**Fees for Pre-application advice on planning applications**

**PURPOSE**

1. To establish a protocol for the setting of fees and charges for the provision of detailed planning advice before applicants submit planning applications.

**RECOMMENDATION**

2. That the Executive adopts the protocols set out in Appendix 1 to this report and that from the 1st April 2011 fees should be charged for ‘pre-application advice’ on all planning applications in line with the scale of fees set out in Appendix 2.

**REASONS FOR RECOMMENDATION**

3. To enable charges to be levied for services which are provided in addition to those deemed to be the statutory minimum, thus sustaining good quality planning services.

**SUMMARY OF KEY POINTS**

4. Pre-application advice for those applying for planning permission is currently given free of charge. The rationale for encouraging pre-application advice is simple, the ensuing application is usually better, more complete and less likely to be delayed further down the line. However, for some applications pre-application advice can be very resource intensive and require several hours of officer time, including site visits and research. In many cases requests for advice are of a speculative nature and do not lead to the submission of a planning application. Given the budgetary constraints we are now facing, the balance between providing this advice free of charge and charging for it has now swung very much in favour of the latter.

5. However, we are aware that any charge we levy comes with a responsibility and we will need to ensure that customers continue to get good value for money from their Planning Service. A Protocol will be established that will tell the customer what they may expect from us, and a feedback service will be in place to allow us to improve the service we provide - see Appendix 1.

6. Charges will be made for all types of development according to a sliding scale. These
charges are set out in Appendix 2. The charges are not fixed on a per hour rate, but should additional time need to be set aside for detailed research or for additional meetings, this will be agreed in advance with the applicant.

7. The Council already makes a charge for Certificates of Lawful Development, which can be used to regularise a development that has occurred without the benefit of planning permission – this is not necessarily a deliberate action on the part of the householder, and if the development occurred more than 4 years prior, the Council cannot enforce or require a retrospective planning application. The current charge for CLDs is £75, half of the normal householder planning application fee. We do not currently charge for written advice as to whether planning permission is required, but it is proposed that we should levy a charge of £35 for these letters. A Certificate of Lawful Development becomes a charge on the property (and will be identified when a property changes hands).

8. The planning customer will be told what they should expect for the fee, and what information they need to provide. This is set out in the Pre-Application Advice Protocols in Appendix 1.

9. Any advice given at the ‘pre-application’ stage is given without prejudice to the formal determination of any subsequent application. This is especially relevant if there is a significant time lapse between the advice and the eventual application.

10. Whilst this report was being finalised the Government issued a Consultation Paper on proposals to allow local authorities to set their own planning fees, to charge extra for ‘retrospective’ planning applications and removing the automatic right to a ‘free go’ after a withdrawal or refusal. It is likely that these proposals will form part of planning regulations sometime in the new year, and will give us additional opportunity to recover the cost of processing planning applications.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

11. The income that may be derived from charging for pre-application advice may be quite modest, particularly under the current economic climate. An estimate of between £5,000 to £10,000 pa seems likely. Fees will be reviewed on an annual basis and adjusted in line with the Corporate Charging Policy.

12. Any fees received will be placed in the Development Control income budget.

**POLICY IMPLICATIONS**

13. Many local authorities now charge for ‘pre-application’ advice as part of normal planning delivery. No adverse reactions to the imposition of charges are likely, all agents and developers expect to pay for this advice. The burden on householders is not significant when factored into the total cost of the building work they may be commissioning. The charging protocol makes it clear that receiving pre-application advice does not equate to getting permission, and an application received without having had the benefit of pre-application advice will not be treated any differently.

**DETAILS OF CONSULTATION**
14. The draft Protocol was discussed with Development Control Committee informally on the 18\textsuperscript{th} November 2010, Members’ comments are set out in Appendix 3.
Chair of Development Control Committee, Cllr Anne Kelly
Vice chair, Development Control Committee, Cllr Peter McCann
Executive Member for Planning and Environment, Cllr Roger Frost
Executive Member for Resources, Cllr Margaret Lishman
Director of Environment, David Brown

**BACKGROUND PAPERS**

**FURTHER INFORMATION**

**PLEASE CONTACT:** Susan Davies, ext 4728

**ALSO:**

W:\Committees\2010-2011\Executive\Reports\(8) 13-12-10\Pre Application fees 2.doc
PRE-APPLICATION ADVICE FOR HOUSEHOLDER DEVELOPMENTS

Free advice….

You can visit the Planning Portal at www.planningportal.gov.uk where there is free and up to date guidance and an interactive tool to help you determine if you need planning permission.

Or….

You can submit a formal application for a Certificate of Lawfulness (for which there is normally a fee). This fee is half of the amount that would be required if you were to submit a planning application. A copy of the relevant application forms can be found on our website www.burnley.gov.uk. This may be useful if development has already taken place without the benefit of planning permission and is often used to regularise a situation when people are buying and selling property.

Alternatively….

You can complete a planning enquiry form giving details of your proposal, including sketches, plans and/or photographs, and send it to: Planning & Environment Services, Contact Burnley, 9 Parker Lane, Burnley BB11 2DT or email it to planning@burnley.gov.uk. There is a fee of £35 (+ VAT) for this service. This fee must paid when submitting your request and should be made payable to Burnley Borough Council.

Why do I need ‘pre-application’ advice?....

