

**TO: ENVIRONMENT, CULTURE & COMMUNITIES OVERVIEW & SCRUTINY PANEL
20 SEPTEMBER 2016**

**CHANGES TO THE PLANNING PRE-APPLICATION ADVICE SERVICE
Director of Environment, Culture & Communities**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Panel of recently agreed changes to the Planning Pre-Application Advice Service provided by the Council. The changes were the subject of an Executive Member decision dated 10 August 2016.

2 RECOMMENDATION

- 2.1 **That the Panel notes the changes approved by the Executive Member for Planning and Transport to the Planning Pre-Application Advice Service described at Section 6 below and the revised schedule of Planning Pre-Application services and financial charges at Appendix A.**

3 REASONS FOR RECOMMENDATION

- 3.1 It is considered appropriate to make changes to the service in order to:
- Make the service more responsive to the needs of applicants; and,
 - To ensure that the proposed charges for the Planning Pre-Application Advice Service properly reflect the cost of its provision and provide good value for money.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The option of not changing the current pre-application arrangements was considered. However, this would not address any of the concerns raised in the recent consultation about the present system. It would also not allow for the review of the Planning Pre-Application Advice Service to reconcile the increased financial burden placed on the local planning department from operating the Planning Pre-application Advice Service based on the current charges.

5 BACKGROUND INFORMATION

The Pre-Application System

- 5.1 The provision of pre-application advice is discretionary but is strongly recommended as good practice including the central government guidance in the National Planning Policy Framework (NPPF). This states that: "Early engagement has the significant potential to improve the efficiency and effectiveness of the planning application system for all parties." Pre-application engagement can help resolve issues at an early stage and help avoid abortive work being undertaken that could have been avoided if better understanding of planning requirements had been achieved at an early stage.
- 5.2 The current system of charging for pre-application advice was established in September 2007. Up to that point pre-application advice had been provided free of charge. The current system comprises a standardised charge for the provision of

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comprehensive pre-application advice. The service is charged for, with the charges varying according to the scale of the development proposed.

- 5.3 On particular sites the Council also enters into Planning Performance Agreements (PPAs). These are agreements between the local planning authority and a developer, landowner or their agent which set out agreed levels of service and charges between the parties. This will normally cover the pre-application process and the processing of any subsequent planning application. These documents are only appropriate on larger sites where there are likely to be a number of complex issues to be resolved.

Drivers for Change

- 5.4 The main drivers for change were the need to ensure that the cost of providing the pre-application advice service is properly reflected in the fees charged and that customers' needs are met, which includes offering good value for money.

Consultation Findings

- 5.5 During January and February 2016 a consultation exercise was carried out among users of the Council's pre-application advice service. A copy of the consultation questionnaire is attached at Appendix B.
- 5.6 35 responses were received, 42% were from planning consultants, 33% from householders and 24% were from others (which included architects and developers).
- 5.7 Some of the key findings were:
- The website is the key source of information about the service with 73% of respondents quoting this as where they found the information needed to make their enquiry with the telephone being used by a further 12%.
 - There is a clear issue with enquiry response timescales with only 12% of respondents saying that the response was received within the target date and a further 12% saying it was met within an agreed extension of time. 21% said their response was late and 9% said it was slightly late (45% did not respond to this question).
 - Where timescales were not met 91% of those that responded said they were not given a clear reason in advance that the target date would not be met.
 - Meetings with planning officers were generally found helpful with 67% of those responding to the question saying they found the meeting either helpful or very helpful and none saying it was unhelpful.
 - 50% of respondents were either satisfied or very satisfied with the response they received. With 20% being dissatisfied, 10% being very dissatisfied and 20% being neither satisfied nor dissatisfied.
 - The length of the pre-application response was thought about right by 55% of respondents with 40% finding the response too long and 5% finding it too short.
 - 55% of respondents said they would be interested in a less detailed lower-cost service for major applications with 10% saying they would not, the remainder either did not respond or said they were not sure.
 - 20% of respondents stated that they would not use the service again. However, of these, none were planning consultants who tend to be the most frequent users of the service, and are also likely to use similar services in other authority areas.

