Report to	Cabinet	Item
	09 March 2016	
Report of	Executive head of service for regeneration and development	13
Subject	Planning pre-application advice – review of charges and service standards	

Purpose

To review the existing planning pre-application charging structure and service standards and recommend changes.

Recommendations

To:

- 1. agree the new charging levels and service standards as specified in Appendix 1 and 2 from 1 April 2016; and,
- 2. delegate authority to the head of planning services, in consultation with the relevant cabinet member, to agree any future minor revisions or adjustments relating to charges for planning advice by other organisations.

Corporate and service priorities

The report helps to meet the corporate priority value for money services

Financial implications

An increase of income is expected. However this is difficult to forecast precisely as it will be dependent on the state of the property market nationally and locally, as well as the willingness to take-up the services by developers. Additionally some of the charges are directly linked as a percentage of statutory fee levels. Therefore any changes to the latter will result in changes to the associated pre-application fee. The budgeted income is £60,000 for 2015-16 and it is anticipated that the proposals will increase income to £100,000 in a full year.

Ward/s: All Wards

Cabinet member: Councillor Bremner – Environment and sustainable development

Contact officers

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Background documents

None

Report

Introduction

- 1. Fees for pre-application planning advice and service standards were last revised and agreed by Cabinet in December 2012.
- 2. Statutory fees for planning applications are fixed by government and there is no local discretion available. However other optional services, particularly pre-application advice, are discretionary and can be charged for providing that the income does not exceed costs. Norwich was the first local planning authority in Norfolk to introduce charges for pre-application advice in 2010. This has been followed locally by Kings Lynn and West Norfolk, North Norfolk, and South Norfolk. Most local planning authorities in southern England now charge for such advice.
- 3. Some of the service standards are directly related to the charging and this is therefore a good opportunity to review them to make sure that they relate well to the fees charged, and remain appropriate. In particular there is a need to consider how the council handles comments from the public in the interest of efficiency.

Discretionary charges

- 4. The government's planning practice guidance states "Local planning authorities are encouraged to take a flexible, tailored and timely approach to the pre-application services they offer, which are appropriate to the nature and scale of a proposed development. Local planning authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003. 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."
- 5. A review has been made of how the income relates to the time expended. It is clear that there is no profit being made from the charges currently being charged. There is also still a considerable amount of time spent dealing with informal queries where there is no charge. Consideration has been given to whether it is possible to reduce this time down to zero. However, in practice, there is some need to deal with telephone calls, emails and face to face queries. Signposting to the paid-for services can be improved with additional staff training but it is considered that radical steps to remove any contact with planning staff would be counter-productive as there is a need to provide accurate information on how to correctly engage with the planning service whether by a paid for pre-application process or to save time later on in getting accurate and complete planning applications submitted.
- 6. Appendix 1 shows all the existing discretionary charges in column 1 and proposed changes in column 2, with comments in the third column.
- 7. The key changes are:
 - The introduction of new fees for pre-application advice on listed building consent applications

- The deletion of the pre-application meeting fee. This is being misused by developers and there were unrealistic expectations and pressure for advice. The fees do not cover the costs.
- The deletion of the intermediate advice fee category. This has proved to be problematic as the advice offered is so similar to the advanced level and developers had an unrealistic expectation of the level of advice.
- Other fixed charges are generally increased to take account of inflation and the actual costs being expended.
- Developers may need advice from other organisations and a review of how these organisations deal with organisational advice has been undertaken. A summary of the findings are in appendix 2. Initially it was thought that a "one-stop shop" approach would be feasible and this would assist developers by streamlining how they get advice. Some of the bodies would only give advice on a very few occasions annually and be highly specialist in nature. As the developer may wish to have the advice at a different time to their advice from the City Council, and due the unwillingness of some agencies to divert from their standard, national, procedures then the complexities of trying to merge external bodies into one service would, in practice, be extremely difficult to achieve. It could worsen the service and result in potentially complex and expensive administrative arrangements and cause confusion amongst all parties. However, on occasions, there will be the chance to integrate the advice on and ad-hoc basis and it is envisaged that there would continue to be a close working relationship with external bodies to minimise the complexity for developers.
- For sites where the County Council as Highway Authority (impacts on the strategic highway network only), Lead Local Flood Authority or providing archaeological advice are involved this will be charged in addition to the City Council officer's time.
- 8. It will be important to ensure that all sections of the council provide comments on potential developments via the planning service and respond promptly to requests for advice. Similarly where proposals involve the highway authority and there are effects on the main road network, the County Council, as highway authority have agreed that they will not deal with developers direct but route their advice via the planning service and identify their fees and this will be incorporated as an additional charge to the developer.
- 9. VAT is payable as the service is a discretionary one. For simplicity and clarity, all fees listed are inclusive of VAT.
- 10. Since the GNDP design review arrangements ended in 2014, a service is currently offered by an external agency, Design South East. If a developer wishes to avail themselves of this service the costs would be additional to the normal pre-application fees.

