

Title of Report	PAID PLANNING PRE-APPLICATION ADVICE SERVICE	
Presented by	Councillor Richard Blunt Leader of the Council	
Background Papers	1. Local Government Act 2003 2. Planning and Compulsory Purchase Act 2004 3. The Killian Pretty Review “Planning Applications – A Faster and More Responsive Service” 4. General Power for Best Value Authorities to Charge for Discretionary Services – Guidance on the Power in the Local Government Act 5. Government’s Planning Practice Guidance	Public Report: Yes Key Decision: Yes
Financial Implications	Proposals would result in additional revenue streams as set out in the main report below. It is anticipated that the scheme will bring in revenue streams in excess of £50,000 per annum. However, as this is a new charging proposal, take-up will be monitored in order to assess additional incomes for budgeting purposes.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Section 93 of the Local Government Act 2003 enables authorities to charge for discretionary services that ‘ <i>the authority is authorised, but not required, by an enactment to provide</i> ’ such as pre-application advice, provided that it is on a not-for-profit basis. The Council’s legal advisor has confirmed that the introduction of pre-application charges is a cabinet decision.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No immediate staffing implications but the additional revenue streams would enable the Planning and Development Team to increase resources as necessary once the level of revenue is more fully understood.	
	Signed off by the Deputy Head of Paid Service: Yes	
Purpose of Report	To outline a proposal for the introduction of a formalised paid pre-application advice service, including charging for the advice given to applicants.	
Reason for Decision	To introduce a formalised pre-planning application advice service for minor applications and amend the procedure and charging schedule for major applications.	
Recommendations	THAT CABINET: <ol style="list-style-type: none"> 1. AGREE TO THE INTRODUCTION OF AND CHARGING STRUCTURE FOR FORMAL PAID PRE- PLANNING APPLICATION ADVICE SERVICE FOR MINOR PRE-APPLICATIONS FROM 1st JULY 2021; 2. AGREE TO THE AMENDED PROCEDURE AND UPDATED CHARGING STRUCTURE FOR FORMAL PAID PRE-PLANNING APPLICATION ADVICE SERVICE FOR MAJOR PRE-APPLICATIONS FROM 1st JULY 2021; AND 3. DELEGATE AUTHORITY TO THE STRATEGIC DIRECTOR OF 	

	PLACE, IN CONSULTATION WITH THE PLANNING AND INFRASTRUCTURE PORTFOLIO HOLDER, TO REVIEW THE SCHEME AND THE CHARGING STRUCTURE ON AN ANNUAL BASIS AND IMPLEMENT CHANGES IN LINE WITH THE CORPORATE APPROACH TO FEES AND CHARGES.
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1. BACKGROUND TO PRE-APPLICATION ADVICE CHARGING

- 1.1 The possibility of pre-application charging first emerged in the Local Government Act 2003. This formally allowed local authorities to charge discretionary fees for planning functions for which no fee is currently prescribed. The Planning and Compulsory Purchase Act 2004 extended the powers to charge fees for local planning authority activities. Under this Act the power to charge is no longer tied to planning applications. Fees can become chargeable in respect of any function of the Local Planning Authority (LPA), or anything else done by them that relates to such a function but only the cost of the service can be charged for.
- 1.2 The Killian Pretty Review “Planning Applications – A Faster and More Responsive Service” November 2008 looked at the development management process and one of the recommendations was that pre application discussions were vital as a way of improving the quality of applications and avoiding later delays. The Review advocated a formal pre application service for all major applications. It also encouraged Local Authorities to issue a statement or Code of Practice setting out the opportunities for pre-application discussions and the service standards the Local Authority would use.
- 1.3 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”
- 1.4 Charging for all types of pre-application advice is widespread and an accepted approach to gain access to discretionary professional advice.
- 1.5 The main reason given by Local Authorities for the charges is that, as part of a formal pre-application advice service, it provides a set standard for this discretionary service, and ensures that the cost of providing advice does not fall as a general cost to council tax payers.
- 1.6 There are currently no national rules on the level of charges but as set out within the Planning Practice Guidance, the income raised must not exceed the cost of providing the service. As set out below, the proposed charges will not exceed the cost of providing the service.
- 1.7 The introduction of pre-application charging has been discussed already at two Planning Cross Party Working Group meetings (27 November 2020 and 5 March 2021) and has broad cross party support.

