

**DEVELOPMENT MANAGEMENT PROCESS**  
**(Report by the Overview and Scrutiny Environmental Well-Being Panel)**

**1. INTRODUCTION**

- 1.1 At their meeting held on 14<sup>th</sup> July 2009, the Overview and Scrutiny Panel (Environmental Well-Being) decided to establish a working group to investigate the process for the determination of planning applications and make recommendations where appropriate. The working group comprised Councillors M G Baker, P Godley, M F Newman and J S Watt and has met on a number of occasions in the ensuing months. Councillor Baker has acted as rapporteur.

**2. BACKGROUND**

- 2.1 The Panel's interest in the subject was prompted by anecdotal evidence from members of the public's concern over the pre-decision planning process. The Panel acknowledged at the outset that planning can be a contentious subject with "winners and losers". The views of the public therefore have to be tempered accordingly.
- 2.2 It was decided that the review of the development management process should concentrate on the process leading to the determination of planning applications, rather than the decision making process itself or the merits of decisions. The working group decided to look at the practices and procedures from first enquiry by potential applicants to the preparation of an officer's final report and recommendations, involving pre-application advice, public consultation, plans and amendments, duration of the process and other related matters.

**3. EVIDENCE AND INVESTIGATIONS**

- 3.1 The working group carried out extensive consultation to ensure that any recommendations that it made would be evidence based as opposed to personal anecdotes and the views of parties aggrieved by a decision. The following investigations and enquiries were therefore made -
- A questionnaire to town and parish councils, given their role as statutory consultees and frequently raised comments about the planning process. This generated a healthy 58% completion rate, the results of which are summarised at Appendix A.

- A press release which was reported in the local media which generated a total of 17 replies from individuals expressing views and concerns about the planning process.
- A search of other local authority websites and personal enquiries with other authorities on their policy of charging for pre-planning advice.
- An interview with the Planning Services Manager (Development Management) on the Council's current processes and performance.
- An interview with representatives of two local planning agents (both of whom are former employees of the Council's Planning Division).
- An interview with two applicants for planning permission to obtain a personal perspective of the process.
- An interview with the Council's Scrutiny Manager on complaints regarding the planning process that are dealt with locally under the Council's feedback system and through the Local Government Ombudsman.
- A further interview with the Planning Services Manager accompanied by the Chairman of the Development Management Panel on the working group's provisional findings.

3.2 Having conducted their investigations the working group has found that the Council's processes compare favourably with other authorities and there is no significant cause for concern. However development management decisions can have very personal consequences for individuals affected by them which can colour their perception of the process and the decisions themselves. In particular the working group found that:-

- a growing number of authorities charge for pre-planning application advice;
- although not legally required, the Council has a procedure of posting notification letters to households that may be affected by a proposed development;
- the Council is not obliged to accept amendments to applications once they have been submitted, although officers tend to be flexible providing this does not delay the determination of an application unduly;
- the Council consults again on amendments to applications where they are deemed significant;

- out of several thousand applications determined each year, there are a handful of instances where a case officer's recommendation is overruled by a line manager;
- the Council has a 100% success rate in registering applications within three days;
- in the view of the agents interviewed, the Council's performance compares favourably with other local authorities;
- from the agents' perspective, policies sometimes can appear to be interpreted slightly differently by the three area planning teams in the District;
- in the views expressed by the public, lack of communication was frequently cited as a complaint; and
- the majority of complaints received by the Ombudsman from Huntingdonshire residents are planning related but it is rare for the Ombudsman to find maladministration in the Council's actions.

3.3 In order to consider all the evidence that has been obtained throughout the review, this report will focus on each sequence of the development management process in turn.

#### **4. PRE-PLANNING APPLICATION ADVICE**

4.1 At an early stage in its investigations, the working group was informed that the Council is not obliged to provide advice at the pre-submission stage of a planning application. Some authorities offer limited advice, some charge for detailed advice and others decline to provide any pre-submission advice. The Planning Division currently do offer advice and endeavour to respond to requests within four weeks. However this is achieved in only two thirds of cases.

4.2 The Planning Services Manager advised the working group that, in his opinion, pre-submission advice does present benefits for the authority and officers in his team by improving the quality of applications. It tends to deter speculative enquiries that would be unlikely to receive permission, design quality is improved and it helps to expedite the determination process by reducing the level of discussions required with applicants or amended plans. However, it was clear to the working group that, at the pre-submission stage, a potential applicant is receiving the view of a case officer prior to the receipt of views from consultees and, in most cases, the opinion of a team leader or other more senior officer.

4.3 The Planning Services Manager informed the group that he is keen to ensure that the Division continues to offer advice on proposals that are likely to come forward but he does acknowledge that resources are finite and there is a

need to ensure that they are used in the most efficient and effective way possible.

- 4.4 Having interviewed the Council's Scrutiny Manager, the group learnt that the majority of complaints received by the Ombudsman from Huntingdonshire residents are planning related and that these number approximately six per annum. Of those, the majority have been concerned with the nature of advice given by case officers, particularly where a decision has differed from the advice given. The working group regard this as an almost inevitable consequence of the process. The advice of a case officer will always be without prejudice to the outcome of the consultation process and the view of a more senior officer or indeed the Development Management Panel itself where recommendations can be rejected. It is not clear that this is always fully appreciated by applicants.
- 4.5 The working group did consider the option of recommending that the availability of pre-submission advice is withdrawn. Most applicants employ agents when applying for planning permission who should be aware of planning policies. If an application is then refused on design grounds, the applicant has the opportunity of re-applying free of charge a second time to address the reasons for the initial refusal. This again has its flaws in that a greater proportion of applications might be refused, some unsatisfactory decisions may be successful on appeal that could have been influenced at the pre-submission stage and it is likely to appear unhelpful and unpopular.
- 4.6 Another option is the possibility of charging for pre-submission advice which the working group considered at length. Following clarification on the legal basis for charging, a number of authorities have followed this route in recent years as a way of recovering part of the costs being incurred in providing advice. In the opinion of the agents who were interviewed, obtaining pre-submission advice currently was often a lengthy and frustrating process with delays in receiving a response. Moreover, advice tended to be policy based with little attempt at local interpretation which the agents felt was not particularly helpful and did not justify the introduction of charging. If a fee were to be charged, the agents' view was that the majority of applicants would be unlikely to seek pre-submission advice unless a greater degree of interpretation and assistance was offered.
- 4.7 A further consideration is the weight that is placed on advice for which a charge has been made and whether this will lead to a presumption on the part of both applicants and objectors that permission will be granted. It is the opinion of the Planning Services Manager that the amount of revenue that might be generated from the introduction of charging is often over estimated by those authorities that have decided to charge and that this is not borne out by subsequent events, especially as most authorities do not charge for householder type applications.
- 4.8 Rather than carry out more in-depth investigations on the subject, the working group relied on a recent report to Cheltenham Borough Council in which the various benefits and drawbacks of charging have been captured (appendix B attached). In considering whether to continue to offer pre-submission advice

and, if so, whether to charge, the working group was advised by the Planning Services Manager that on balance it was his view that the drawbacks of charging were not outweighed by the income that might be achieved.

