

Subject:	Agreement to schedule of charges for pre-application planning advice		
Date of Meeting:	17 March 2016		
Report of:	Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Paul Vidler	Tel: 292192
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to seek authority for a schedule of charges for pre-application planning advice, together with a timeframe for implementation, following the resolution of the Policy & Resources Committee on 15 October 2015.

2. RECOMMENDATIONS:

That the Policy & Resources Committee

- 2.1 agree the schedule of charges for pre-application planning advice set out in Appendix 1 and the timeframe for implementation set out in paragraphs 3.5. and 3.6.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At the Policy & Resources Committee on 15 October 2015 Members agreed the principle of introducing charges to cover the cost of pre-application advice and the negotiation of Planning Performance Agreements. Appendix 2 contains the full report.
- 3.2 A two phased approach was agreed for the introduction of charges to cover costs for planning performance agreements and design advice (Phase 1) and pre-application planning advice (Phase 2).
- 3.3 Phase 1 has been implemented and this report seeks authority for Phase 2, which includes the schedule of charges for pre-application planning advice set out in Appendix 1 and the timeframe for implementation.
- 3.4 Charges cover the cost of the service being provided. They have been set with regard to all the actual costs of providing the service. This includes staff costs, support services and administration. These proposed charges are comparable to

those charges set by other Local Planning Authorities, including comparator and other East Sussex authorities, as set out in Appendix 3.

- 3.5 It is proposed that charges for major applications are introduced in accordance with the attached schedule with immediate effect. This is recommended on the basis that we are already offering this service without remuneration. Consultation carried out last year with the Agent's Forum and other developers indicated that the majority of developers would welcome the opportunity to pay for prompt, high quality, pre-application advice as this reduces financial risks to owners and developers (see community engagement and consultation below).
- 3.6 Charges for minor and medium scale proposals will be introduced in the summer of this year when the Planning service has the resources available to offer this service.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Alternative options on the introduction of charges were fully considered in the report to Policy & Resources Committee on 15 October 2015 attached in Appendix 2.
- 4.2 Options on charges have been considered and the proposed charges to be introduced will cover the costs of the service.
- 4.3 Phasing options on the introduction of charging for pre-application advice have been fully considered. The preferred option is to introduce pre-application charging for minor applications in the summer to allow focus on filling staff vacancies, and the performance and improvement of the applications service.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Engagement and consultation on the introduction of charges has taken place and was set out in the report to Policy & Resources Committee on 15 October 2015 attached in Appendix 2.

6. CONCLUSION

- 6.1 The proposed charges would cover the cost of providing pre-application planning advice, as previously agreed by Policy & Resources Committee.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The proposed charges will be subject to the council's Corporate Fees & Charges Policy. This policy addresses the requirements for a more corporate approach to the issue of fees and charges and provides a clear framework within which to conduct annual or other reviews of fees and charges. Fundamentally, the policy aims to increase the proportion of income contributed by users of services where appropriate, rather than the cost being met from the general Council Tax payers. The proposed charges have been compared with appropriate comparator groups and are based on estimated costs to ensure the service at least achieves cost

recovery. The appropriate Service Committee shall keep all fees and charges under review and shall receive a report from the Executive Director on price variation above or below the corporately applied rate of inflation.

A Local Planning Authority has the power to charge for the proposed services under s93 of the Local Government Act 2003. Under this legislation, taking one financial year with another, the income should not exceed the cost of provision. The level of fees will therefore be set based on this requirement and regularly reviewed to ensure compliance.

The introduction of the proposed charges was agreed as part of the savings proposals in the approved 2015/16 budget. The achievement of the savings proposals is dependant on the successful introduction of the proposed charges. Any variation between the estimated and actual income will be monitored and reported as part of the monthly budget monitoring process.

Finance Officer Consulted: Sue Chapman Date: 18/02/16

Legal Implications:

- 7.2 As noted in the 15 October 2015 report to Policy & Resources Committee, the provision of pre-application planning advice is a discretionary service. As such, s93 of the Local Government Act 2003 allows local planning authorities to charge for providing such a service; however, in doing so the authority has a duty to ensure, taking one financial year with another, that income does not exceed the costs of providing the service.

It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: Name Hilary Woodward Date: 10/02/16

Equalities Implications:

- 7.3 No specific equalities implications. Pre-application advice is offered on a without prejudice basis and operates within the constraints of the Development Plan. Equalities matters can be material consideration and are taken into consideration as part of the assessment of pre-application advice and the determination of planning applications in accordance with adopted policies and the Council's statutory duties and in response to matters raised through public consultation.

Sustainability Implications:

- 7.4 The opportunity to influence built development through achieving quality design advice and pre-application advice will ensure the sustainability can be considered as early as the design concept stage.

Crime & Disorder Implications:

- 7.5 Good quality pre-application advice on major schemes and design advice supports the overall objective of designing out crime and creating safe, healthy urban environments.

Risk and Opportunity Management Implications:

- 7.6 There are positive benefits and opportunities related to the delivery of good quality built environments. This supports economic activity in the City, health and wellbeing and can have positive impacts through designing out crime. The ability to offer advice at no cost to the Local Planning Authority would represent a lost opportunity if it were not to happen.

Public Health Implications:

- 7.7 Good quality pre-application advice supports the overall objective of designing our crime and creating safe, healthy urban environments.

Corporate / Citywide Implications:

- 7.8 Good quality pre-application advice before planning applications are submitted ensures that the development strategy set out in the City Plan (Part 1) is delivered. The City Plan supports corporate plan priorities on the delivery of jobs & homes, creating environmentally sustainable built development and supporting the creation of sustainable communities.

SUPPORTING DOCUMENTATION

Appendices

1. Schedule of charges for pre-application planning advice
2. Policy & Resources Committee Report 15 October 2015
3. Charges set by other Local Planning Authorities

Documents in Members' Rooms

None

Background Documents

1. 10 commitments for effective pre-application engagement. Local Government Association and British Property Federation. January 2014.
2. The Pre-application Suite. Local Government Association and Planning Advisory Service. June 2014.