Service Standards (pre-application advice)

11. The full wording of the existing service standards relating to pre-application advice are listed in the appendix and have been reviewed. Some changes are proposed.

12. The measure of success will be via the results of feedback by using the survey method developed by the Planning Advisory Service's Planning Quality Framework. This involves contacting agents, applicants, and third objectors or supporters by email and asks them questions about the quality of the experience of the planning service. It will enable robust data to be available to see how the quality of the service, as defined by customers, changes over time and how it compares with other local planning authorities as the questions and survey methods will be identical. It is envisaged that this will commence on April 1st.

Service Standards (other)

- 13. There is a need to change how schemes amended following the grant of planning permission are handled. At present there are unclear and inconsistent working practices between staff which need to be clarified. It is proposed that amended plans are only subject to re-advertisement or letters sent to neighbours with a 14 day period for comments if there is a significant, adverse, impact on properties. Minor changes, reductions in scale or alterations to reduce impact on neighbours would not be routinely re-notified to all the original neighbours, nor be re-advertised on site or in the press. However the amended details would be published on the website and be available for public inspection in the normal way. This would reduce costs in re-notification, often remove the need for a second site visit, and speed up decisions. There may be a need for an individual communication with specific objectors, for example, if the amended plans address the specific objection.
- 14. In order to streamline procedures and to ensure that there are fewer last-minute changes to Committee reports it is proposed that third party comments from the public that are received beyond the relevant consultation period (normally 21 days) in letters, press advertisements or site notices are not taken into account, trigger a committee referral and not be referred to in committee or delegated reports. In addition any correspondence received following the publication of the Committee report (7 days ahead of the meeting), will not be summarised and referred to Committee unless the report contains factual errors which need correcting. This will reduce workload and remove the need to prepare last-minute drafting of updates and reduce the information that Committee members have to read at the start of the meeting.

Service standards (planning enforcement)

- 15. The current service standard states "If you complain about someone breaching planning rules we will assess and classify the urgency of this within a day. We will acknowledge emailed queries immediately and letters within four calendar days. We will advise complainants of the outcome of investigations within 7 days of a decision or, if 8 weeks have elapsed (and in the 9th week), to advise of progress".
- 16. This differs from the corporate standard and has not always been observed. It is proposed to change this to make it clear that acknowledgement takes place within 5 days, a new standard to advise the complainant where there is, or is not, a substantive case, or not, to be investigated after 14 days, and then an update of progress, if not resolved, by the 8th week. Work processes will be amended to ensure that this is done in a consistent manner.

Pre-application charging

Existing wording	Proposed wording
For advice on the need for listed building	For advice on the need for listed
consent, where there is no associated	building consent and the
planning application, for advice on the	acceptability of alterations to listed
acceptability of alterations to listed buildings	buildings.
(i.e. proposals are internal and/or minor	
external changes which do not require	Where there will be an associated
planning permission).	planning application one of the
	paid for services below should be
Advice will be provided directly by the design	used and listed building advice will
and conservation section.	be provided as part of the service.
	be provided as part of the service.
Where there will be an associated planning	
application one of the paid for services below	
should be used and listed building advice will	
be provided as part of the service.	
be provided as part of the service.	
Fee: Free	Fee: £150
Timeframe: 21 calendar days	Timeframe: 21 calendar days
For advice on works to trees, only where the	No change
works relate solely to trees protection via a	
tree preservation order or conservation area.	
Advice will be provided directly by the council's	
tree protection officer.	
Fee: Free	
Timeframe: 21 calendar days	
Advice on the need for planning consent.	No change
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The council's website along with the planning	
portal offers detailed advice on the need for	
planning consent. It is recommended that the	
website be used in the first instance to answer	
these enquiries.	
Written confirmation that the works proposed	
do not require planning permission, would	
require an application for a lawful development	
certificate.	
Alternatively, informal written advice on the	
need for planning permission can be	
requested by filling in an online form and	
paying a lower fee than the formal Lawful	
Development Certificate process, although this	
will not constitute a formal decision and a	
lawful development certificate is the statutory	