- 4.9 In a growth area where substantial development has taken place and is expected to continue, this was not a view that the working group could adhere to. In difficult financial circumstances with reductions in expenditure required by the Council, the working group question whether it is sustainable for the Council to continue to provide pre-submission advice free of charge when this is a time consuming exercise for which no income is received. On balance, the working group considers that a free service should no longer be offered, other than for small, householder type applications. For residential and commercial developments, the costs involved in bringing forward a successful scheme are considerable and the working group sees no reason for one part of that process to be offered free of charge by the planning authority. Careful consideration will be necessary to ensure that the determination and local democratic processes are not compromised by the advice given but, subject to those caveats, **the working group recommends that the possibility of charging developers for pre-submission advice be investigated further by the Council.**

## 5. RECEIPT OF APPLICATIONS

- 5.1 The Councils current procedure requires applications to be registered within 3 days of receipt which the working group was pleased to see was being achieved. In terms of the determination of planning applications, the targets set by the set by Department for Communities and Local Government (DCLG) is 8 weeks for minor applications and 13 weeks for major applications. The timescale for consultees to respond if they wish to submit comments is 21 days, although the working group was informed that some consultees were traditionally slow in responding within the allocated timeframe.
- 5.2 The results of the parish and town council questionnaire (Appendix A), show that 51% of town and parish councils who responded felt that 21 days was sufficiently long enough to enable them to submit their comments on an application. A number of parish councils did express a view that the 21 day consultation period did not fit into their cycle of meetings, with several stating that 28 days would be preferable. The working group recognise that the 21 day process forms part of the statutory process and cannot be changed.
- 5.3 The Planning Services Manager has explained that case officers do endeavour to be flexible and will, on request from town and parish councils, extend the deadline for comments where the extension of time requested is not unreasonable. The working group was conscious that the timescale set by the DCLG will inevitably be inconvenient for some town and parish councils but the group recognised that this is beyond the Council's control and greater flexibility on the part of town and parish councils in the way in which they formulate their responses would help.

## **6. APPLICATION AMENDMENTS**

- 6.1 The working group found this to be one of the more contentious aspects of the process. The Council is not obliged to accept amendments to applications but, following negotiation, case officers do accept amendments from applicants providing this does not result in an undue delay. Upon receipt of amended plans, the Council's approach is to re-consult only if the change in the opinion of the case officer is significant. Major changes are not accepted and require a fresh application to be made. The exercise of that judgement is subjective and reliant on the experience of the case officer.
- 6.2 The working group found that in exercising that judgement, problems can occur. If, for example, a neighbour has decided on balance not to object to a planning application and amended plans are subsequently approved, the first that the neighbour may be aware of the amendment is when the building work is underway. What may have been judged a relatively minor change on the part of the case officer may, in the opinion of the neighbour, be of sufficient magnitude that he would have objected to the application, the opportunity for which has now passed. Town and parish councils also may be unaware of any change which can prompt calls to the Planning Division that development is taking place that is contrary to plans that they commented on. It was the overwhelming view of the towns and parishes (95%) that further consultation should take place.
- 6.3 The working group acknowledges the dilemma for case officers. Further consultation on amendments will inevitably delay the determination of applications which may impact on the achievement of DCLG targets. If towns and parishes are consulted again, this could lead to plans being submitted to a further round of meetings or complaints that there is insufficient time to comment.
- 6.4 Solutions to the question are limited. Case officers could simply process an application as submitted and if the design is unsatisfactory, refuse permission which would enable the applicant to re-apply free of charge with suitably amended plans. While helping to achieve DCLG targets and providing consultees with the opportunity to comment, this is unlikely to be popular with applicants and will lead to further work on the part of the Planning Division in registering the application again and carrying out the consultation process for which a fee has not been received. This was therefore discounted by the working group.
- 6.5 The exercise of judgement in determining the significance test on whether to re-consult is a subjective one that is applied by individual case officers. The working group was informed that this could lead to complaints under the Council's feedback system and to the Ombudsman. On balance, therefore the working group does not feel that it is equitable for neighbours (and other consultees) to be denied the opportunity to comment again on amended plans, except where the change is of very minor significance. Although this will still involve an exercise of judgement on the part of case officers, the working group suggests that a liberal approach be taken to ensure that the

fundamental rights of neighbours to be able to comments on applications which may affect the enjoyment of their own homes is not compromised.

- 6.6 **The working group therefore recommends that relevant consultees and neighbours be consulted again on amended plans, except for those of very minor significance, with a 7 days deadline for reply.**

## 7. CONSULTATION

- 7.1 The working group was advised that the Council is not required to write to neighbours who are affected by a proposed development. The legal requirement is simply to give notice of an application which could be satisfied by an advertisement in a local newspaper, a site notice(s) visible to the general public, or by neighbour notification to owner and/or occupiers of adjoining properties by post. The Council's procedure is to send notification letters to those households that are considered appropriate which again can lead to problems.

- 7.2 The choice of which household to write to is again a subjective one and there have been complaints to the Ombudsman that neighbours affected by a development have not been consulted. This can tend to arise where a neighbour lives in an adjoining street that backs on to a development site. The likelihood of passing the site notice may be limited and neighbours have claimed from time to time that they did not receive a notification letter. The latter situation in terms of neighbours claiming not to have received consultee letters is a not uncommon occurrence. Registered post is clearly out of the question on financial grounds and so much 'junk mail' is now delivered addressed to the householder that it can be difficult to distinguish what is genuinely of interest and as opposed being speculative in nature.

- 7.3 The working group does not see any necessity to change the present arrangements but **recommends that care is required by officers to ensure that all of those households that abut a development site, as a minimum, be sent a consultee letter and that the envelope be suitably overprinted with a suitable message to indicate that it is an important communication concerning a planning application.**

## 8. COMMUNICATION

- 8.1 A commonly recurring theme throughout the working group's investigations was a perceived lack of communication between case officers and applicants throughout the whole application process. A press release was circulated (Appendix C) at the outset of the working group's study which invited the public to share their views on their experience of the development management process. A summary of the responses from the public is attached (Appendix D). Of the comments received, almost 60% cited lack of communication and co-operation from the Planning Division as an issue. The agents who were interviewed also felt that what they perceived as a reluctance on the part of case officers to share their views or opinions on an application was frustrating, especially when an application was later refused.

- 8.2 Suggestions made by the agents included the establishment of an 'Agents Forum', which would allow agents, officers and Development Management Panel Members an opportunity to discuss relevant issues and share views and opinions. The working group was not persuaded that this was necessary however and could potentially lead to a perception that the Council was working too closely with planning agents as a group.
- 8.3 The agents also suggested that the Council consider implementing a duty planning officer system which is in place at a number of other authorities. This would enable the public and agents an opportunity to access planning advice of a general nature but the drawback is that the person on duty is unlikely to be able to deal with specific applications, unless he or she happens to be the relevant case officer. This would overcome the problem of the public being unable to access advice because officers are on site, in meetings, writing reports etc. but the agents also mention that some authorities publicise (through their website/letterhead) when planning officers are available, outside of which time general enquiries are dealt with by the duty planning officer. It was felt on the whole that the idea has much to commend it as the public and agents have access to an officer during normal working hours while case officers are not distracted by general enquiries. Although this possibility was recommended by the working group, the Panel felt on balance that there was significant opportunity to contact planning officers.
- 8.4 The working group acknowledged that problems can arise due to applicants not being made aware of issues with their application until towards the end of the eight week determination timeframe. Usually those issues will have arisen as a result of comments raised by consultees such as the internal conservation team. It can therefore come as something of a surprise to an applicant to be informed that issues have arisen shortly before they were hoping to receive an approval certificate. Therefore, **the working group recommends that applicants be advised in the clearest terms at the outset of the process that they are unlikely to receive any further communication until all of the consultees' views have been received, which could be towards the end of the eight or thirteen weeks determination period.**

## 9. DETERMINATION OF APPLICATIONS

- 9.1 In order to make the process manageable given the volume of applications received by the Council, a scheme of delegation is in place that enable the majority of applications to be determined by the Head of Planning Services or his staff, except in certain circumstances where an application is determined by the Development Management Panel or, very infrequently, the Council.
- 9.2 Where applications are determined by officers, the recommendation of a case officer is subject to approval by a team leader or more senior officer. In more complicated or contentious applications, the Planning Services Manager or the Head of Planning Services personally may have a contrary view to the team leader. The working group found that this on occasion can also lead to complaints from applicants. For example, an applicant can incur expense on

