

REPORT TO CABINET

26 June 2019

Subject:	Charging for Planning pre-application discussions
Presenting Cabinet Member:	Councillor Lloyd - Cabinet Member for Inclusive Economic Growth
Director:	Amy Harhoff – Regeneration and Planning
Contribution towards Vision 2030: 	
Key Decision:	Yes
Cabinet Member Approval and Date:	Cllr Lloyd
Director Approval:	Amy Harhoff
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	This is a boroughwide initiative
Scrutiny Consultation Considered?	Scrutiny consultation has not been undertaken
Contact Officer(s):	John Baker Service Manager – Development Planning & Building Control john_baker@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

Approves the proposed schedule of charges for Planning pre-application discussions as set out in below:

Household	Change of use	Telecoms	Adverts	Listed Buildings	Trees	Residential 1-5	Residential 6 or more
£45	£96	Nil	Nil	Nil	Nil	£100	£300

1 PURPOSE OF THE REPORT

- 1.1 This report outlines the potential for charging for Planning pre-application discussions.
- 1.2 The report provides background information around the type and number of pre-application discussions currently undertaken as well as the proposed charging regime for such discussions. The report also examines the implications and issues that could arise if charging is introduced.
- 1.3 Approval is sought for the charging for pre-application discussions to begin.

2 IMPLICATION FOR VISION 2030

- 2.1 This decision will contribute towards the delivery of Council ambitions 7, 8 and 9.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 National Planning Policy Guidance promotes pre-application dialogue prior to the submission of a formal planning application. Sandwell's Local Planning Authority has offered a free pre-application service for several years and since 2002 we have committed to a target of responding to all enquiries within 4 weeks.
- 3.2 Records indicate that around 75% of our pre-application enquiries are responded to within 4 weeks. For the last full year (January 2018 to December 2018) we received 351 pre-applications enquiries. In terms of application types there is an equal distribution of planning applications falling between new residential schemes, business proposals and domestic extensions.

- 3.3 Pre-application submissions have predominantly moved towards electronic submission over recent years and only a limited number of proposals are now received via the postal system. The cost of printing any submissions is borne by the planning service together with officer time to review, co-ordinate and respond to the enquiry. As part of this co-ordination, where appropriate, consultations are undertaken with relevant departments such as Highways and Environmental Health together with various planning disciplines such as Strategic Policy and Urban Design which incurs further officer time/cost. For the larger schemes, a multi-disciplinary meeting is usually offered in order to provide further clarity prior to the submission of a formal planning application.

Therefore, given that approximately two thirds of discussions are commercial/residential schemes, there is an additional cost to officer time for the provision of such meetings when requested by developers.

3.4 Pre-application charging applied by other authorities

Research has indicated that Sandwell's neighbouring local authorities and others within the West Midlands region have introduced pre-application charging. Our most immediate neighbour (Dudley MBC) introduced charging in 2017. Appendix 1 provides details of the charging schedules for a number of authorities. The charging regimes differ across each authority with some authorities charging only for larger residential schemes (2 or more dwellings; for example, £234 at Walsall) and (10 or more dwellings; for example, £1,000-£5,000 at Birmingham). Other Councils only charge for domestic extensions and minor proposals (for example, £43 - £96 at Dudley). The charges are commensurate to the actual planning fee relating to the type of development.

- 3.5 Some authorities such as Worcester, Malvern Hills and Lichfield charge an additional fee for further meetings ranging from £25 to £50. However, given that neither the Black Country Authorities or Birmingham City Council charge for an additional meeting, the introduction of this charge would not be consistent with our neighbouring authorities.

3.6 Charging proposals for Sandwell

As Appendix 1 indicates, there is no rigid structure to charging. Based on this assessment of other Councils, the table below indicates the proposed option for charging within Sandwell:-

Household	Change of use	Telecoms	Adverts	Listed Buildings	Trees	Residential 1-5	Residential 6 or more
£45	£96	Nil	Nil	Nil	Nil	£100	£300

The charges above reflect those levied by other neighbouring authorities to provide some consistency and are a reasonable percentage of the fee incurred for a formal planning application. For example, 20% for householder proposals.

3.7 The above option only introduces fees for up to 4 application types which reflects the bulk of the type of pre-applications enquiries received. One of the key considerations is whether it is appropriate to charge Sandwell's residents a pre-application fee for a proposed house extension. Given that in 2018, just over a third (100 enquiries) related to such proposals, this would equate to £4,500 potential income. It could be argued that the charge is modest at 20% of the planning fee and there is still a cost to the local planning authority in officer time and printing costs to cover.