process which may be useful in the future if	
you sell your property and queries are raised	
by a potential purchaser.	
Fee: £50	Fee: £60
Timeframe: 21 calendar days	Timeframe: 21 calendar days
Planning history	
A planning history of the site and copies of the	Free for decisions that can be
decision notice and any plans associated with	emailed where the reference no is
the decisions which are available.	known. History searches and
	copies of plans/legal
Fees	agreements/tree preservation
Planning history and up to two decision notices	order charged at £65 per hour of
£65 Additional decision notices £10.50 each	actual time (min time is 1 hour)
Copy of S106 agreement or tree preservation	
order. Copy of other documents £65 per hour	
(or part thereof)	
Time from a Official and an elever	Time of the second A. A. and an along days
Timeframe: 21 calendar days	Timeframe 14 calendar days.
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Householder	
For advice on the likelihood of gaining	
planning permission for alterations and	
extensions to residential dwellings or flats	
which require planning permission.	
Fee: £50	£100
Timeframe: 21 calendar days	Timeframe: 21 calendar days
Change of use	
For advice on the likelihood of gaining	
planning permission for a change of use only	
or with very minor external alterations (i.e.	
amended shop front).	
Fee: £150	£195
£300 Additional charge where the applicant	£300 Additional charge where the
has submitted a main town centre uses	applicant has submitted a main
	town centre uses sequential and/or
sequential and/or impact assessment and is	•
seeking detailed feedback.	impact assessment and is seeking
Time from a O4 and a last last	detailed feedback.
Timeframe: 21 calendar days	Timeframe: 21 calendar days
Minor commercial development	
For advice on minor commercial developments	
or extensions of no more than 1,000sqm gross	
floor space.	
Fee: £100 per 75 sq.m.	£195/per 75 sq.m.
Timeframe: 21 calendar days	Timeframe: 21 calendar days
Advice on significant development	
proposals	For advice on developments of one

dwelling or more, or 1,000sqm gross floorspace or more, or a combination of the two.
Basic and advanced services are provided. Should developers wish to, they can progress from basic to advanced level with any fee paid for the lower level of service discounted from the higher level, subject to being within 12 months of the original advice being given.
Delete
No change but with addition of a comment pointing out this service may be useful for those wanting information prior to an auction. The council will endeavour to respond more quickly than the 21 days if the information is needed for an imminent auction date.
10% of statutory fee with a minimum of £250 Timeframe: 21 calendar days

Timeframe:	35 calendar days where detailed
21 calendar days	feedback on a sequential or impact
32 calendar days where detailed feedback on	assessment is required
a sequential or impact assessment is required	
Intermediate enquiry	Delete.
This goes a step further than the basic enquiry and would require submission of a full set of	This is similar to the advanced level and is often used by
plans and other supporting information.	applicants but, in practice, the
Feedback would be provided on all areas of	advice given often exceeds the
the proposal within the remit of the information	service level and is more akin to
provided.	the advanced level.
Internal consultations would be carried out	
Internal consultations would be carried out, however the applicant would be advised to	
approach external consultees themselves for	
advice. The need to screen the development	
under the EIA regulations would also be	
considered. This can include the earlier stage	
of a pre-meeting.	
Fee: 20% likely full application fee plus VAT	
subject to a minimum fee of £250.	
Timeframe: 42 calendar days.	
Advanced enquiry Again this goes a step further than the	All other levels of enquiry are
intermediate enquiry. Where all other levels of	intended to involve a single
enquiry are intended to involve a single	submission and single response
submission and single response from the LPA,	from the LPA, it is intended that
it is intended that this level can be more	this level can be more flexible and
flexible and involve ongoing correspondence	involve ongoing correspondence
between the LPA and the applicant, including	between the LPA and the
providing the applicant with opportunities to	applicant, including providing the
submit revisions to respond to initial	applicant with opportunities to
comments.	submit revisions to respond to
The LPA would also undertake external	initial comments.
consultations where the necessary information	The LPA would also undertake
has been submitted (e.g. if flood risk	external consultations where the
assessment is submitted we can consult the	necessary information has been
Environment Agency). External consultees'	submitted or would advise the
fees for pre-application advice would need to	applicant on using other bodies
be met by the applicant.	paid-for services, if necessary,
	where these exist (e.g.
For larger schemes the applicant may also be	Environment Agency, Historic
invited to present the proposals to the design	England, etc.)
review panel, and the proposals can be presented to planning applications committee	The applicant may also be invited
for information only at pre-application stage.	to present the proposals for design
	review by an independent panel
	(additional charges would apply).
	Proposals may be presented to
	planning applications committee