- preparing amended plans following discussion with a case officer, only for the application to be refused because the team leader or more senior manager then disagrees with the design or principle of the development. An applicant somewhat naturally can feel aggrieved that they have incurred additional expense unnecessarily.
- 9.3 However, the working group was encouraged to find that out of several thousand applications determined each year, there are only a handful of cases where a case officer's recommendation is not accepted by a more senior officer. In those circumstances, the working group does not recommend any change to the current process and regards the occasional complaint as an inevitable by-product of the process.
- 9.4 In terms of applications submitted to committee for determination, the working group was advised that DCLG guidance suggests that planning committees should consider no more than 10% of applications received by an authority. As the Council's Development Management Panel currently considers 5.8% of the applications submitted, the working group concluded that there was no need to investigate the delegation scheme that has been adopted by the authority.
- 9.5 The results of the town and parish council questionnaire (Appendix A) show that the majority of respondents (93%) feel that they are supplied with sufficient information to comment on an application and 67% feel fairly confident that they have sufficient knowledge of government guidance, regional strategy and district plans and policies to formulate recommendations on planning applications. The majority of respondents (64%) also feel that the opportunity for a town and parish council representative to speak at the Development Management Panel meetings is very useful. However, 57% of town and parish councils feel that the District Council does not offer sufficient training and that more should be made available. **The working group therefore recommends that further training be made available for town and parish councils on all aspects of the development management process.**
- 9.6 Returning to the question of DCLG timescales for the determination of applications, the working group recognised that the Council currently is performing well with the figures as at September 2009 being 93% of major applications determined within 13 weeks (against a target of 60%), 81% of minor applications within 8 weeks (65% target) and 89% of other applications within 8 weeks (80% target).
- 9.7 A number of issues were raised however by the agents who were interviewed. It was their view that case loads could sometimes appear disproportionate which could delay the determination process and on occasion delay the site visit by a case officer until some way through the determination process. Any issues that arose from that visit meant that there was limited opportunity to negotiate amendments within the required timescale. Although the agents suggested that Huntingdonshire was not unique in this respect, the working group felt that this is an issue for the

Planning Services Manager to address and not one on which it could usefully comment.

9.8 The decision to allow agents and applicants to speak at Development Management Panel meetings was welcomed by the agents but they felt that the time allowed of 3 minutes was insufficient and they expressed concern at the lack of opportunity to respond to what they regarded as factually incorrect statements either by objectors or as part of the debate. The latter view was echoed by the comments received by the working group from members of the public and town and parish councils. While the working group has some sympathy with those sentiments, it was also aware that the process for determining applications by the Development Management Panel has to be scrupulously fair to all parties and that while ward councillors, town and parish council representatives, applicants and objectors are allowed to speak, this is not an open debate. Moreover one person's perception of misleading information is likely to be contrary to that of the person supplying that information and members of the Panel are experienced in assessing the relative merits of the arguments presented. Nevertheless this is a matter of some concern that both some councillors and the public feel strongly about and **the working group recommends that when the public speaking procedure at the Development Management Panel meetings is next reviewed, consideration be given to the introduction of a mechanism that allows external speakers to respond to what they perceive to be factually incorrect information so that the Panel can make well informed decisions.**

9.9 Finally on this point, the agents suggested that there was sometimes an element of inconsistency in the interpretation of policies across the three planning teams into which the District is split. This view was reiterated in the response from the public, with five individuals citing that inaccurate and inconsistent advice was given and a person interviewed expressing concern over what he regarded as conflicting advice received from planning and conservation officers. The working group found no firm evidence to justify the views expressed however and acknowledge that planning is a discipline where different interpretations of guidance and policy will always occur.

9.10 It was suggested to the working group that case officers be moved around area teams to achieve a more consistent approach but the working group discounted this approach on the basis that this would detract from the local knowledge that case officers built up and the relationships that they established with town and parish councils etc. within their respective area. Nevertheless this is clearly an issue of concern to some parties and **the working group wishes to draw those concerns to the attention of the Council.**

## 10. RETROSPECTIVE PLANNING APPLICATIONS

10.1 A frequent cause for concern drawn to the working party's attention is the determination of retrospective planning applications. The working group has been assured by the Planning Services Manager that retrospective applications where permission has not been granted or construction is not in

accordance with approved plans are not dealt with differently. However there is a perception, rightly or wrongly, that where a decision is finely balanced, case officers tend to allow development to remain rather than require it to be demolished and re-built. The working group has been given examples by the Planning Services Manager of instances where the Council has required works to be changed and developers have been prosecuted successfully for having carried out works without permission. **The working group recommends that the Council reinforces the message wherever possible that development that takes place without permission is discouraged and that the Council will take a robust approach concerning the retention of development where permission is subsequently refused.**

## **11. ACCESS TO INFORMATION**

- 11.1 During the course of the working group's investigations, the Council's website was re-launched and the investigations that were undertaken into the public's access to planning information via the web was based on the old web pages. Following comments about the Council's public access software system by the agents who were interviewed, the working group reviewed the planning information on the websites of a number of other authorities, including those recommended by the agents. Although styles differed, the working group considered the content and functionality of the planning information on the Council's website to be as extensive and helpful as that of other Councils' websites viewed.
- 11.2 The responses to the town and parish council questionnaire also indicated that the website is well regarded and frequently used, with 51% of respondents indicating that they found the information on the website about planning applications very useful and 78% of respondents using the website at least once a month to obtain information about planning applications.

## **12. APPEALS AND COMPLAINTS**

- 12.1 The working group was conscious of the fact that there is an appeal mechanism for those applicants who are dissatisfied with the Council's decision to refuse planning permission. Although the volume of appeals is small, it should be recognised that the number of applications refused is relatively low in comparison with the total number processed by the Council. Unlike the licensing system where both applicants and objectors can appeal to the courts, there is no avenue of appeal for objectors aggrieved by a planning decision to approve permission, other than the relatively expensive option of judicial review through the courts. The only other option is for an aggrieved person to complain to the Local Government Ombudsman or through the Council's internal complaints system. However such complaints cannot challenge the merits of a decision and are restricted to potential maladministration and an alleged failure to follow approved processes and procedures. Decisions therefore cannot be overturned, although compensation can be paid if the complaint is upheld.

When informed that permission has been granted, objectors are not routinely told that there is a complaints procedure. However if concerns are raised subsequently that due processes have not been followed, this is brought to the complainants attention. The working group has considered whether objectors should be advised of the opportunities available to them to submit a complaint or apply for judicial review. On balance, the working group decided against recommending that this be introduced, partly because this cannot lead to a decision being overturned, except in the case of judicial review, and partly for the very practical reason that the Council is unlikely to be able to handle the potential increase in the number of complaints that this may generate.

### **13. CONCLUSION**

- 13.1 Members of the working group wish to extend their appreciation to all those who were interviewed, responded to the questionnaire and press release and took the time to contact them with their views on the development management process. They were also grateful for the advice given to them by the Planning Services Manager (Development Management).
- 13.2 The working group has acknowledged that planning is a contentious subject which, by its nature, can generate strong feelings and concerns. The origins of the study lay in the anecdotal evidence presented to Members by their constituents about failures and discrepancies in the system. Although these were reinforced to some degree by the responses that were received, the working party found it difficult to obtain firm evidence to reinforce the concerns that the members of the public had expressed without delving into individual cases in some detail. The information collated will nevertheless be passed to the Planning Services Manager for his attention.
- 13.3 The working group concluded that in overall terms the development management process works well and planning officers are to be commended in the often pressured and difficult environment in which they are working. Nevertheless there are some improvements that the working group suggest should be implemented as a result of their investigations which have been highlighted in the report and are reproduced below.

