



ADUR DISTRICT COUNCIL

Adur Planning Committee
6 March 2023
Agenda Item no.9

Ward: All

Proposed Revision to Pre-Application Charging Fees

Report by the Director for Economy

1.0 Summary

- 1.1 In 2010, the Council first agreed to charge for pre-application advice, although this was not implemented at the time due to an ongoing service review and the recession at the time.
- 1.2 In 2015, the Committee considered the matter again and agreed to commence the charge for pre-application advice for residential and commercial proposals.
- 1.2 In 2019, the charges were reviewed, with a report to Members considered at the January 2019 meeting. This updated the pre-application charges following a benchmarking exercise against other Council's charges and in particular it was noted that most other authorities were charging for householder advice and accordingly a pre-application fee for householder proposals was introduced as well as the introduction of charges for specialist listed buildings, trees, advertisement and Section 106 queries. Strategic schemes, such as New Monks Farm or Teville Gate, are subject to bespoke planning performance agreements (PPA). The current charging schedule is attached as **Appendix 1**.
- 1.3 The Committee has previously requested that the pre-application charging schedule be reviewed on a regular basis and as another 4 years have passed it is felt that the schedule should be reviewed again. The budget pressures on the Council and the Planning Service (largely due to planning fees not being

increased for several years) also means that maximising pre-application fees is increasingly important.

- 1.4 Government advice encourages pre-application discussions and such discussions are often beneficial in ensuring that the Council's planning policies are explained to an applicant at an early stage. Often, discussions at the pre-application stage reduce the length of time taken to determine an application when it is subsequently submitted. Early engagement can also secure design improvements and encourage pre-application consultation with the wider community prior to a formal application being submitted.
- 1.5 The government has long been intending to review the nationally set application fee system with the probable intention to allow local authorities to charge their own application fees. However, there has been little apparent progress on this matter since 2019 and while this remains the case, it will remain the fact that planning application charges will fall far short of covering the cost of the Service. This continues to be compounded by changes in legislation relaxing permitted development rights which means that a number of applications, mainly prior approvals, now only attract a very low fee or in some cases no fee at all.
- 1.6 The 2019 report noted that some other authorities, at that time, Brighton and Hove and Arun, had suspended their pre-application service due to high amounts of workload. It was stated at the time that there was no desire to suspend such advice in Adur & Worthing, but regrettably it was necessary to suspend pre-application advice on non-major application enquiries during the Covid period and subsequently due to workload and staff vacancies which currently remain high. Despite this, the service is now beginning to move towards the restoration of a full pre-application service with in particular smaller non-major commercial and housing schemes being dealt with by Officers where capacity allows.

2.0 Householder pre-application charges

- 2.1 As stated above, this was a new charge introduced in 2019 at £100 and £175 for extensions of over 100 square metres. A comparison with other nearby local authorities suggests that this is in the mid range of pre-application charges for such advice with fees varying between £50 (Horsham) and in excess of £200 (Brighton and Hove). It is considered that this is a newer charge (compared to those introduced in 2015) that the fee should remain unchanged.

3.0 Residential/commercial pre-application charges

- 3.1 The Council currently operates a staggered charging system for residential pre-application requests, ranging from £450 for developments of 1-4 units, £650 for developments 5-9 units, £1000 for developments of 10-49 units and rising to £1,500 and £3,000 for development above 50 and 100 dwellings respectively. A similar regime operates for commercial proposals dependent on their floorspace, the smaller charge applying for developments up to 1000 square metres and the largest for developments of over 10,000 square metres.
- 3.2 Other authorities operate a similar staggered arrangement, although with varying thresholds this can make a direct comparison somewhat difficult but across the West Sussex Authorities it appears that fees range between £300 (for minor residential applications in Arun) and £5980 (for large scale major applications in Chichester).
- 3.3 Given the limited size of Adur and Worthing, compared to other authorities, a number of the pre-application requests tend to be for 10 dwellings or below and such enquiries can involve some quite detailed research. It is considered, therefore, that there is scope to increase the fees from by £50 on both of the 1-4 and 5-9 dwellings to £500 and £700 respectively.
- 3.4 Any scheme of over 10 units, is defined as a 'major' development with as mentioned above, the minimum fee being £1,000 rising to £3,000 for 100 + dwellings. In practice, many of these larger developments are likely to require a bespoke Planning Performance Agreement (PPA) especially given the necessity to involve other external consultees such as West Sussex County Council as the Highways Authority who have their own charging regime. There may also be a need to include internal consultees, such as Environmental Health, who also charge for pre-application advice. The advantage of a PPA is that it can draw the respective parties together in single project style meetings rather than forcing an applicant to seek different, separate meetings each subject to their own pricing regimes. This also has the ability to agree submission dates and target dates for the application to be presented to the Planning Committee (all major applications are determined by the Committee).
- 3.5 It is therefore considered that while the facility to offer an individual pre-application advice for such large developments should remain (and as such the current fee structure unaltered), there should be an active encouragement to agree a PPA's with the Council which would be subject to