for information at pre-application stage and advice will be given on how to organise such a presentation. The council can also advise on how to do pre-application public Consultations.
how to do pre-application public Consultations.
EIA screening, where necessary, will be undertaken as part of the process.
This is the only level of enquiry where we will consider development viability. Where viability is a matter for consideration a further charge will
be levied. Clearly such charges can be included as costs within the viability appraisal.
This can include the earlier stage of a pre-meeting.
Fee: 30% of the likely full application fee plus VAT subject to a minimum fee of £750 plus VAT (£900 inclusive of VAT). £300 Additional charge where the applicant has submitted a main town centre uses sequential and/or impact assessment and is seeking detailed feedback. Timeframe: 56 calendar days, plus time to consider any amendments
Bespoke services for large scale or complex proposals
For large development proposals the standard ways of dealing with pre-application advice may not achievable or desirable. As part of an additional service to developers, a potential timetable for submission, consultation, amendment, re-consultation can be agreed (similar to a Planning Performance Agreement). An estimate will be made of the council's total costs and a fee
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The minimum fee is £5,000.	quoted. The initial fee payable is £5,000 and supplementary payments will be payable within 14 days of request once council costs are within £1,000 of the amount already paid. Timeframe: By agreement
Post approval feedback, amendments or variations For advice after receiving planning approval, particularly where amendments or variations to a consent are sought or advice is needed on the discharge of planning conditions.	
Fee: £100 Timeframe: 21 calendar days	5% of fee or £100 (whichever is the higher) Conditions advice £75/condition This would also apply to listed building applications.
Post refusal feedback and advice For advice after receiving a refusal of planning permission, in general where the applicant did not enter into pre-application discussions prior to submission. The applicant can seek advice on a resubmission for the set fee detailed below. This can involve an initial meeting with the case officer to discuss how the scheme could be amended.	Timeframe: 21 calendar days
Fee: £300 Timeframe: 21 calendar days.	10% of fee or £300 (whichever is the higher) Timeframe: 21 calendar days.
Exceptions and reductions to fees The council offers a 50% reduction in fees for charities and community groups providing services to the whole community and relating to the local provision of that service (although please note that this excludes private schools).	No change.
No fee is required for developments which solely relate to the provision of disabled access or alterations and extensions to residential dwellings to facilitate disabled access.	
No fee is charged for city council proposals, unless the site is being or to be disposed of for commercial or housing (including affordable	

housing) development, in which case normal charges apply. No fee will be charged where the application is	
required only because of an article 4 direction or planning condition removing normal permitted development rights.	
Refunds for poor service If the council fails to meet the performance standards in respect of paid pre-application advice and there is no fault or delay caused by the applicant then 50 per cent of any fee paid will be refunded. It should be stressed that although all advice will be issued in good faith, it cannot constitute a formal decision of the council and will not in any way prejudice the council's consideration of any subsequent application. The nature of advice given will be considered relevant to any	Refunds for poor service If the council fails to meet the performance standards in respect of paid pre-application advice and there is no fault or delay caused by the applicant then 50 per cent of any fee paid will be refunded. Exclusions apply to the Christmas period when additional 10 calendar days are required to cover the period when City Hall is closed and cases where the applicant has agreed to extend the time period.
subsequent planning application so will be in the public domain at that time, although it may have to be made available if a relevant Freedom of Information request is made.	It should be stressed that although all advice will be issued in good faith, it cannot constitute a formal decision of the council and will not in any way prejudice the council's consideration of any subsequent application. The nature of advice given will be considered relevant to any subsequent planning application so will be in the public domain at that time, although it may have to be made available at pre-application stage if a relevant Freedom of Information request is made.