Key Messages

- 5.8 There were two main areas of dissatisfaction with the service, namely the time taken to receive a response and the lack of communication when target dates are not met.
- 5.9 Analysis of the pre-application response times shows that there was a particular problem in 2014/15 when the average time taken to process enquiries was 10.5 weeks. At the time of writing this report in 2015/16 the average time had improved to around 6.6 weeks. These timescales probably reflect the high level of workload for part of the 2014/15 period and the lack of staff resource at certain times. Some of the comments on poor communication may also relate to this period.
- 5.10 There was a clear need from the comments received to ensure communication is improved, particularly to ensure that users of the service are informed at the earliest opportunity if a response is likely to be delayed and the reason for the delay.
- 5.11 There was evidence of demand for a less detailed, lower cost option for pre application advice with a majority of respondents saying they would be interested in such a service.
- 5.12 Some of the comments also referred to their specific queries not being answered and some responses simply quoting policies which they can look up themselves. Offering a more bespoke service focused on those areas requested by the applicant could also help to improve this.

6 THE PROPOSED CHANGES

General Improvements

- 6.1 In order to better manage customer expectations the following general measures will be implemented:
- Officers will ensure that realistic targets are set and they will contact applicants before the target date if it is not going to be met and agree an alternative date.
 - Officers will make it clear to applicants what the target date is and that it will not always be met.
 - Pre-application responses will include a table/list of policies to reduce the amount of text in a response (this may be more relevant to majors/larger minors).

Specific Enhancements

- 6.2 The following specific measures have been introduced to provide a more flexible service which can be better tailored to a customer's requirements.

In-Principle Only Advice

- 6.3 Applicants are now offered an initial pre-application Stage 1 service solely to establish the principle of development (this would be on the basis of whether an application would be likely to receive officer support). This is provided for a reduced

fee and the Council only provides an 'in principle' response. If the principle is acceptable there is the option of continuing to the full response (Stage 2) for an additional fee. The fees for single stage comprehensive pre-applications are set at just over 80% of the total cost of the two stage process to reflect the additional administrative costs of handling two separate applications.

- 6.4 The consultation responses indicated a wide level of support for providing this option. However, caution will be applied to ensure that where a shortened process is followed this does not result in a potentially significant issue being overlooked. Responses on this basis may include a significant number of caveats, particularly where a site is affected by a number of potential planning constraints. The limitations of this advice will be clearly set out for prospective users of the service.

In-Principle Advice for Permitted Development (PD) Enquiries

- 6.5 Applicants are offered the option of 'in principle' advice for PD enquiries. This is a two stage process, where Stage 1 confirms whether planning permission is required, providing a 'yes' or 'no' response (for a set fee) and Stage 2 advises on whether or not the proposal would be likely to receive officer support (for an additional fee).

Focused / Bespoke Responses

- 6.6 Using this option applicants are able to specify what they want from the pre-application submission response. This may include an agreed schedule of meetings. Establishing what the applicant requires enables officers to provide a better customer focused response. In cases where only one, or a limited number of issues are addressed in a bespoke pre-application the response will expressly state that the advice is provided without prejudice to any other issues that may arise and as such does not indicate whether or not an application is likely to receive officer support.

Charging for meetings

- 6.7 This option entails establishing a fee structure for meetings based on the issues requested to be discussed by the applicant and hence the number of officers required to attend. The consultation responses showed that meetings were held in only one third of cases but that where they were held they were found to be helpful or very helpful by nearly 82% of applicants, and none of them found the meeting unhelpful. This suggests that meetings may be a more effective means of meeting customer needs than written responses and enable feedback to be more targeted at the customer's needs.
- 6.8 Meeting request forms will be used which require the applicant to state which aspects they want to be addressed at the meeting (from a checklist). The fee for a meeting will be based on attendance of the case officer with further charges for each additional officer required to cover the requested topics.

7. COSTS AND FEES

- 7.1 Officers have recorded the time taken to respond to a sample of pre-application enquiries. This information has been analysed to provide a general assessment of how the current cost of providing pre-application advice compares to the fees charged.

Pre-Application Service Summary Table			
Year	2013-14	2014-15	2015-16 to 03/02/2016
No of Pre-Apps	512	509	363

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Total Fees Income	£88,858.55	£121,404.92	£84,715.48
Average Fee per Pre-App	£173.55	£238.52	£233.38
Average Weeks to respond	8.41	10.50	6.55

- 7.2 A more detailed analysis has been undertaken of the costs and fees associated with a sample of householder and non-householder pre-applications. The findings of this work are summarised in the following table:

	No of cases	Total Admin Time (hrs:mins)	Total Case Officer Time	Total Consultee Time	Total Fees	Fee per Hr
Householder	10	8:10	12:20	2:30	£469.50	£20.41
Non-Householder	4	4:10	10:05	8:00	£735.85	£33.07
Combined	14	8:20	22:25	10:30	£1,205.35	£26.63

- 7.3 For comparison, officer costs based on the mid points of the relevant grades are shown in the table below in which the cost per hour includes salaries, National Insurance and pension contributions but does not include other costs such as accommodation.