2. PRE-APPLICATION ADVICE AT NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

- 2.1 Pre-application advice usually involves 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 specific site, the planning policy considerations/compliance and the type of information that would need to accompany a planning application.

2.2 In most cases developers/applicants will engage with the planning department in the first instance and then with any other relevant bodies i.e. the County Highway Authority, County Ecologist, Environment Agency etc.

2.3 Government 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.”

2.4 North West Leicestershire District Council currently welcomes and actively encourages informal pre-application discussion before those proposing development submit an application for planning permission. Such advice is intended to streamline the planning process and remove delays by informing would be applicants of the issues associated with a development project. It also provides an opportunity to outline the Council’s expectations and the provision of informal without prejudice opinion of the likelihood of success at the formal planning stage.

2.5 In order that this Authority can provide this discretionary service to a consistent and high standard, it is considered that there now needs to be a more formalised approach taken including setting a service standard and developing a procedure so that the service is transparent and well understood. In this way charging for the service can also then be introduced so that the substantial cost of providing this service can be recovered from those proposing development and not fall as a general cost to the council taxpayer. The current statutory planning fees do not cover pre-application advice.

3.0 CURRENT MINOR PRE-APPLICATION ADVICE

3.1 Despite the pressures that the planning department have been experiencing over recent years officers have continued to offer a free pre-application advice service for minor enquiries, in connection with planning applications to be determined by this Authority.

3.2 At the present time North West Leicestershire District Council only charges for pre-application advice on major planning applications. This means all applications, including householders, advertisements and residential schemes of up to nine dwellings are free.

3.3 In 2019 North West Leicestershire received a total of 438 pre-application advice requests. Of these 438 requests, only 20 were for major pre-application advice requests meaning the remaining 418 requests were dealt with free of charge.

3.4 Most authorities around the country, including most within Leicestershire, charge for pre-application advice on a range of other development types. With the exception of Blaby District Council, North West Leicestershire are the only other of the seven District and Borough Council’s in Leicestershire that do not charge for pre-application advice on minor and householder enquiries.

3.5 There is increasing pressure on local authorities to be self-financing and an emphasis for service areas to become commercially minded together with more of an understanding of customer needs has led to this proposal being put forward. Indeed, the Council is committed to a journey towards self sufficiency from a financial perspective.

3.6 Whilst the provision of a pre-application advice service is deemed to be important, this is a resource intensive service to provide this level of response without any charge that impacts on the team’s ability to deal with planning applications more efficiently.

3.7 Introducing a fee for the service, to include all development types will provide not only a greater revenue income for the Council, and also ensure that a quality service is being provided in terms of meeting timeframes and providing a clear indication of whether the

proposal is likely to gain planning permission or not, what the key issues are for consideration and what would need to be submitted with any planning application.

4.0 CURRENT MAJOR PRE-APPLICATION ADVICE

- 4.1 The provision of pre-application advice, particularly on significant and major schemes can be time consuming and involve a complex assessment.
- 4.2 The Council introduced a major pre-application service, including charging schedule on 1 April 2010 and both the procedure and fees have not been reviewed since that time.
- 4.3 The Council's current service is divided into two sections - Stage 1 of the major pre-application advice service is free and also includes a meeting at the Council Office, with Stage 2 which follows is the only part that is subject to a fee. This is not an approach undertaken by other Leicestershire Authorities, who charge from the beginning.
- 4.4 The current charging regime sets out the following fees for Stage 2 of the process only (as Stage 1 is currently free):

	RESIDENTIAL	COMMERCIAL	PRE-APPLICATION ADVICE FEE (INC VAT)
STRATEGIC PROPOSAL	50 dwellings or more	10,000 + sq m floor space	£3400.00
MAJOR PROPOSAL	10-50 dwellings	1,000 – 9,999 sq m floor space	£1800.00

- 4.5 In 2019 of the 20 major pre-application requests, 12 had the initial free Stage 1 advice and only a further eight progressed through to the further Stage 2, where a fee is applicable. In 2019 of the eight that paid, five paid £1,800 and three paid £3,400, generating an income of £19,200.
- 4.6 The way the existing major pre-application charging regime is set up means that in effect this is still partially free and it is considered that North West Leicestershire should introduce paid pre-application advice charging from the off-set.