Other related charges

Organisation	Summary of charging	Comments
Norfolk County Council - Lead Local Flood Authority (sustainable drainage details)	Charges may be introduced later in 2016.	This would be an additional charge based on rates yet to be established by the Council and be operated and be a supplement.
Norfolk County Council – Highway Authority	For most applications the highway authority functions are operated by the City Council under the Highways Agency agreement - unless there is an impact on the strategic network. The County Council intend to introduce a charge for advice and as part of that process they will introduce fees for developments in Norwich for the few cases where their input is necessary.	It is proposed that for bespoke cases this would be an additional charge, For other cases this would be capped at £250 of advice per case, with a supplement payable before the formal advice is released.
Norfolk County Council – Historic Environment Service	Fees for archaeological work relating to the precise requirements and specifications for briefs to be submitted with a formal planning application. A fee of £175 (minors), £315 (majors) with a bespoke service available for very large cases. <u>http://www.norfolk.gov.uk/view/NCC16</u> 7428	The fees will be advised at the start of the consideration of the case, if archaeological work will be required. The applicant will have the option of incorporating with the pre- application advice with a supplement payable before the formal advice is released This work may be required by the developer at a different time to the planning advice and the option of going direct to the HES remains available.

Historic England	For grade 1 and 2* listed buildings. For informal advice, free advice to the applicant is capped at 15 hours, and thereafter charged for as "Extended pre-application advice". Formal pre- application advice to the council is not charged. <u>http://content.historicengland.org.uk/co</u> <u>ntent/docs/planning/enhanced-</u> <u>advisory-service-descriptions.pdf</u>	Very few cases will invoke charges in Norwich and will be most likely for schemes at early stages being revised and refined. Too complex to integrate our charging structure.
Natural England	Detailed standing advice is available in respect of protected species. For development that might affect a SSSI or other nationally protected sites further guidance may be needed ad there are a variety of free and paid for service available for some developments such as those involving loss of high grade agricultural land, affecting marine conservation areas, loss of ancient woodland etc. <u>https://www.gov.uk/guidance/develope</u> <u>rs-get-environmental-advice-on-your- planning-proposals</u>	Apart from protected species information which is available on-line as standing advice the likelihood of the need to contact Natural England by a developer for development in Norwich would be rare. Therefore there is no need to attempt to incorporate into the council's paid for service.
Environment Agency	High level overviews are free. Charges are imposed for more detailed advice, answering specific questions, reviewing technical documents such as a Flood Risk Assessment. <u>https://www.gov.uk/government/public ations/planning-advice-environment-</u> agency-standard-terms-and-conditions <u>https://www.gov.uk/government/public ations/pre-planning-application- enquiry-form-preliminary-opinion</u>	The free advice would be incorporated in the relevant categories of paid for advice by the council. Other specific and technical queries are best handled directly with the EA as it is possible that they will be required at a different time to the council enquiry and the involvement of the council is only likely to complicate and confuse matters, rather than to simplify them. In addition the EA have confirmed that they would not be willing to incorporate their services into our service.

Health and Safety	A web app would give the same advice as could be provided via the	Standing advice taken from the HSE's mapping system
Executive	council as part of it's normal pre- application service. For advice on a particular proposal a fee of £350 would be charged to the developer. A consultancy service is available for the more complex proposed developments where the developer is unable to use the above Planning Advice Web App, or where HSE may be able to engage with the developer to consider if changes could be made to a proposal which would lead HSE to reconsider its advice. Advice on proposed plans, advice on re- designing lay-outs and any other specific tasks will be quoted for.	would be incorporated as part of our service. The option for the developer to go direct to the HSE gives them a chance to discuss changes to a proposal to make it acceptable and where the HSE's advice is needed to remove an objection. This would apply to very few sites or development types and as the specialist advice may be needed at a different time to the planning advice it is too complex to integrate.
	http://www.hse.gov.uk/landuseplannin g/developers.htm	

Integrated impact assessm	ent	NORWICH City Council				
The IIA should assess the impact of the recommendation being made by the report Detailed guidance to help with completing the assessment can be found <u>here</u> . Delete this row after completion						
Report author to complete						
Committee:						
Committee date:						
Head of service:						
Report subject:						
Date assessed:						
Description:						

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)				
Other departments and services e.g. office facilities, customer contact				
ICT services				
Economic development				
Financial inclusion				
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults				
S17 crime and disorder act 1998				
Human Rights Act 1998				
Health and well being				
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)				

		Impact		
Eliminating discrimination & harassment				
Advancing equality of opportunity				
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation				
Natural and built environment				
Waste minimisation & resource use				
Pollution				
Sustainable procurement				
Energy and climate change				
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management				

Recommendations from impact assessment	
Positive	
legative	
leutral	
ssues	