Post	Salary	L/W	NI	Super-annuation	Total Cost	Cost Per Hr
Planning Assistant	£23,935.00	£579	£2,263.00	£3,138.00	£29,915.00	£15.55
Planning Officer	£29,854.00	£579	£3,080.00	£3,895.00	£37,408.00	£19.44
Senior PO	£35,093.00	£579	£3,803.00	£4,566.00	£44,041.00	£22.89
Principal PO	£40,619.00	£579	£4,566.00	£5,273.00	£51,037.00	£26.53
Team Manager	£46,192.00	£579	£5,335.00	£5,987.00	£58,093.00	£30.19

- 7.4 There are some variations according to the scale of applications. The smaller householder applications, for which £46.95 was charged generated a fee equivalent to £20.41 per officer hour. This includes Planning Officer and Administrative Officer time in all cases and additional internal consultees (generally the Highway Authority) where their views were sought. £20.41 is considered a very low charge for officer time. While it more than covers the salary costs and other direct staff costs (national insurance and superannuation) for an officer at the Planning Assistant level it would not cover these costs for more senior staff. The mid point of the salary grades for these range from £15.55 for a planning assistant to £22.89 for a senior planning officer (higher grades would not normally deal with householder applications).
- 7.5 These costs do not include any of the other costs of employing staff such as accommodation, ICT, internal support services, training etc. It should also be borne in mind that the charge for officers attending meetings is currently just over £90 per meeting based on a 90 minute meeting at just over £60 per hour. While the hourly rate for meetings is higher than the nominal hourly charges for general pre-application work this is intended to reflect the additional time taken in preparing for meetings and in writing and circulating the minutes.

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- 7.6 Taking these factors into account it was not considered that the current level of charges properly reflects the cost incurred by the Department and an increase in charge is therefore justified. However it is considered that the increase should be set at a level that is not significantly out of alignment with other Berkshire Unitary Authorities or at a rate that is likely to deter people from using the service.
- 7.7 Similarly for non-householder pre-applications the estimated average fee charged per hour equates to just over £33 per hour. This compares to mid range staff costs for a Senior Planner of £22.89 and for a Principal Officer of £26.
- 7.8 It is also proposed to introduce a charge of £160 for the provision of a letter of confirmation of compliance with a Planning Enforcement Notice as this often involves several hours of officer time (including potentially a site visit) to check that all requirements have been complied with. This is a service that is charged for by a number of other planning authorities including:
- Coventry City Council - charge £150 for a written response within 14 days;
 - Chiltern - charge £250 for written confirmation (or £330 for a meeting followed up with a confirmation letter);
 - Cornwall - charge £118 for written confirmation of compliance with an enforcement notice; and,
 - East Hants - charge £250 to check whether an enforcement notice has been complied with and provide written confirmation.
- 7.9 A comparison of the fees charged for the pre-application service between the six Berkshire Unitary Authorities was carried out in the Autumn of 2015. This showed that Bracknell Forest Council had one of the lower charges for householder pre-applications. It showed that for all types and scales of non-householder residential proposals BFC charges were neither the highest nor lowest. West Berkshires charges were the lowest for most scales of residential development and Slough's were generally the highest. As an example for pre-application advice for a 10 unit scheme West Berkshire charge £540, Slough charge £2,300 and for BFC the current charge would be £797 and under the proposed new charges it would be £950. The comparative pre-application charges for the six Berkshire planning authorities are shown on the Tables at Appendix C
- 7.10 For non-residential development BFC was again neither highest nor lowest for most scales of development apart from those in the range of 500-1,000 sq metres where BFC has the lowest charge of the six authorities. The full table of charges of the six Berkshire Planning Authorities is attached at Appendix C.
- 7.11 It has therefore been agreed to slightly increase charges to better reflect the costs of delivering the service but at a level that would not make BFC the most expensive authority and should not deter potential applicants from using the service. It is also anticipated that by offering simpler 'in principle' advice and the option of a more bespoke service for larger schemes we will be able to provide better value and a service better suited its users needs.
- 7.12 The approved table of Planning Pre-application services and charges is attached at Appendix A. It is intended that the charges will be introduced this autumn once the necessary applications forms, guidance and web pages have been prepared and the changes will be publicised to agents and other users of the service.