5.0 PROPOSED FEE STRUCTURE AND CHARGES

Minors

- 5.1 As the Council is embarking on a journey towards self-sufficiency, it is considered that North West Leicestershire should introduce pre-application advice charging for minor schemes.
- 5.2 The precise level of charge, has been assessed in relation to the time undertaken to process the enquiry, review relevant planning history and constraints and provide a written response.
- 5.3 It is clear that any fee structure needs to be simple to understand, operate and administer and be transparent to its users.
- 5.4 The appropriate fee is charged in relation to the scheme and the level of service offered and has been benchmarked against other Leicestershire Authorities. The charges will not exceed the cost of providing the service.
- 5.5 On this basis, the precise level of charge, commensurate to the nature of the development is set out below:-

Proposal for Minor Pre-Application Charges (all charges include VAT)

	Written Response	An additional maximum 1 hour meeting (currently to be undertaken virtually), only where the written response has also been paid for
Certificates of Lawful Use – Existing and Proposed	£70	N/A
Advertisements	£75	N/A
Householder	£90	N/A
Change of Use	£190	£ 120 hourly rate
1-2 dwellings	£225	£ 120 hourly rate
3-4 dwellings	£460	£ 120 hourly rate
5-9 dwellings	£900	£ 120 hourly rate
Other developments creating floorspace of less than 500 sq metres (measured externally)	£360	£ 120 hourly rate
Other Developments creating floorspace of between 500 sq metres and up and including 999 square metres (measured externally)	£720	£ 120 hourly rate
All Other Development not falling within any of the categories (variation of conditions/car park and road and certificates).	£145	£ 120 hourly rate
Where a development proposal falls within one or more category, the higher fee will apply.		

Majors

5.6 As set out above, in terms of charges for major pre-application advice requests, these procedures were last reviewed in 2010.

The Council's current charging is based upon:-

- Strategic Proposal £3,400 and
- Major Proposals £1,800

5.7 Based upon the increase from March 2010 to January 2021, based upon the Retail Price Index (RPI) the charges would be increased to the following amounts:-

- Strategic Proposal £4,538.47 and

- Major Proposals £2,402.72

5.8 It is therefore considered that the charges should be increased to reflect the RPI and be charged at £4,500 and £2,400, respectively. These charges have been included at the Stage 2 written stage, and it is considered that an initial Stage 1 should be charged at 50% of this price. It is proposed that meetings be charged at 20% of the respective written stages.

5.9 The proposed precise level of charge, commensurate to the level of service offered is provided below:-

	Stage 1A - Overview Written Response	Stage 1 B- Overview Written Response and 1 hour Meeting	Stage 2C – Detailed Written Response	Stage 2D – Detailed Written Response and 1.5 hour Meeting
Major Residential 10-49 dwellings	£1,200 (inc VAT)	£1,440 (inc VAT)	£2,400 (inc VAT)	£2,880 (inc VAT)
Strategic Residential 50 + dwellings	£2,250 (inc VAT)	£2,700 (inc VAT)	£4,500 (inc VAT)	£5,400 (inc VAT)
Major Floor Area 1,000 sqm – 9,999 sqm (measured externally)	£1,200 (inc VAT)	£1,440 (inc VAT)	£2,400 (inc VAT)	£2,880 (inc VAT)
Strategic Floor Area 10,000 sqm + (measured externally)	£2,250 (inc VAT)	£2,700 (inc VAT)	£4,500 (inc VAT)	£5,400 (inc VAT)
Development of 1 hectare or more	£1,200 (inc VAT)	£1,440 (inc VAT)	£2,400 (inc VAT)	£2,880 (inc VAT)
all Other Development not falling within any of the categories i.e. solar farm				
Where a development falls within more than one category, the higher fee will apply.				
If any further additional meetings, beyond those set out above are required after the Stage 2D then this will be charged at the following rates (and restricted to a 1.5 hour meeting)				
Residential 10-49 dwellings = £480				
Residential 50 + dwellings = £900				
All other development = £480				
Floor Area 1,000 sqm – 9,999 sqm = £480				
Floor Area 10,000 sqm + = £900				

6.0 PROPOSED PROCEDURES AND SERVICE STANDARD

- 6.1 It is important for the Council to be clear about setting service standards and to ensure that users of the service are clear. A list of these are provided in appendix 1.
- 6.2 The Council will provide free pre-application advice to a number of enquiries. The enquiries that would be excluded from the charge schedule would be limited to:- enquiries relating to Listed Buildings; works to trees; telecommunications; requests from a Parish or Town Council for their own development; where the development is for the direct benefit of a registered disabled person and planning discussions in relation to enforcement investigations. The Council will continue to deal with the 'Do I need planning permission' as a free service and they will not be the subject of this paid service.
- 6.3 It is recommended that a pre-application advice guidance note and the pre-application advice process is updated, added to the website and circulated to local developers and agents.