its own charging regime. Often there is a requirement to agree to multiple meetings and for large schemes the cost of consultation with the Regional Design Panel and, if necessary, covering the costs of any consultants required to deal with specialist aspects of the application. Often PPA's for large schemes involve pre-application fees of £15,000 plus.

4.0 Changes of Use, Listed Buildings, Advertisements and Trees

4.1 As noted in 2019, the above areas were types of pre-application advice where other Councils had charged for pre-application advice for sometime prior to Adur and Worthing introducing such a charge. The Change of Use pre-application charge was set at £150, whereas the others were set at £100.

4.2 The Change of Use charge attracts few such enquiries given many such changes do not require planning permission. Tree advice fees for pre-application charging also varies across other authorities and given that there is no formal application fee, there would be little merit in increasing the pre-application charging fee from its current level while at least retaining the facility for those to seek formal advice should they want to.

4.3 However, it does appear that the current charge for listed building advice and advertisements is noticeably lower than some other authorities with fees being around the £200 to £300 mark being more reflective of charges elsewhere. In terms of listed building advice, this is clearly a particularly specialist area where, as there is only one Conservation Officer dealing with both Adur and Worthing enquiries, there is also a particularly high demand for that Officer's input. In this respect, there seems little justification for the fee to be lower than for a change of use and accordingly it is suggested that the fee is raised to £150 per enquiry.

4.4 A similar argument can also be made in respect of advertisements where advice on proposals is most often needed when the advert affects either a Conservation Area or listed building and hence a degree of specialist advice is also required. In light of this, it is considered that a fee of £150 per enquiry would be appropriate.

5.0 Confirmation of compliance with conditions/section 106 obligations

5.1 The Councils continue to receive many enquiries regarding compliance with conditions from potential purchasers of properties and a charge of £125 is currently applied to such enquiries. A charge of £125 is also applied to enquiries regarding the compliance with the provisions of a Section 106

agreement.

- 5.2 It is evident that some of these queries can prove time consuming, and as some of the planning files remain off site, there can be some Officer time involved in carrying out the relevant research. The time to access some files held within the Town Hall has also increased with the greater flexible working since the pandemic. It is considered that an increase in the fee from £125 to £150 would be justified in this instance.

6.0 CONCLUSION

- 6.1 It is considered that the pre-application charging system has proved successful in the quality of pre-application advice provided and that, after 4 years, it is justified to review the charges to bring them in line with other local and comparable authorities.

7.0 RECOMMENDATION

- 7.1 **It is recommended that the Committee considers the proposed changes to the Councils Charging Schedule and recommends to the Adur and Worthing Executive Members for Regeneration that the following charges are adopted by both Councils to be implemented from the 1st April 2023.**

(to be added once agreed)

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Schedule of other matters

1.0 Council Priority

1.1 Protecting front line services

1.2 Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

2.1 (A) Provide and develop customer driven cost effective services. (B) Generate financial capital, increase income and seek external funding sources.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 No direct HR implications arising from this report.

7.0 Reputation

7.1 It is anticipated that maintaining charging for householder enquiries will reduce the number of speculative enquiries and free up Officer time to deal with genuine proposals. Overall it is envisaged that charging for pre-application advice will enhance the reputation of the Council by ensuring that the pre-application service is appropriately funded.

8.0 Consultations

8.1 Stakeholders will be advised of the revision to the charging system following

committee consideration and Executive Member approval (if given)

9.0 Risk assessment

9.1 There is a perception that charging for pre-application advice raises the expectation of the customer about the level of service they can expect to receive, but at present a number of enquiries are received which do not attract a charge which officers are finding difficult to respond to within prescribed timescales.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership working

12.1 Matter considered and no issues identified



ADUR & WORTHING COUNCILS

Pre Application Advice Charging Scheme [Charges from 1st April 2022]

Why make a pre application enquiry?