3.8 On the basis of the above figures and application by type received last year, the fees income including householder charges could be in excess of £16,000. However, there are a number of key considerations:

3.9 Response times and targets

By introducing a charging regime for pre-application discussions, customer expectations are likely to increase. In particular, they will expect to receive a comprehensive response within the 4 week period.

3.10 Resources

A pre-application response, depending on the nature and scale of it, will be reliant on responses being provided from relevant consultees such as Highways and Environmental Health. Therefore, the whole proposal needs 'buy in' from other service areas/ directorates in order to meet the target response. Notwithstanding this, there is value to an early input from these areas to ensure that the scheme considers all relevant factors, particularly as many pre-application discussions do lead to the submission of a planning application.

3.11 Disincentive to make enquiry

There is a risk that a potential applicant will not submit a pre-application enquiry if charges are introduced. It is however accepted by most developers for larger schemes, particularly given the potential high levels of investment, that such discussions can actually save them time, trouble and money when their planning application is formally submitted. The key issue will be the level of charge and ensuring that it is reasonable and commensurate to the scale of the application.

3.12 Additionally, when considering resources, a charge could eliminate applications that are unlikely to progress to a formal application and are merely speculative. This would enable the local planning authority and its consultees to respond more efficiently to the more appropriate applications that are received.

3.13 Opportunity to improve the service

As part of this evaluation process, the local planning authority has been considering streamlining its procedures in order to improve efficiency. We only intend to receive on-line submissions which, given anecdotal evidence over recent years, means that we have some confidence that this will not hinder or disadvantage applicants.

3.14 Budget Savings

The proposal will provide an opportunity to introduce a new income stream into the planning service which will assist with the Council's wider strategy to make cost savings. The income generated, based on the charges proposed could be in the region of £16,000 per annum. Given that it is the choice of the potential applicant to choose whether to submit or not for pre-application discussions, this target figure will be open to variation.

3.15 Conclusions

Pre-application submissions are an important part of the planning process. They are encouraged by central government and give clarity to developers prior to a formal submission and generally assist with a speedier decision process at the actual application stage. Given that other authorities have introduced charging, developers/applicants are already accepting of this as part of the process. The charges proposed are also proportionate to the planning fee that the same development would command. The introduction of charging will increase expectations for the service and therefore the planning service (and other departments) will need to ensure that at least 75% of enquiries are responded to within the 4 weeks period and where responses are not provided, that there are genuine reasons for delays.

4 THE CURRENT POSITION

- 4.1 The Council on average undertakes around 350 to 400 pre-application discussions each year which involves considerable officer time for which a charge is not currently levied.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Individual planning applications are subject to their own statutory consultation process involving residents and other key stakeholders both internal to and external to Sandwell Council.

6 ALTERNATIVE OPTIONS

- 6.1 The main alternative option is not to charge and continue to offer a free pre-application advice service. However, the proposed categories of development that could be charged for, as well as the proposed fee to be levied, could be reviewed.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 Officer time and legal costs for dealing with planning applications are resourced from application fees and existing budgets.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council, as local planning authority, has a statutory duty to provide a Development Planning service as required by the Planning Acts and associated legislation.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The determination of planning applications follows a statutory process as prescribed by the Planning Acts and associated legislation.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Pre-application discussions may involve sensitive proposals and need to be conducted on a confidential basis. However, once a planning application is submitted, the proposal becomes public.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 Crime and disorder can be a material planning consideration and the Police are regularly consulted as and when required.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 As emphasised by the Government's National Planning Policy Framework, the purpose of the planning system is to contribute to sustainable development. A presumption in favour of sustainable development is at the heart of the Framework.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 Health and well-being can be a material planning consideration and appropriate bodies are regularly consulted as and when required. An appropriately located and well-designed scheme can support economic growth and the associated social benefits as well as provide much needed facilities.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 Proposals to develop Council property or land can be the subject of pre-application discussions as can possible developments on private land that may have an impact on Council assets.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 This report seeks approval for the Council to start charging for Planning pre-application discussions.

16 BACKGROUND PAPERS

- 16.1 None

17 APPENDICES:

- 17.1 By way of comparison, Appendix 1 is attached and details the pre-application discussion charges levied by other Councils.

Amy Harhoff
Director – Regeneration & Growth