8 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 8.1 The National Planning Policy Framework recognises that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage of the planning application process.
- 8.2 Local Planning authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003. The National Planning Practice Guidance states that where charges are made they must not exceed the cost of providing the service or discourage appropriate pre-application discussions. Local Planning Authorities that opt to charge for certain pre-application services are therefore strongly encouraged to provide clear information online about:
- the scale of charges for pre-application services applicable to different types of application (e.g. minor or major and other);
 - the level of service that will be provided for the charge, including: the scope of work and what is included (e.g. duration and number of meetings or site visits);
 - the amount of officer time to be provided (recognising that some proposed development requires input from officers across the local authority; or from other statutory and non statutory bodies);
 - the outputs that can be expected (eg a letter or report) and firm response times for arranging meetings and providing these outputs;
 - It is also helpful for local planning authorities to provide links to any charges that statutory consultees may levy for pre-application advice, where this is known.
- 8.3 Paragraphs 5.5 – 5.7 of the report set out the consultation undertaken in respect of the Recommendation and how the consultation responses have been considered. Further, the report sets out the guidance set out in the National Planning practice guidance set out above has been incorporated into the approach that is proposed to be adopted.
- 8.4 In accordance with paragraph 5.1 of Part 5 of the Bracknell Forest Council Constitution 2015, the Executive Member has authority to agree all functions of the Council under Town and Country Planning legislation. Therefore, the recommendation falls within the Executive Member for Planning and Transport's individual decision making remit and he is advised to approve the recommendation.

Borough Treasurer

- 8.5 The proposed changes to the current pre-application charging levy would ensure a level of income that off-sets the reasonable cost of providing pre-application advice to developers, thereby reducing the net cost of the service.

Equalities Impact Assessment

- 8.6 There are not considered to be any Equalities issues arising from this report.

9 CONSULTATION

- 9.1 Consultation was carried out among users of the Council's pre-application advice service during January and February 2016. 35 responses were received and the results of the survey are summarised in Section 5 of the report.
- 9.2 Internal consultation with specialist services was carried out during June/July 2016 and the results of this are reflected in the changes made.

Background Papers

Appendices

- Appendix A Approved Pre-Application Charges Table
- Appendix B Pre-Application Survey Questionnaire
- Appendix C Comparison Table of existing BFC and other Berkshire Authorities' Pre-Application Charges

Contact for further information

Max Baker, Head of Planning - 01344 351902
max.baker@bracknell-forest.gov.uk

Approved Pre-Application Charges Table

Service	Scale of Proposal						
	House holder	1 Unit	2-5 units	6-10 units	11-25 units	25-50 units	51+ units
Residential (all rates based on gross new units)							
Stage 1 In-Principle Advice for Permitted Development Enquiries	£50	N/A	N/A	N/A	N/A	N/A	N/A
Stage 1 In-Principle Pre-App without site visit - Planning Officer and policy advice only.	£80	£150	£300	£400	£600	£1000	£1500
Stage 2 Full Standard Pre-App following stage 1 in-principle advice	£80	£160	£320	£780	£1140	£2100	£5100
Full Standard Pre-App with site visit and all relevant consultees	£130	£250	£500	£950	£1,400	£2,500	£5,600
Commercial / Non-residential floorspace including change of use. Figures in square metres.	0-200	201-1,000	1,001-2,000	2,001 – 3,000	3,001– 5,000	5,001-10,000	10,001 +
Stage 1 In-Principle Pre-App without site visit - Planning Officer and policy advice only.	£120	£250	£340	£400	£600	£1000	£1500
Stage 2 Full Standard Pre-App following stage 1 in-principle advice	£130	£300	£460	£780	£1140	£2100	£5100
Full Standard Pre-App with site visit and all relevant consultees	£200	£450	£650	£950	£1,400	£2,500	£5,600
Bespoke Service An individual pre-application service with agreed consultee responses and meetings.	Please contact the planning service to discuss requirements and charges						
Extras							
Consideration of Additional Plans (within 12 weeks of original application)	£40	£80	£160	£300	£450	£600	£750
Meetings (per officer) (for 1.5 hours)	£95						
Letter of confirmation of compliance with an enforcement notice	£160						