## **14. RECOMMENDATIONS**

### **14.1 The working group therefore**

#### **RECOMMENDS**

- (a) that the possibility of charging developers for pre-submission advice be investigated further by the Council;
- (b) that relevant consultees and neighbours be consulted again on amended plans, except for those of very minor significance, with a 7 days deadline for reply;
- (c) that care is required by officers to ensure that all of those households that abut a development site, as a minimum, be sent a consultee letter and that the envelope be suitably overprinted with a suitable message to indicate that it is an important communication concerning a planning application;
- (d) that applicants be advised in the clearest terms at the outset of the process that they are unlikely to receive any further communication until all of the consultees' views have been received, which could be towards the end of the eight or thirteen weeks determination period;
- (e) that further training be made available for town and parish councils on all aspects of the development management process;
- (f) that when the public speaking procedure at the Development Management Panel meetings is next reviewed, consideration be given to the introduction of a mechanism that allows external speakers to respond to what they perceive to be factually incorrect information so that the Panel can make well informed decisions;
- (g) that the Council reinforces the message wherever possible that development that takes place without permission is discouraged and that the Council will take a robust approach concerning the retention of development where permission is subsequently refused.

## **BACKGROUND INFORMATION**

Notes of the Development Management Process Working Group  
Planning Advisory Service Case Study – A Material World: Charging for Pre-Application  
Planning Advice

[www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk)

<http://www.ryedale.gov.uk/>

<http://www.centralbedfordshire.gov.uk/>

Cheltenham Borough Council Cabinet Report 20<sup>th</sup> January 2009 – Charging for Pre-  
Application Planning Advice

The Planning Portal

## APPENDIX A

### **DEVELOPMENT MANAGEMENT PROCESS** **QUESTIONNAIRE FOR PARISH COUNCILS.** **RESPONSE SUMMARY** **42 responses received.**

- 1) How useful do you find the Council's website in terms of the information that it contains about planning applications?

Have not used it	5%
Not very useful	5%
Fairly useful	39%
Very useful	51%

- 2) How often each month do you access the Council's website to obtain information about planning applications?

Have not accessed it	2%
Less than once a month	20%
1-5 times a month	54%
5-10 times a month	7%
More than 10 times a month	17%

- 3) Bearing in mind that planning applications are listed on the Council's website, would you be happy if the Council ceased issuing you with a paper copy of each application for comment?

Yes 5% No 95%

- 4) If no, please explain the reason(s) why you would like to continue to receive a paper copy of each planning application (Please tick all that apply)

No access to a computer/ the internet	19%
Problems with potentially missing deadlines for consultation response	52%
Inability to print large plans for inspections/meetings	83%
Neighbours and others ask to see applications received	52%
Other (please specify)	

*Applications are circulated for all Councillors to comment, 4 out of 11 have no internet access;*

*Problems that on many occasions Councillors can not access your website;*

*Internet does not provide a reminder that plans are there;*

*Not all Councillors will access plans on internet;*

*Plans are difficult to view adequately online;*

*Online plans no good for a site visit;*

*The Parish Council would have to cover the cost of printing all documents to ensure Councillors could view the plans before commenting, do not have an A3 printer;*

*Do not have a projector or internet access at meetings to view plans;*

*Still need paper copy for meeting;*

*Council Chamber ill-equipped to show screen;*

*Not everyone is computer literate and some times the reproduction is not clear;*

*I am a part time clerk and if away for any reason then arrange for any paper work to be seen by parish councillors for action if necessary;*

*No access to projector – it would be useful if a parish council could borrow a laptop and projector to try out at meetings before committing to purchase (Spaldwick);  
No access to a projector – it would be useful if a parish council could borrow a laptop and projector to try this out at a meeting before committing to cost of purchase (Stow Longa);  
Not all Councillors have internet access;  
Internet access is at work and I can not print off documents for parish council purposes;  
Printed plans are necessary for discussion at DC meetings;  
It is virtually impossible to judge scale and impact or to read the data, in addition the scans are often very poor quality and thus almost illegible.*

**5) Is the information supplied by the Council with a planning application sufficient to enable you to comment on the application?**

Yes **93%** No **7%**

**6) If no, please explain what further information you would like to receive.**

*At Parish Council level need full information that DM Panel have;  
Plans can be sparse in detail and lack clarity;  
Not always sufficient information on plans e.g missing compass, scale, some elevations;  
Occasionally HDC send out plans to the parish council apparently unchecked, e.g all plans should show the street scene for new building work in relation to existing, this is often missing;  
In the case of planning applications relating to listed buildings it would be valuable to see more detail and have knowledge that listed building consent has also been sought.*

**7) Do you think that the consultation period of 21 days is sufficiently long enough to enable you to submit your comments on an application?**

Yes **51%** No **49%**

**8) If the answer is no, please explain why not and how long you would ideally prefer to have to comment on an application (bearing in mind that there are government performance measures to be met by local planning authorities in terms of determination of planning applications).**

*Due to the need to circulate each application to 11 Councillors in turn;  
Doesn't fit our cycle of Parish Council meetings;  
This Parish Council meets once every two months and have to call special meetings several times a year which is costly to the Council in money terms as well as time -8 weeks;  
Ideally 4 weeks – Plans are sent to the clerk, who is not in this village. There is thus at least a week's delay before consultation process starts. For most plans we require a Parish Council meeting (we only have 5 Councillors – so are too small for a planning committee). Meetings take time to be arranged to suit all;  
28 days;  
Due to timings of Council Meeting dates – 30 days minimum;  
Short consultation times can some months be very tight, especially if a public holiday is involved;  
Full month would be better- to enable all Councillors to look at and fit in with set meeting;  
28 days would be better to allow for receipt and distribution of plans, inspection and reports back to parish council and HDC;  
Plans need to be circulated and 21 days can be insufficient;  
Extension to 30 days would be helpful on occasions when meeting has just passed, otherwise additional meetings have to be arranged at extra cost to Parish Council, so flexibility needed;*

*Small parish councils don't have the ability to have a planning committee and only meet on a monthly basis 'ad hoc' meetings are not possible so suggest 6 weeks from submission for decision from HDC;*

*In the event of issues such as 'Northbridge' the impact deserves serious and complete investigation;*

*Not always as parish council only meets once a month, first Monday of the month – 28 days would suit better;*

*It would be preferable if the time period was 28 days;*

*Being a small council (5 members) it is sometimes difficult forming a quorum at short notice;*

*It is occasionally necessary to request an extension beyond 21 days to avoid an excessive number of meetings;*

*Some months we have to have a special meeting sometimes for one application – 28 days would be better;*

*Meeting schedules mean that we may miss deadlines;*

*I think 28 days would be better. We hold a planning meeting monthly and the 28 days period is not always sufficient;*

*Would prefer 1 month, to minimize calling for extraordinary meetings for each set of plans;*

*Small parish councils like Hemingford Abbots without a planning sub-committee frequently need to call additional or extraordinary council meetings to meet deadlines. 35 days would obviate this need, 28 days would significantly reduce it;*

*In most cases of minor planning applications, 21 days is fine but for changes to the village scene 28 days or more would be valuable, and for major changes, large industrial projects or more than one house for a small Hamlet – longer would be better – say 6 weeks. N.B all applications that come in from mid-July to August should have a September deadline because of school and other holidays.*

**9) Do you find it helpful if neighbours supply you with a copy of their comments on an application to assist you in formulating your recommendations?**

Not very helpful	
Fairly helpful	<b>40%</b>
Very helpful	<b>60%</b>

**10) How often is your council/meeting contacted by applicants/objectors with regard to planning applications in the parish?**

Never	
Less than once a year	<b>10%</b>
1-5 times each year	<b>59%</b>
5-10 times each year	<b>12%</b>
More than 10 times each year	<b>20%</b>

*Dependant on number of applications per year.*

**11) Do you allow members of the public to address your council/planning committee when they are considering a planning application and before a recommendation is determined?**

Yes	<b>95%</b>	No	<b>5%</b>
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**12) If yes, how often does this occur?**

Less than once a year	<b>13%</b>
1-5 times each year	<b>61%</b>
5-10 times each year	<b>18%</b>
More than 10 times each year	<b>8%</b>

*Dependant on number of applications per year.  
This is allowed during public forum.*

**13) Do you think you should be consulted again if an application or plans are amended by an applicant before they are determined?**

