreed developments.

2.2 Options Considered

- 2.2.1 The proposal is therefore to levy a reasonable administrative charge to help finance the processing and monitoring of section 106 agreements. There would be significant benefits arising from such a resource, principally the ability to progress developments in accordance with planning permissions, whilst achieving all the objectives of the legal agreement in a timely manner.
- 2.2.2 It is proposed that a standard charge of 5% of the overall cost value of the agreement up to a maximum of £50,000 be levied on planning applicants through the terms of the legal agreement. In the absence of any monetary contribution in the terms of agreement a flat rate fee of £500 be charged. These charges will be identified as an additional head of agreement in each case.

2.3 Conclusions

- 2.3.1 The proposed charge is considered to be a reasonable reflection of the officer effort involved in dealing with Section 106 agreements.

2.3 Consultation

- 2.3.1 None undertaken.

2.4 Financial Implications

2.4.1 There is a potential loss of revenue to the Council if we do not monitor legal agreements effectively within the agreed timeframes.

2.5 Legal Implications

2.5.1 Contained within report.

2.6 Equalities Impact

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

2.7 Section 17 Crime and Disorder Act 1998 Considerations

2.7.1 None

Section 3: Supporting Information / Background Documents

None



Agenda Item

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: <ul style="list-style-type: none">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:

This page is intentionally left blank



Agenda item:

Meeting:	Development Control Committee
Date:	Wednesday 26 July 2006
Subject:	102 High Street, Harrow on the Hill
Responsible Officers:	Andy Parsons, Head of Planning
Portfolio Holder:	Councillor Marilyn Ashton
Key Decision:	No
Status:	Part 1
Ward:	Harrow on the Hill

Section 1: Summary

1.1 This report updates Committee on the “flagpole” telecommunications macrocell installation that was the subject of a Discontinuance Order in March 2004.

Decision Required

Recommendation (for decision by the Development Control Committee)

- 1) The Committee note the position on the “flagpole” telecommunications installation and instruct Officers to submit a further report to the October meeting to consider the implications arising from the confirmation of the Discontinuance Order.
- 2) The Committee note the position (in para 2.10 of this report) that a full report on the Orange Microcell installation (2 microcell boxes and an equipment cabinet) will be reported to the September Committee.

Reason for report:

To provide the Committee with further information and secure its decision on how to proceed.

Benefits:

Would arise from the resolution of an unacceptable planning situation.

Cost of Proposals:

None in connection with the recommendation.

Risks:

The situation in respect of the unauthorised remains to be resolved in as timely a manner as possible.

Implications if recommendation rejected:

See Risks comment.

Section 2: Report:

Brief History, Policy Context (Including Previous Decisions)

2.1 See Section 2.3 et al.

Relevance to Corporate Priorities

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

Background Information and Options Considered

3G "Flagpole" Macrocell Installation

2.3 Members will be aware of the history of the "flagpole" installation on the roof of No. 102 High Street Harrow on the Hill. On 17 March 2004 this Committee considered a detailed report and resolved to make a Discontinuance Order in respect of a Hutchison 3G Mobile Phone Base Station (the flagpole installation), installed on the roof of 102 High Street under planning permission reference WEST/456/02/FUL, for the following reasons:

- (i) the development, by reason of its height and prominence, is unduly obtrusive and detrimental to the character and appearance of this part of the Conservation Area;

- (ii) the development, by reason of its height and prominence, is unduly obtrusive and detracts from the visual amenity of neighbouring residents and occupiers and of the street scene in general.

2.4 The Committee also resolved to agree that:

- (i) the development, by reason of the perception and / or fear of health effects would not be detrimental to the residential amenity of neighbouring residents and occupiers; and
- (ii) the decision to grant planning permission was not plainly wrong (in planning terms).

2.5 A Discontinuance Order was made under Section 102 of the Town & Country Planning Act 1990 by Harrow Council on 12 May 2004. The Order required that the use of the land (for telecommunication purposes) be discontinued, and the works (comprising a mobile phone base station and associated equipment) be removed within a period of 28 days from the date of service of the Order.

2.6 The outcome of this decision was that an appeal was lodged to be the subject of a public inquiry (subsequently heard in June 2005).

2.7 The outcome of this inquiry was that on 12th May 2006 the Secretary of State agreed with the Inspector's conclusions, accepted his overall recommendation, dismissed the appeal and upheld the Order made by the council without modification.

Orange Microcell Installation

2.7 Meanwhile, the Council had received a complaint (in 2004) that telecommunications equipment, additional to the flagpole, had been erected at the rear of 104 High Street (at some time in February 2004). A site visit revealed a small telecommunications equipment cabinet (sited against the rear wall of 104 High Street) owned by Orange. Subsequent investigation also revealed that the cabinet formed part of a telecommunications micro-system, with cabling to two small wall-mounted antennae on the front wall at 102 High Street and on the flank wall of 106 High Street. No complaints had been received in respect of the two microcell antennae installed on the street frontages.

2.7 A detailed report on the Orange microcell installation was submitted to the Development Control Committee on 7 September 2004.

2.8 The Committee resolved on 7 September 2004:

“That a decision on this matter be deferred to allow officers to investigate the points raised above (and submit a further report on this matter to a future meeting of the Committee.”

2.9 Having considered the further report to the 16 November 2005 meeting, Development Control Committee again resolved to defer consideration to await the outcome of the Discontinuance Order inquiry.

2.10 A further detailed report on the Orange microcell installation will be submitted to Committee on Wednesday 6 September 2006

Conclusion

2.11 A further report on the necessary action to be taken in respect of the cessation of the use and the removal of the equipment will be submitted to a future meeting of the Development Control Committee.

Consultation with Ward Councillors

2.12 None

Financial Implications

2.13 None at this stage.

Legal Observations

2.14 Included in the report.

Section 17 Crime and Disorder Act 1998 Considerations

2.15 None.

Section 3: Supporting Information / Background Documents

Discontinuance Order appeal decision