Survey Questionnaire

Bracknell Forest Council Pre application Planning Advice – Customer Survey	
1	Type of respondent – Are you <ul style="list-style-type: none"> - A householder - A planning consultant - Other
2	Please specify other
3	Thinking of a recent occasion when you used our pre-application planning enquiry service, which type of enquiry did you submit? <ul style="list-style-type: none"> - Non-householder advice - Householder advice
4	Did you receive a favourable response? <ul style="list-style-type: none"> - Yes - No - Partially favourable - Not sure
5	Where did you find the information you needed to make the pre-application planning enquiry? <ul style="list-style-type: none"> - Bracknell Forest Council website - By telephone to the Council - Other
6	Please specify other
7	Were you given a clear target date for receiving a response to your pre-application planning enquiry? <ul style="list-style-type: none"> - Yes - No - Not sure
8	Did we meet the target date? <ul style="list-style-type: none"> - Date met - Agreed extension – that date was met - Slightly late - Late
9	Were you given a clear reason in advance that the target date would not be met? <ul style="list-style-type: none"> - Yes - No

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10	<p>Did you have a pre-application meeting with the planning officer?</p> <ul style="list-style-type: none"> - Yes - No
11	<p>Did you find the meeting helpful?</p> <ul style="list-style-type: none"> - Very helpful - Helpful - Neither helpful nor unhelpful - Unhelpful
12	<p>Please comment on how you think we could have improved the meeting?</p>
13	<p>How satisfied were you with the pre-application enquiry response you received?</p> <ul style="list-style-type: none"> - Very satisfied - Satisfied - Neither satisfied nor dissatisfied - Dissatisfied - Very dissatisfied
14	<p>How do you think we could have improved the response?</p>
15	<p>What did you think about the length of the response?</p> <ul style="list-style-type: none"> - It was too long - It was about right - It was too short
16	<p>Did you think the service you received was value for money?</p> <ul style="list-style-type: none"> - Good value - Reasonable value - Poor value
17	<p>Is there anything else you would like to say about the service you received?</p>
18	<p>Would you use the pre application planning enquiry service again?</p> <ul style="list-style-type: none"> - Yes - No - Not sure
19	<p>For major developments would you be interested in having the option of a less-detailed, lower-cost service?</p> <ul style="list-style-type: none"> - Yes - No - Not sure

APPENDIX C

Table of Berkshire Authorities' Existing ? Pre-Application Charges (Sep 2015)

1. Residential

Council	New dwellings (units)											
	1	2	3	4	5	6	7	8	9	10	11	12
Wokingham	180	360	540	720	900	1080	1260	1440	1620	1800	1800	1800
BFC	181	437	437	437	437	789	789	789	789	789	1173	1173
Reading	288	288	288	420	420	420	420	420	420	708	708	708
Slough	235	470	705	940	1175	1410	1645	1880	2115	2300	2300	2300
RBWM	275	481	481	481	481	481	481	481	481	900	900	900
West Berks	180	300	300	300	336	336	336	336	336	540	540	540

Council	New dwellings (units)										
	13	14	15	16	17	18	19	20	20 to 30	30 to 50	50 plus 6000 max
Wokingham	1800	1800	1800	1800	1800	1800	1800	1800	1800	3000	
BFC	1173	1173	1173	1173	1173	1173	1173	1173	1173	2985	5332
Reading	708	708	708	840	840	840	840	NG	NG	NG	NG
Slough	2300	2300	2300	2300	2300	2300	2300	2300	2300	2860	4230
RBWM	900	900	900	900	900	900	900	900	1880	1880	2375
West Berks	540	540	540	540	540	540	540	540	1140	1380	1380

2. Householder

Council	Desktop	Site Visit and/or meeting
Wokingham	N/A	100
BFC	47	N/A
Reading	144	72
Slough	45	140
RBWM	137	137
West Berks	72	48

3. Commercial/Non-residential

Council	Commercial/Non-residential floorspace/Change of use (square metre)						
	0 - 200	200 - 500	500 - 1000	1000 - 2000	2000 - 3000	3000 - 5000	5000 +
Wokingham	480	480	480	480	480	720	6000 max
BFC	191	426	426	746	746	746	746
Reading	144	288	570	Neg	Neg	Neg	Neg
Slough	130	260	780	1820	1820	1820	1820
RBWM	275	481	481	900	900	900	1880
West Berks	408	720	720	1140	1140	1140	1140

Neg = individually negotiated fee