Yes	<b>98%</b>	No	<b>2%</b>
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**14) Do you think that neighbours should be consulted again if an application or plans are amended by an applicant before they are determined?**

Yes	<b>98%</b>	No	<b>2%</b>
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**15) Does your council/meeting feel confident that it has sufficient knowledge of government guidance, regional strategy and district plans and policies when determining your recommendations on planning applications?**

Not very confident	<b>24%</b>
Fairly confident	<b>67%</b>
Very confident	<b>10%</b>

**16) Do you think that the District Council offers sufficient training to town and parish councils/parish meetings on planning policies and processes?**

Yes- sufficient training is offered	<b>43%</b>
No- insufficient training is offered, more training should be available	<b>57%</b>

**17) If you think that more training is required, what subjects would you prefer to be offered? (Please specify)**

Criteria;  
Not training that is required, but more accessible times;  
No training is offered at present as far as I know;  
Planning Policy, as it affects applications in rural communities;  
Planning Policy;  
Material Considerations;  
How to make good comments;  
The major changes to LA planning procedures i.e development framework and linking documentation needs explaining more fully;  
All aspects of planning process;  
Planning guidelines and appeals process;  
Specifying and interpreting planning guidance;  
Something similar to the South Cambridgeshire parish planning pack updated regularly with briefing sessions;  
We would like training to include examples of what is acceptable and what isn't;  
Information on the new rules for developer contributions;  
Overview of strategy for the region and area;  
How development will impact on transport and services;  
All those mentioned in question 15;  
All those mentioned in question 15;

All those mentioned in question 15;  
 Those mentioned in question 15;  
 Those mentioned in question 15;  
 The role of the parish council in the planning process – they currently get involved in larger issues that district and county take care of;  
 Explain why two applications that are very similar get different outcomes – this can cause great confusion;  
 Planning policies,  
 Reasons for refusal;  
 Local development framework overview;  
 Changes in policy;  
 I didn't even know HDC makes training available! We have new Councillors who would appreciate an introductory course on planning policies and procedures. I (Clerk) would also attend to refresh my knowledge and learn what's where on the different internet sites;  
 Planning rules: Enforcement processes;  
 Greater clarification of HDC rulings on enforcement issues, and in relation to the forthcoming new core strategy when ratified.

**18) Do you think that the opportunity for a town/parish council/parish meeting representative to speak at Council Development Management Panel meetings is useful?**

Not very useful	<b>7%</b>
Fairly useful	<b>29%</b>
Very useful	<b>64%</b>

**Further Comments**

Waresley – What would be most important would be some feedback from the officer concerned, if there is a disagreement between the Parish Council and the officer. It would be nice to have the opportunity to comment further in this case. Feedback and further comment from the Parish Council could mean that an application might be decided without recourse to the planning committee. We'd also like to see a faster reaction from enforcement, if we alert them to planning infringements.

Ramsey – Far too little weight is placed on town council representation, we know what we want in our area. We are far more consistent than Development Control at HDC.

Spaldwick – Finalisation of HDCs plans and policies would help. Why couldn't it be the clerk that speaks at Development Management Panel meetings?

Stow Longa – Completion of HDCs plans and policies would help. I do not see why representation is limited to Councillors – why should the clerk not represent the Council?

It should not be expected that Parish Clerks have the time to constantly trawl HDC's website in case there is a planning application.

## Cheltenham Borough Council

### Cabinet – 20 January 2009

# Charging for pre-application planning advice Report of the Strategic Director Environment

## 1. Executive summary and recommendation

1.1 The purpose of this report is to propose a charging scheme for pre-application planning advice given to applicants prior to the submission of a planning application. This proposal will contribute to the cost of providing the service.

## 1.2 I therefore recommend that Cabinet:

1.2.1 Approves the introduction of a charging scheme for pre-application planning advice and set fees to be effective from 1st April 2009 in accordance with the flat rate fee banding structure detailed at Section 8 below;

1.2.2 Delegates authority to the Strategic Director Environment to make minor changes to the approved scheme as required. This will include the development of customer guidance notes, application forms and website information to support the scheme, similar to that adopted by other local authorities.

## 1.3 Summary of implications:

1.3.1 **Financial** – Given the extent of pre-application advice the Council currently gives out for free, the possibility of charging is something that must be given serious consideration given the Council's revenue position over the medium term. It is anticipated that the recommended flat fee charging for pre-application advice outlined at section 8 will create an additional projected income generation in the region of £30,000 for 2009/10.

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01242 264123

1.3.2 **Legal** - Section 93 of the Local Government Act 2003 introduced a general power for authorities to charge for "discretionary" services. In the case of planning, this applies to activities outside the scope of the existing fees structure, such as pre application advice. The Act restricts the amount of the charges recoverable to the costs of providing the service with no ability to make a profit. In deciding whether or not to charge for any discretionary service the Council must have regard to any guidance issued by the Secretary of State. Consultative draft guidance has been issued and whilst this is still a draft document regard should be made to it although the weight to be attached is limited. The draft guidance states that the power in Section 93 will operate on the basis that the discretionary service is offered at a charge and that anyone who requires the service agrees to take it up on these terms. Where existing services are charged for, payment in advance or on application is the usual practice. This should also be the case for

charging for pre-application advice as it avoids extra costs associated with debt recovery should payment in arrears not be made. Any pre application advice given is without prejudice to the final decision made on the application. There will be no refund of the fee when an application is refused.

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01242 775117

### 1.3.3 Human Resources

No direct HR implications arising from this report. However, a review of the impact of officer time is recommended after first six months of the scheme being operational.

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01242

## 1.4 Implications on corporate and community plan priorities

- 1.4.1 Fee income from pre-application charging is identified as one of the Bridging the Gap programme board projected income generation of £30,000 in the draft general fund budget for 2009/10.

## 1.5 Statement on risk

- 1.5.1 There is a perception that charging for pre-application advice raises the customer's expectations about the level of service they can expect to receive, and this has to be carefully considered and aligned with resources.
- 1.5.2 It is proposed to monitor the nature of decisions issued to identify if the charging procedure results in an increase in the refusal of planning permission. Officer time spent on charged pre application advice will also be recorded. The procedure, including the rate of the charge, and types of proposal that attract the charge, will be reviewed after 6 months of coming into effect. This will include giving consideration to whether there is scope for extending charging into other areas of planning work.
- 1.5.3 The projected income has been based on those major and minor applications in the 2007/08 where pre-application advice was sought. There is a risk that future volumes may be different resulting in different income levels to that projected in this report. Pre application advice income levels will need to be carefully monitored alongside existing development control fee income levels.
- 1.5.4 A risk assessment is attached at Appendix 1.

## 2. Introduction

- 2.1 Many local planning authorities devote considerable time and effort to offering pre-application advice, seeing it as part of delivering a good planning service. Many requests for advice are of a speculative nature and do not lead to the submission of an application. If an application is eventually submitted the application fee is for considering the application, rather than for the cost of the pre-application discussions – which clearly have cost implications for the Council.
- 2.2 The Local Government Act 2003 gave planning authorities a discretionary power to charge for giving pre-application advice (as a service that an authority has the power, but is not obliged, to provide) and therefore allowed authorities to recover at least some

of the costs incurred *before the application is submitted*. However the income raised must not exceed the cost of providing the service. In January 2008 the Audit Commission published a report 'Positively Charged – Maximising the Benefit of Local Public Service Charges.' The report provides advice and recommendations on the approach to charging for services by local authorities.

### **3. Key issues considered**

- 3.1 Whether to charge for all pre-application advice given or only for specific types of development proposed or nature of applicant.
- 3.2 How to charge for officer time, either by size of development, percentage of planning fee, seniority of officer involved, or to adopt a flat rate.
- 3.3 What rate the charge should be.
- 3.4 Whether to charge for advice given on schemes that involve Council owned land.