Procedures for Minor Pre-Application Enquiries

- 6.4 Officers will aim to provide a written response (and a meeting as necessary) within 28 days of receipt of payment and the pre-application request. The meeting is to be undertaken virtually at this time, and at the Council Offices in all other scenarios. A site meeting will only be undertaken at the request of officers or in exceptional circumstances.
- 6.5 The written advice will include, where appropriate:-
- An overview of relevant planning history
 - A list of relevant policies
 - A list of site constraints
 - A list of relevant consultees
 - A list of information required to accompany the planning application
 - An assessment on the principle of development
 - An assessment on layout, design and impact upon residential amenity where the enquiry includes sufficient information in order for this to be assessed. Input from the Council's Urban Design Officer where necessary and suggestions and options to improve layout, design and impact upon residential amenity, where this is possible.
 - Where impacts upon heritage assets and trees is considered to be relevant, an assessment from the Council's Conservation Officer and Tree Officer.
 - A list of other relevant material considerations, which are not covered above and contact details of relevant consultees
 - An officer's professional opinion on whether the scheme as presented is likely to receive a favourable recommendation.

Procedures for Major Pre-Application Enquiries

- 6.6 The amended procedure is set out below:-

Stage 1 (Overview)

It is intended that Stage 1 remains generally the same in terms of the level of advice to be provided i.e. an overview of the potential issues and an opinion on the principle of development only, with the exception of now introducing a fee for this. There is also the option for a meeting with the case officer, in addition to the written advice, to be charged at an additional 20% of the written advice fee.

- Stage 1A Overview Written Response.
- Stage 1B Overview Written Response and Meeting

6.7 Stage 1A Overview Written Response will include, where appropriate:-

- An overview of relevant planning history
- A list of relevant policies
- A list of relevant consultees
- A list of information required to accompany the planning application
- An assessment on the principle of development
- The relevant material considerations and contact details of relevant consultees
- An officer's professional opinion on whether the principle of development is acceptable.
- A maximum 1 hour meeting with the case officer to discuss the elements set out above.

6.8 Stage 1B Overview Written Response and Meeting will include all of those matters listed above as part of a maximum 1 hour meeting with the case officer.

6.9 The meeting is to be undertaken virtually at this time, and at the Council Offices in all other scenarios. A site meeting will only be undertaken at the request of officers or in exceptional circumstances.

Stage 2 (Detailed)

6.10 It is intended that Stage 2 remains the same in terms of the level of advice to be provided, as currently operates, but again this is split between the option of just a written response, or a written responses and a meeting with the case officer, and also the Urban Design Officer, Housing Officer, Tree Officer and Conservation Officer, if necessary.

- Stage 2C Written Response
- Stage 2D Meeting and Written Response

6.11 Stage 2C Detailed Written Response will include, where appropriate:-

- An overview of relevant planning history
- A list of relevant policies
- A list of site constraints
- A list of relevant consultees
- An assessment on the principle of development
- Where applicable, an assessment on layout, design and impact upon residential amenity where the enquiry includes sufficient information in order for this to be assessed. Input from the Council's Urban Design Officer and suggestions and options to improve layout, design and impact upon residential amenity, where this is possible.
- Where applicable, consideration of housing mix and tenure, where the enquiry includes sufficient information in order for this to be assessed. Input from the Council's Housing Officer and suggestions and options to improve the housing mix, where this is possible.
- Where applicable, consideration of the impacts upon heritage assets, where the enquiry includes sufficient information in order for this to be assessed. Input from the Council's

Conservation Officer and suggestions and options to improve the impacts, where this is possible.