The National Planning Policy Framework (NPPF) encourages engagement with Local Planning Authorities and local communities to achieve early consideration of fundamental planning issues and improved outcomes.

Discussions about schemes, before they are formally submitted as planning applications, can help steer proposals into a form that are more likely to be acceptable whilst leading to the reworking or dropping of proposals that appear to be fundamentally unacceptable.

Entering into pre application discussions will help save time, wasted expense and avoid frustration.

Further benefits include:

- Avoiding incomplete applications that cannot be registered
- Reducing the number of unsuccessful applications
- Reducing confrontation in the planning process
- Raising the quality of development
- Gaining community acceptance
- Securing satisfaction with the process

We will expect that guidance given by the planning officers is taken into account in the preparation and development of your proposals. Where it is evident that pre application advice has not been sought or taken into account in a subsequent planning application, the Councils may not negotiate on a scheme and applications could be determined as submitted.

What is covered by the Charging Scheme?

The charging scheme covers all requests for pre-application advice regardless of whether a meeting or written response is requested. The charging scheme includes the cost of providing specialist design, historic buildings and archaeology advice where necessary.

The following exemptions apply:

- Incidental advice or information given by telephone
- Where the works are required to meet the needs of a person's registered disability
- Discussions in relation to enforcement matters

In addition, the charging scheme will not apply to advice given to the following organisations:

- Registered Providers (Housing Associations or other charities or organisations) seeking to deliver all affordable housing. A charge would be applied if a mixed market/affordable scheme is proposed)
- Charities or community groups that are seeking to deliver local community benefit

Generally, we will expect developers and agents to seek advice on trees from arboriculture consultants and will not therefore provide advice to individuals on tree related matters. However, where this is requested, a charge will apply.

Other Council services may also impose a charge for pre-application advice. For major development proposals, Public Health and Regulation will seek a charge of £125 for initial advice on air quality, noise, odours/smoke/dust, or contaminated land issues with further charges applied if there is additional work, or for large strategic development sites.

You should also be aware that advice in relation to the highways aspects of development is available from West Sussex County Council as the Highway Authority. Advice in relation to flood risk is available from the Environment Agency.

What will it cost me to obtain advice?

We WILL charge for advice on:	Level of Charge:
Householder Extensions	£100 (inclusive of VAT)
Extensions over 100 sqm	£175 (inclusive of VAT)
Initial written advice based on a desk top study.	A subsequent meeting or further written response with Officers will be charged at the above rate.
'Minor' Residential development of 1-4 dwellings or Commercial floor space up to 999 sqm. Initial written advice based on a desk top study.	Fixed Fee £450 + VAT A subsequent meeting or further written response with Officers will be charged at the above rate.
Residential Development of 5-9 dwellings or Commercial floor space between 1,000-4,999 sqm. Up to 1 hour meeting on site or at the Council offices followed up by written advice.	Fixed Fee £650 + VAT Any additional meeting or further written response with Officers will be charged at the above fixed fee.
'Major' Residential Development of 10-49 dwellings Commercial floor space of 5,000 to 9,999 sqm. Up to 1 hour meeting on site or at the Council offices followed up by written advice	Fixed Fee £1,000 + VAT Fixed Fee of £850 + VAT Any additional meeting or further written advice with Officers will be charged at the above fixed fee.
Significant Major Residential Development 50+ dwellings 100 dwellings and above Commercial floor space of more than 10,000 sqm. Up to 1 hour meeting on site or at the Council offices followed up by written advice.	Fixed Fee £1,500 + VAT Fixed Fee £3,000 + VAT Fixed Fee £1,500 + VAT Each additional meeting with Officers will be charged at the above fixed fee.
Change of Use	Fixed Fee £150 + VAT
Listed Buildings (where extensions are proposed)	Fixed Fee £100 + VAT
Advertisements	Fixed Fee £100 + VAT
Trees	Fixed Fee £100 + VAT

Validation of pre-app will not take place unless/until payment is received.

Payments can be made by cheque (payable to 'Adur District Council' for applications in Adur or 'Worthing Borough Council' for applications in Worthing) or debit/credit card by telephone on 01903 221230, Monday to Friday between 10am and 4pm.