### **4. Options appraisal**

- 4.1 There are a number of local authorities that charge for pre-application advice but there is no consistent approach in the way that the charge is levied. It is however clear that most authorities do not charge for advice relating to the extension of householder / domestic properties. There are some however including Bracknell Forest who charge £20.00 for householder enquiries with exemptions for disability conversions or listed building / conservation consents. Taunton & Deane charge £40.00 per meeting plus VAT. Whilst this type of application represents a significant proportion of the applications submitted to Cheltenham Borough Council, the no fee approach is favoured for householders, small businesses, and developments on Council owned land. It is important that the charge is easy to calculate and collect, and reflects the different levels of complexity and time taken to give the advice. Most authorities have adopted a practice where developers submit a written request for a meeting and the fee for such is then paid in advance of the meeting taking place. This approach is favoured for Cheltenham. There are various methods of charging for meetings / written advice in these examples -

#### **4.1.1 A fee based on a percentage of the planning fee:**

Hart District Council charge 25% of the planning fee for pre-application advice. Bath and North East Somerset charge for meetings on major applications on the basis of 10% of the planning fee.

This approach is not favoured because of the complexities of calculating the fee, particularly when schemes are in their infancy and the precise floor space / number of units may not be known.

#### **4.1.2 A fee based on the length of time of the meeting:**

This approach is taken by Surrey Heath with a one hour meeting attracting a fee of £350.00 and a three hour meeting £700.00.

This approach is not favoured because it presents difficulties when meetings overrun (for maybe good reasons) the allocated time. The planning officer clearly could not demand more money before allowing the meeting to continue.

#### **4.1.3 A fee based reflecting the seniority of the planning officer at the meeting:**

This approach is adopted by Windsor and Maidenhead who charge £30.00, £50.00 or £70.00 per hour depending on the seniority of those attending the meeting.

Such a system can however result in greater pressure for meetings with more senior staff and also has the same disadvantages of 4.1.2 above.

#### 4.1.4 **A flat rate per meeting based on the size of the development:**

Developments are already categorised by the Government according to their size. "Major" applications include all residential schemes of 10 or more units and commercial schemes which create more than 1000m<sup>2</sup> floor space. "Minor" applications exclude all householder proposals but include residential schemes from 1 to 9 units and commercial floor space up to 1000m<sup>2</sup>. Mid Sussex, whilst not differentiating between application type, charge a flat rate £100.00 per meeting.

A flat rate fee is considered to be the most suitable approach for Cheltenham primarily because the fee scale is easily calculated and understood and can be adjusted to reflect the complexity of the proposal. It is also likely a flat rate for a meeting would bring a higher income on smaller schemes. Tewkesbury Borough Council and Cotswold District Council have already introduced a pre-application charging scheme based upon this option. The Council have a similar regional customer / agent base and therefore the resistance to introduction of fees should be reduced.

However, even with the majority of local authorities nationally adopting a flat rate approach to fees the banding is complex and varies wildly from £100.00 up to a £3,000.00 rate introduced by Tewkesbury BC.

## 4.2 **Cotswold DC and Tewkesbury BC scheme comparisons**

4.2.1 Cotswold DC have adopted a flat rate pre-application advice fee of £1,000 for all major developments whatever the size. Householder and small developments are exempt. In addition for subsequent meetings an hourly rate is applied based upon the seniority of the officer and numbers attending as outlined in 4.1.3 above. Cotswold DC approach is shown in Appendix 2.

4.2.2 Tewkesbury BC have adopted a flat rate pre-application fee of £500 for minor residential developments (2-9 dwellings) plus a £125 fee for subsequent meetings with officers. Some householder charges apply for officer visits and written requests.

The major developments have been banded into -

small scale (10-49 dwellings) = £1,000 plus a £500 fee for subsequent meetings;  
medium scale (50-199 dwellings) = £2,000 plus a £750 fee for subsequent meetings;  
and large scale (200+ dwellings) = £3,000 plus £1,000 fee for subsequent meetings.  
Tewkesbury approach is shown in Appendix 3.

## 4.3 **Regional variation and scheme comparisons**

4.3.1 In its paper on local authority charging practices, *Positively Charged*, the Audit Commission recommends that local authorities take into account their unique demography when setting fees and charges. The combination of a rising population, a reputation as a cultural centre, an attractive location for employers and imminent urban development, provide a solid foundation for pre-application charges.

4.3.2 An example of the number of the varied approaches to pre-application advice charges are given in Appendix 4. This demonstrates the complexity and difficulty in arriving at an appropriate fee structure for the Council.

## 5. **Affordability**

5.1 Affordability should not be a significant issue. Major developments are multi-million pound enterprises. In that financial context, a pre-application charge of a few thousand pounds is not going to deter a serious developer. As we have seen from other

authorities, developers are generally content to pay if they get a clearly specified level of service in return.

- 5.2 The majority of planning applications are small-scale householder schemes. Such applications would be exempt from any pre-application advice charge, should the Council choose to impose one. The issue of affordability would therefore not arise in relation to these applications.

## **6. Benefits and sustainability**

- 6.1 Introducing charges would have the following advantages –

6.1.1. The customer would pay for the service not the council tax payer;

6.1.2 Income could be used to fund improvements to the planning service;

6.1.3 Income could be used to reduce the call on council tax or built into overall budget savings.

6.2 It has proved very difficult to arrive at a realistic estimate of income. There are many unknown factors: for example, we do not know how the development sector will react to the introduction of a charge and the current economic climate has added to the uncertainties. The charging structure proposed appears reasonable based on the practice elsewhere. It is reasonable to expect that the £30,000 income generation identified in the Bridging the Gap Programme is achievable.

- 6.3 On the other hand the disadvantages could be –

6.3.1 The applicant could choose not to seek pre-application advice and problems may arise later which could have been avoided. This may result in poorer developments proposed, more refusals and subsequent appeals.

6.3.2 Charges for advice will require additional officer time in respect of the collection of fees and arrangement of meetings. Planning officers will need to give more time to preparing for meetings and provision of written minutes. This may impact on officers' ability to determine applications within the target period.

## **7. Consultation**

- 7.1 A consultation exercise has been carried out with stakeholders in the form of 36 agents who regularly use the Council's Planning Service. We received 5 written and 2 verbal replies and the comments received are summarised as follows –

- Why should an additional charge be levied for a service which is under-resourced and has little time to analyse the detail of the proposal.
- Planning system has already moved backwards with contributions being requested. Clients have to pay for various surveys already. Pre-application fees are a payment too far.
- Minor applicants will avoid having pre-application discussions. This will lead to more work for the officers.
- Another admin process which will cause unacceptable delays
- Some simple discussions are short and not worth charging for
- Charge objectors, stakeholders and neighbours too, for explanation of proposals
- Application fees should cover these costs
- This is a public service and is already paid for
- There is no certainty that the advice will be adhered to and therefore be of benefit. We do not meet the officers in charging authorities now but wait for the decision and

then appeal or negotiate a resubmission. This is more work for everyone and counter-productive

- If advice includes detailed input from all consultees, charging would have some merit – but difficulty with getting replies within certain timeframe.
- Applicants will use first application as the pre-application discussion and then address refusal with the fee go. Might lead to more applications but less revenue.

The verbal replies were to the effect that this was another charge that would be placed with the client; there was no particular problem.

7.2 We have been advised that Gloucestershire County Council has intentions to start charging for pre-application advice and this element will have to be absorbed into any charges, unless a separate fee is charged – this is not recommended.

7.3 Tewkesbury Borough Council and Cotswold District Council are operating different charging schemes their year one projections of income (extrapolated from first quarter of operation) are –

Cotswold £16,000

Tewkesbury £26,000

Note: these figures do not take into account the steep decline in economic activity since the charging regimes started in July 2008.