When you are thinking about extending your home or altering it in some other way, the advice you receive from a planning officer may save you money because –

• You may not need planning permission at all
• You will be advised as to what design or materials are the most relevant, saving you time spent looking at unsuitable ideas
• If you do need permission, you will be told how to apply and what you need to do to inform your neighbours, etc, all of which may save on the length of time it takes to process a planning application.

If your proposal is relatively straightforward you may be able to receive advice by phone or by email.

What do I need to do?....

You will need to provide us with the following –

• a site location plan usually at a scale of 1.1250 (we can help you get these plans)
• A sketch or drawing showing what you intend to do
• Photographs of the site and buildings
• Dimensions of the proposal, including layout
What happens when I send all this to the planning office?....

We will contact you within 10 days to let you know if we have enough information. If we have the information we need to enable us to advise you we will provide this within 21 days. If you want to have a meeting we will arrange this either on site or in the Council’s offices. In many instances a meeting will not be necessary and the advice will be able to be given more quickly.

What happens if I disagree with the advice given?....

You may not agree with the advice you have been given and may wish to go ahead with what you propose. You will then need to make a formal planning application and this will be dealt with in the normal way. You may also wish to seek your own independent advice from a Planning Consultant.

All advice is given without prejudice and the opinion you receive from the planning office is given in good faith. Any subsequent alterations to local and national planning policies might affect the advice given and the subsequent formal consideration of the application, especially if some time elapses between the pre-application advice and the formal application.

How do I pay the fee?....

The £35 fee (+ vat) should be paid in advance, and should accompany the return of the pre-application forms and the information supplied by you when seeking advice. Cheques should be made payable to Burnley Borough Council.

The fees charged for non-householder applications are set out separately. The fees charged for the initial pre-application meeting are based on a flat rate charge related to the size or type of development, any changes to the fees charged for subsequent meetings may be subject to negotiation.

PRE-APPLICATION ADVICE FOR ALL OTHER APPLICATIONS

Burnley Council is committed to providing an excellent and responsive planning service. The service you may expect from us is set out below. If you do not feel you have received good value for money, please tell us and we will do what we can to improve the service.

What you get for the fee....

- A nominated case officer – this case officer will be your point of contact throughout the process of determining your planning application. You will be informed if changes have to be made, for example if the officer is away from the office unexpectedly for more than 5 days.
- The case officer will check the background history of the site and will identify any constraints to development, eg. flood risk, at an early stage. This will allow you to deal with any preventative measures or seek further specialist advice before you submit your application.
- The case officer will undertake a preliminary assessment of the proposal against current national and local planning policy.
- The case officer will arrange an initial pre-application meeting with you, and discuss the need for further meetings if they are necessary.
• The case officer will explain how any application you make will be dealt with, including explaining how consultation is done and the role of the Development Control Committee in the process.

• For major applications the case officer will identify the key players from other organisations who will need to be involved, and will project manage the application through to determination.

• If the application relates to a listed building or is within or affects a Conservation Area, the case officer will arrange for the Council's Conservation Officer to provide advice.

• If there are considerations of a specialist nature, such as the presence of bats, you will be provided with relevant contacts.

• You will be provided with the advice in writing, or if preferred via email.
APPENDIX 2

DRAFT

PROPOSED SCALE OF CHARGES FOR PRE-APPLICATION ADVICE 2010/11

<table>
<thead>
<tr>
<th></th>
<th>Significant Major(^{(1)}) Development Proposals</th>
<th>Major(^{(2)}) Development Proposals</th>
<th>Minor(^{(3)}) Development Proposals</th>
<th>Householder Proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Charge</td>
<td>£500</td>
<td>£300</td>
<td>£100</td>
<td>£35</td>
</tr>
<tr>
<td>Follow up meetings</td>
<td>£200 or hourly rate notified in advance</td>
<td>£100 or hourly rate notified in advance</td>
<td>£50 or hourly rate notified in advance</td>
<td>Unlikely to be required</td>
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Notes

(1) Significant Major development proposals include –
- 30 or more dwellings (for outline applications a density of 30 dwellings per hectare will be applied)
- 2000 sq m or more of commercial floorspace
- 10 or more wind turbines

(2) Major development proposals include –
- 10 or more dwellings
- Offices/Research/Business and Light Industry between 1000 - 2000 sq m, or over 1 hectare
- Heavy Industry/Manufacturing/Storage and Warehousing between 1000 - 2000 sq m or over 1 hectare
- Retail distribution and servicing over 1000 sq m or over 1 hectare
- All other major developments

(3) Minor development proposals include –
- Less than 10 dwellings
- Offices/Research/Business and Light Industry up to 1000 sq m or less than 1 hectare
- Heavy Industry/Manufacturing/Storage and Warehousing up to 1000 sq m or less than 1 hectare
- Changes of use, including farm buildings
- Retail distribution and servicing up to 1000 sq m or less than 1 hectare
- All other minor developments

Householder development proposals include house extensions and alterations, curtilage buildings and structures eg garages and workshops, and any engineering works, eg construction of driveways.

NB. The list is not exhaustive, and may be subject to amendment
Appendix 3

Consultation Comments

The draft report was briefly discussed with Development Control Committee on the 18th November. Members were very supportive of the proposals and were encouraged by the recent Government Consultation paper mentioned in para 10 of the report.

Detailed comments, if there are any, will be provided verbally at the meeting.