The table above outlines the service that the Councils will provide depending on the type of case involved. A written reply setting out the Councils' pre application advice will be provided in every case. Depending on the complexity of the case the Planning Officer will determine whether a site visit is necessary and more than one meeting is likely to be required 'major'/'large major' schemes. The fee payable includes the cost of specialist advice on design and heritage matters although specialist advice from West Sussex County Council is likely to incur additional charges (for access to Historic Environment Records (HERs) for instance).

For the most significant schemes or strategic scale development, a Planning Performance Agreement (PPA) is likely to be more appropriate in which the process of dealing with the proposal in accordance with a timetable, principles and procedures are agreed with the applicant. A Planning Performance Agreement would be drawn up at the pre-application stage and would lead the process through the application stage.

How do I obtain pre application advice?

Requests for pre-application advice should be made by e-mail to 'planning@adur-worthing.gov.uk' or in writing to the Planning Services Manager with a subject heading of *Pre-Application Advice*. Alternatively, you may wish to complete and send to us the Pre-Application Advice form which is available on our website. This form sets out the information required for a request to be accepted.

Upon receipt of your request for pre application advice, we will aim to contact you within 5 working days either to request further details or to confirm that your request is complete and has been allocated to a Case Officer for action.

What do I need to do before advice can be given by the Councils?

As a minimum, we will expect the following to be provided to enable your request to be actioned:

- Payment of relevant fee (by cheque, debit card or credit card)
- Completed Pre Application Advice form
- Location and site plans
- Sketch or indicative plans of the proposal
- Supporting studies/information (for major schemes)

To ensure that requests for pre-application advice are as productive as possible, applicants or their agents will be expected to provide sufficient information and plans to describe and explain their proposals including:

- An assessment of the character of the area
- An analysis of the opportunities and constraints of the site in its context.

These details will be used to promote a design led approach to the scheme and will enable the Councils to assess whether a development team including specialist officers should be brought together.

What can I expect from the process?

Requests for advice will be allocated to case officers according to their complexity. Major schemes will normally be dealt with by a senior officer. To ensure that the process is as seamless as possible, the case officer will usually deal with any subsequent planning application.

We will aim to provide a written reply or arrange a meeting within 25 working days from the date your request is accepted as complete, except for the more complex proposals where we may need to agree a longer timescale with you. We will endeavour to reply to householder enquiries quicker than this where possible.

Where a meeting is held, a written summary of the main points will be sent within 10 working days of the meeting. Our preferred method of written communication is via e-mail and this will be used wherever possible.

In the case of major development proposals, it may (at the officer's discretion) be necessary to consult statutory consultees and other groups prior to providing advice. In such cases, the pre application process may take longer in order that we are in a position to provide a comprehensive response.

The case officer will assess the submitted information and will aim to provide you with constructive comments on the scheme in relation to the following so far as they are relevant:

- Relevant development plan policies and other Council strategies that may have a bearing on the proposal
- Site constraints, e.g. statutory designations such as conservation areas, Tree Preservation Orders and other constraints including listed buildings, flood zones and rights of way.
- Relevant planning history
- The details of the proposal, i.e. the acceptability of the land use, design and amenity considerations and highways and access issues where appropriate
- Infrastructure requirements, including the need for affordable housing, open space and contributions towards Council or County Council services.

What if a subsequent decision on an application does not follow the advice I was given?

Advice given will be based on the case officer's professional judgement and assessment of the information provided. Pre-application advice whether favourable or not is given on a 'without prejudice' basis since the Councils must on submission of an application go through the statutory procedures and formal consultations and assess the outcomes before a decision can be made

Whilst advice will be given in good faith, we cannot guarantee that a subsequent planning application will be successful. We nevertheless believe that pre application

advice is an extremely important part of the planning process. Fees for pre-application advice will not be refunded and do not affect any statutory planning application fee subsequently required.

What if I disagree with the advice received?

We recognise that you may not agree with the advice you receive and it remains open to you to reject the advice and submit a formal application for determination. Except where additional meetings are deemed necessary for major and large major proposals, pre-application advice is provided for the scheme submitted only. Significant changes to a submitted enquiry may need to be the subject of a new enquiry and may require a further fee.

Confidentiality

Requests for pre application advice and the response provided will not be placed on the Councils' website. There is however the possibility that under the Freedom of Information Act, we will be asked to provide information about enquiries for advice and copies of any advice given. We will need to decide whether such information can be treated as exempt from disclosure, for example if it is clear that its release could prejudice commercial interests. You are therefore encouraged to indicate whether and for how long any information needs to remain confidential when making your request for advice.