## 8. Recommendation

8.1 Cheltenham has a good reputation locally for provision of helpful and timely pre-application advice. There is potential for introducing pre-application charges into the planning process, provided that the scheme is easy to understand and administer. The format must be simple and it should be fully explained on the Council's website with clear information on what is required to process a request. There must also be a clear indication of the scope of the response to be provided. In the spirit of joint working with other Districts in Gloucestershire, it would be helpful to have a scheme that follows the principles adopted elsewhere. Unfortunately, the two districts that have started charging have different regimes.

8.2 The recommended fee structure to be adopted by the Council is detailed below. It is similar to the Tewkesbury BC model except that householder pre-application advice is not chargeable and there is no proposal for charging for schemes relating to developments on Council owned land and small scale employment proposals under 1000 m<sup>2</sup>. These fees would be subject to an annual review and inflationary price increases.

Charges would be introduced from 1st April 2009.

Householder development and single dwellings	Exempt – no charge
Minor Residential Development (2-9 dwellings)	£500 + VAT Each additional meeting with officers - £125 + VAT
Category C Major Residential Development (10-49 dwellings)	£1,000 + VAT Each additional meeting with officers - £500 + VAT

Category B Major Residential Development (50-199 dwellings)	£2,000 + VAT Each additional meeting with Officers - £750 + VAT
Category A Major Residential Development (200+ dwellings)	£3,000 + VAT Each additional meeting with Officers - £1000 + VAT
Other developments including changes of use under 1000 m <sup>2</sup> .	Exempt – no charge
Other developments including change of use: 1,000 to 4,999 m <sup>2</sup> of floor space, or where the site area is between 0.5 and 2.0 hectares.	£1,000 + VAT Each additional meeting with officers - £500 + VAT
Other developments, including change of use: 5,000 to 9,999 m <sup>2</sup> or more of floor space, or where the site area is between 2.0 and 4.0 hectares	£2,000 + VAT Each additional meeting with Officers - £750 + VAT
Other developments, including change of use: 10,000 m <sup>2</sup> or more of floor space, or where the site area is 4.0 hectares or more	£3,000 + VAT Each additional meeting with Officers - £1000 + VAT

Officers are preparing guidance notes for applicants, which will set out the procedures for pre-application discussions. These notes will be available in draft in January 2009 and will be published prior to the commencement of the charging regime.

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**Background papers:**            Audit Commission report 'Positively Charged – Maximising the Benefit of Local Public Service Charges'  
  
   Planning Advisory Service (PAS) case study – A Material World: Charging for pre-application planning advice

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**Accountability:**                Cabinet Member Built Environment  
  
**Scrutiny function:**            Environment Overview and Scrutiny committee

Risk identified		Impact Assessment	Impact score (1-4)	Likelihood score (1-6)	Initial risk score (1 - 24)	Managing the risk: Control / mitigating action	Ownership	Residual risk score
	Existing risk ref.							
Identify the event or trigger which may generate some new or additional risk to the council. Significant risks which already identified are recorded on the corporate risk register, or on division risk models on TEN, and should be referenced in column B.	If the risk is already recorded, note either the CRR or TEN reference	Use the corporate risk scorecard to identify the category of risk impact e.g. potential for litigation, financial uncertainty, reputation. There can be more than one impact.	Use the scorecard to evaluate the severity of impact(s); enter the highest score.	Assign a score according to probability, timing or frequency.	This is the raw risk score, without any controls in place to mitigate the risk	There are usually things the council can do to reduce either the likelihood or impact of a risky event. Mitigating controls can already be in place, such as budget monitoring. New controls or actions may also be possible, such as agreeing SLA's with partners, or obtaining additional funds.	Identifying the officer who will manage the risk will link mitigating actions to responsibilities in the business plan.	The initial impact or likelihood score can be lowered, to demonstrate the potential to reduce risk levels through actions noted in column G. Record the revised risk score as Impact x Likelihood = Risk I
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F = D x E</b>	<b>G</b>	<b>H</b>	<b>I</b>
Charging for pre-application planning advice is a drain on planning officer resource.		<b>Reputation Service provision Morale</b>	<b>2</b>	<b>3</b>	<b>6</b>	Continually monitor published service levels and workload and conduct review after first six months of the scheme being operational.	Assistant Director Built Environment	<b>6 Accept</b>
Charging for pre-application advice leads to a decrease in applicants seeking advice and in turn an increase in refusals and appeals.		<b>Reputation Service provision Financial</b>	<b>2</b>	<b>3</b>	<b>6</b>	Continually monitor the trend in the number of refusals and appeals and conduct a review after first six months of the scheme being operational. Amend the scheme where necessary.	Assistant Director Built Environment	<b>6 Accept</b>
Projected income from charging for pre-application planning advice is not as projected due to either a reduced number of applicants requesting service or recession.		<b>Business Plan objectives (BtG) Financial cost</b>	<b>3</b>	<b>3</b>	<b>9</b>	Continually monitor income trends and conduct a review after first six months of the scheme being operational.	Assistant Director Built Environment	<b>9 Accept</b>

**Cotswold District Council**

For all pre-application advice there is a fixed initial standard charge of **£1000**, which comprises the amount of time taken on a case by officer(s), from the investigation stage to the actual meeting with the applicant and the final written comment. For subsequent work there will be an hourly charge based on the following rates:

**Hourly rates for pre-application advice:**

<b>Officer</b>	<b>Hourly rate</b>
Director	<b>£110</b>
Manager of Service	<b>£75</b>
Principal Planners/Heritage Officers	<b>£50</b>
Major Applications Officer	<b>£55</b>
Senior Planners/Heritage Officers	<b>£48</b>
Planners	<b>£44</b>
Assistant Planners	<b>£40</b>

All above charges are exclusive of VAT.

## Appendix 3

### Tewkesbury Borough Council

Professional Agents Replies to Written Requests for information or documents received from Solicitors, Developers or Professional Agents	£50 + VAT
Householder development and single dwellings – Site visits and written advice	£100 + VAT
Minor Residential Development (2-9 dwellings)	£500 + VAT Each additional meeting with Officers - £125 + VAT
Small Scale Major Residential Development (10-49 dwellings)	£1,000 + VAT Each additional meeting with Officers - £500 + VAT
Medium Scale Major Residential Development (50-199 dwellings)	£2,000 + VAT Each additional meeting with Officers - £750 + VAT
Large Scale Major Residential Development (200+ dwellings)	£3,000 + VAT Each additional meeting with Officers - £1000 + VAT
Other Minor development*	Written advice - £75 + VAT Meeting with officers - £125 + VAT
Other Small Scale Major development **	Written advice - £250 + VAT Meeting with officers - £500 + VAT
Other Large Scale Major Development***	Written advice - £500 + VAT Meeting with officers - £1,000 + VAT

**\*Minor Development** = all other developments, including change of use, floor space of up to 999 square metres or site area of up to 0.99 hectares. Gypsy and Traveller Pitches – 1-9 pitches.

**\*\*Small Scale Major Development** = all other developments, including change of use: 1000-9,999 square metres or more of floor space, or where the site area is between 0.5 and 2.0 hectares. Gypsy and Traveller Pitches – 10-199 pitches.

**\*\*\*Large Scale Major Development** = all other developments, including change of use: 10,000 square metres or more of floor space, or where the site area is 4.0 hectares or more. Gypsy and Traveller Pitches - 200 or more pitches

## Extracts from local authority web sites – Appendix 4

### Bracknell Forest Council – pre-application advice charges

Residential Development	Initial fee (per site)
	<ul style="list-style-type: none"> <li>• 1-5 homes - £205.53</li> </ul>
	<ul style="list-style-type: none"> <li>• 6-10 homes - £293.62</li> </ul>
	<ul style="list-style-type: none"> <li>• 11-50 homes - £489.36</li> </ul>
	<ul style="list-style-type: none"> <li>• 50 + homes - £978.72</li> </ul>
	Plus Officer recharge rate at £73.40 per officer in attendance at a meeting
	Traffic model - at cost
Commercial Property Development (including change of use)	Initial fee (per site)
	<ul style="list-style-type: none"> <li>• 1-1,000 sq m - £244.69</li> </ul>
	<ul style="list-style-type: none"> <li>• 1001-10,000 sq m - £489.36</li> </ul>
	<ul style="list-style-type: none"> <li>• over 10,000 sq m (1Ha)- £978.72</li> </ul>
	Plus Officer recharge rate at £73.40 per officer in attendance at a meeting
	Traffic model - at cost

### London Borough of Merton – pre-application advice charges

**Major/Complex:** The initial charge for this service is £800 (plus VAT)

**Minor/Conversions:** The initial charge for this service is £400 (plus VAT)

Fees are non-refundable.