- Where applicable, consideration of the impacts upon protected trees, where the enquiry includes sufficient information in order for this to be assessed. Input from the Council's Tree Officer and suggestions and options to improve the impacts, where this is possible.
- The relevant other material considerations, which are not covered above and contact details of relevant consultees
- An officer's professional opinion on whether the scheme as presented is likely to receive a favourable recommendation.

6.12 Stage 2D Detailed Written Response and Meeting will include all of those matters listed above as part of a maximum 1.5 hour meeting with the case officer.

6.13 The customer can decide whether to opt directly for Stage 1 or Stage 2. If the customer opts for Stage 1 and then decides to afterwards to also progress to Stage 2, only the difference between the fees, would be applicable.

6.14 With this process and the introduction of lower Stage 1 fees, this should still encourage customers to opt for Stage 1 first, to discuss the principle of development, which may negate the need to progress the scheme any further, and avoiding the customer paying the full, higher Stage 2 fee.

6.15 In terms of options and fees, three examples are provided below:-

- Example 1 – a customer submits a scheme for 10-49 dwellings through Stage 1A (Overview Written Response) paying £1,200. It is clear from the overview that the principle of development would not be acceptable and therefore the Council has benefitted from an additional £1,200 in comparison to the existing process, and the customer benefits from not having to pay the higher fee to find that the principle of development was not acceptable.
- Example 2 - a customer submits a scheme for 10-49 dwellings through Stage 1A (Overview Written Response) paying £1,200. The principle of development is deemed by the case officer to be acceptable and they wish for more detailed advice in terms of layout, design etc. and would like to progress through to Stage 2A therefore only paying an additional £1,200, (to total £2,400) for the difference between the two stages.
- Example 3 - a customer submits a scheme for 10-49 dwellings directly to Stage 2A (missing out Stage 1A) and pays the fee of £2,400 from the off-set to discuss the principle of development *and* detailed matters.

7.0 OTHER MATTERS

7.1 It is also proposed to review the pre-application charging schedule on an annual basis and to adjust those fees where appropriate, to reflect the quality of the service and resources provided.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> • Supporting Coalville to be a more vibrant, family-friendly town • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green District
Policy Considerations:	None Identified
Safeguarding:	None Identified
Equalities/Diversity:	None identified. This service will be accessible to all customers.
Customer Impact:	Customer will still be able to access the same service but will now be subject to formal procedures and service standards.
Economic and Social Impact:	Additional revenue streams are expected from an economic perspective.
Environment and Climate Change:	None identified
Consultation/Community Engagement:	Discussed at the Planning Cross Parking Working Group meetings of 27 November 2020 and 5 March 2021. Local agents and developers will be notified.
Risks:	<p>There is a risk that the introduction of a more formalised pre-application process will put more pressure on the planning department in providing pre-application advice responses. However there are already timescales associated with pre-application advice responses and the introduction of further revenue could help develop and grow the team accordingly in the future.</p> <p>Some customers may not wish to pay the cost of the pre-application charge resulting in the submission of sub-standard applications which subsequently take longer to process impacting on performance.</p>
Officer Contact	Chris Elston Head of Planning and Infrastructure chris.elston@nwleicestershire.gov.uk

APPENDIX 1 - PROPOSED PROCEDURES AND SERVICE STANDARD

- We will acknowledge receipt of requests within 3 working days
- We will advise you if your request is invalid, explaining the reasons why and allowing you time to submit any missing information. If a fee has been submitted for advice without all of the necessary information and the information is not received within 20 working days following a request, the fee will be returned with £30 deducted for administration costs.
- We will provide a written response (and meeting as necessary) within 28 days of a valid request
- Meetings will usually be undertaken virtually and at the Council Offices in all other scenarios. A site meeting will not normally be necessary but may be arranged at the discretion of officers
- Any views or opinions expressed are given in good faith, based on existing planning policies and standards, and without prejudice to the formal consideration of any future planning application which will be the subject of public consultation and may ultimately be decided by the Council's Planning Committee;
- It follows that officers cannot give any guarantees about the final formal decision that will be made on any future planning application. However, the advice note will be referred to in any report, subject to the proviso that circumstances and information may change, and so alter the position;
- Reduced weight may need to be given to the content of the Council's pre-application advice for schemes which are submitted where a period of one or more years has passed after the advice being issued;
- Any advice given in relation to planning history of the site, planning constraints or statutory designations does not constitute a formal response under the provisions of the Local Land Charges.