The fee will cover the time taken on a case by a planning officer from the investigation stage through to the actual meeting with the applicants and the written response.

Where additional officers are required at meetings then additional charges will apply. The hourly rate for officers is shown below:

- Head of Service £250 per hour
- Team leader/Section Manager £170 per hour
- Design officer £100 per hour
- Senior planner £ 80 per hour

Career grade planner £ 60 per hour

## **London Borough of Barnet – pre-application advice charges**

### **Category 'A' Proposals £2,935 (including VAT)**

#### **Large Scale, Complex Development**

25 or more residential units

2000m<sup>2</sup> or more of commercial floor space

### **Category 'B' Proposals £1,468 (including VAT)**

#### **Other Major Development**

Provision of 10 - 24 dwelling units

Provision of 1000m<sup>2</sup> - 2000m<sup>2</sup> of commercial floor space

Development involving a site of 0.5ha and over

Mixed use developments

#### **Complex Proposals**

Large or complex change of use or development proposals e.g. sport and leisure proposals

Development requiring an EIA\*

Planning proposals which are associated with complex heritage listed building or conservation issues

Entertainment uses

Telecommunications equipment and masts – composite proposals for 10 or more sites.

Note:

\* EIA (Environmental Impact Assessment) refers to development proposals which fall under the provision of categories 1 and 2 of the Town and Country Planning (Environment Impact Assessment) Regulations 1999.

#### **Planning / development briefs / frameworks / master planning**

Sites for which the landowner wishes to establish their potential value, or where a clear and consistent advice for potential developers will expedite the development process.

### **Category 'C' Proposals £646 (including VAT)**

#### **Minor development**

Provision of commercial development of 100-999 m<sup>2</sup>

Creation of 2-9 new residential units

Changes of use of 100m<sup>2</sup> -999m<sup>2</sup>

Advertisement application for hoardings

Individual proposals for Telecommunications equipment and masts

### **Exemptions - no fee**

The charging scheme will not apply to discussions in connection with very small business premises, and related advertisement proposals, or very minor schemes or householder schemes (small extensions / alterations), certificates of lawfulness, enforcement or advice to any local resident affected by a development. Such advice at this time will continue to be provided free of charge.

### **Reigate & Banstead Borough Council – pre-application advice charges**

For 2007/08, the fee scale will be as follows:

- £200 for meetings lasting up to one hour
- £500 for meetings lasting between one and three hours.

Charges for meetings taking longer than three hours would be a matter of negotiation.

### **Doncaster Council – pre-application advice charges**

We welcome pre application discussions for all types of development proposal and believe they are of value to all parties. Development proposals that will be subject to the chargeable pre application advice scheme are the following types of development:

- Provision of 50 or more residential units
- Provisions for over 5,000 m<sup>2</sup> of commercial or industrial floor space
- Development sites over 5 hectares
- Developments that are of significant size / scale and are potentially of major public interest, where an Environmental Impact Assessment would normally be required.

All developments that fall below these levels will not be offered the chargeable detailed service unless specifically requested in order to take advantage of the project led approach to the process. All other developments will be subject to general pre application advice, which will be FREE of charge.

Chargeable detailed service

When your development proposals falls within the chargeable criteria, you will have three options available, these being;

- Take advantage of the 1 meeting and detailed written advice option, or
- Take advantage of the 5 meetings and detailed written advice option, or

- Have no pre-application advice and submit your application.

We would advise one of the top two options. The charges for the service are;

- 1 meeting and detailed written advice - £800
- 5 meetings and detailed written advice - £3500

If you require any additional meetings, or advice from the Council, these can be arranged at appropriate hourly rates for the staff involved. Please read the document below to find the full information about this.

## APPENDIX C

### **PLANNING PROCESS UNDER REVIEW**

Submitted a planning application lately? Or perhaps you have objected to an application? Huntingdonshire District Council would like to have your views on what you thought of the process. Were you satisfied with the way in which your application or comments were dealt with for example? Did you think the process took too long?

One of the Council's Overview and Scrutiny Panels is looking into the way in which planning applications are determined and would welcome comments from anyone who has recently been involved in the process. The Panel cannot deal with decisions themselves for which there are avenues of appeal for aggrieved parties, but would like members of the public to share their experience of the way with which they were dealt with and whether they have any suggestions for improvements.

If you would like to comment please do so in writing or email to: Mrs Jessica Walker, Democratic Services, Pathfinder House, St Mary's Street, Huntingdon, Cambridgeshire, PE29 3TN. [Jessica.walker@huntsdc.gov.uk](mailto:Jessica.walker@huntsdc.gov.uk) by Wednesday 30<sup>th</sup> September.

## APPENDIX D

### Development Management Process Summary Of Views Received From The Public 17 views received

#### Recurring Themes.

- Lack of communication and co-operation from the planning department. **(10 times)**
- Inaccurate and inconsistent advice given. **(5 times)**
- Negative, arrogant and unhelpful attitude. **(3 times)**
- Remit for neighbour notification letters isn't inclusive enough. **(4 times)**
- Notifications are placed in newspapers – however publications are not delivered to all areas. **(3 times)**
- Once received and catalogued, applications should be sent to parish council's straight away for consideration at their monthly meeting. If necessary the consultation period for applications should be extended to accommodate this. **(2 times)**

#### Other Matters Raised.

- The planning form (one size fits all) causes difficulties for applicants.
- Civic Society of St Ives suggested that they should be a formal party to any planning applications which involve conservation areas or historic buildings.
- HDC website does not contain as much information as neighbouring authorities.
- More attention is paid to central government and quangos than local residents and businesses.
- Satisfied that planning officers have been willing to give their time and expertise to listen to concerns and provide assistance – particularly Louise Platt – appreciative of her open and honest attitude.
- The planning authority does not use its enforcement powers as it should.
- Significant documents for large scale developments should be available on the planning portal.
- Pleased that contributions to the consultation process have shown to make a difference.
- The planning authority should prioritise environmental concerns for the wellbeing of residents.
- South Cambridgeshire District Council set a better example of working with developers and the public to get landscaping and biodiversity measures achieved.
- Concern that planners are using their time and tax-payers money impeding householders trying to carry out essential repairs rather than concentrating on major development issues.

- Development Management Panel Members do not seem to have a grasp of planning policies and appear confused by planning terms.
- Development Management Panel Members appeared to have their minds made up before discussions on an application have taken place.
- Planners and Members do not have to justify their decisions, even when they go against their own guidelines.
- Minor amendments can be agreed without further consultation as long as they are not a 'material change', what constitutes a 'material change'?
- 3 weeks is not long enough for neighbours to respond to larger applications.
- More help should be given to individuals trying to understand planning policies.
- Parish Councils need to seek the opinions of neighbours – at the very least residents should know the timescale that Parish Councils work to.
- Guidelines need to be rigid and more consistently applied.
- 3 minutes to speak on an application is not long enough.
- Development Management Panel Members should not rely on a case officer's summary, they should read objectors letters to get a better understanding of the case.
- Pertinent parts of the planning process not adhered to by the case officer.
- When applying for planning permission comparable evidence should be considered fairly.
- There should be a simple procedure for updating temporary permission to full permission, and the fee seems very high.
- Some large developments seem to be granted permission despite public criticism.
- Unclear for people with no experience whether the planning department is here to help with applications, recommend approval/refusal, offer honest and current advice or deter alterations and developments overall.