

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2129

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Department:

Development

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Subject:

Revision of charging structure for pre-application planning advice.

Total Value:

£45,000 per annum (Type: Revenue)

Decision Being Taken:

1. To implement a charging structure for pre application advice for enquiries received on or after 1 September 2015 in accordance with the attached appendix, and 2. To delegate the power to make future amendments including additions and alterations to the categories of development and amendments to reflect changes in costs to the Head of Development Management and Regeneration.

Reasons for the Decision(s)

In January 2011 NCC introduced a system for charging for pre application advice. Charging a fee for pre application advice is now standard practice across most planning authorities. Nottingham districts and boroughs and the majority of core cities either have a charging structure in place or are developing schemes.

Research and best practice advocates the value of providing timely pre application advice to developers. Discussions help simplify the process and can reduce the amount of time it takes to make a decision, reducing costs further down the line.

Nottingham's existing scheme is modest in scope and only affects pre application advice in relation to major developments of over 10 residential units or 1,000m2 commercial floor space. This accounts for a very small percentage of the overall workload required to effectively deliver a comprehensive pre application advice service for all types of developments.

A significant amount of officer time is spent on providing pre application advice. The Council received 628 pre application planning enquiries in 2014/15 so it is clear that developers value the input and that there is considerable demand for the service. Within the scope of the limited existing charging scheme, an income of £28,183 for pre application advice relating to major developments was received during that period. The cost of providing pre application advice is not covered by planning application fees and is currently picked by the tax payer.

It is important that advice continues to be provided for all categories of development but spending cuts have put pressures on the service and to continue to do so without payment in the majority of cases is unsustainable. The existing charging structure does not cover developments of less than 10 residential units, change of use or householder developments. Householders receiving pre application advice are not required to pay a fee by the existing scheme. However, the value of a domestic property can be significantly increased by making improvements and the advice facilitates that. The proposed fees will account for less than 1% of the cost of a domestic property extension which can cost in excess of £10,000.

The proposed new charges will go towards covering the cost of officer time for providing pre application advice for categories not included in the existing charging structure and will help to retain the current level of resources so that a comprehensive advice service can continue to be provided for all.

The proposed new charges for the additional categories are proportionate to the type of development and are broadly in line with or cheaper than other boroughs and districts in Nottingham and other core cities.

On 24 February 2015 the Medium Term Financial Plan (MTFP) 2015/16-2017/18 was approved by Executive Board. The General Fund revenue MTFP included a proposal for Development and Growth in relation to pre-application charging as follows: "Widen the categories and increase the fee charged for providing formal pre-application planning advice. Service currently provides majority of advice without fee. Most planning authorities charge for pre-app at greater level than NCC". The predicted revenue during 2015/2016 for this was £45k, which would be a £17k increase from the revenue of £28,183 in 2014/15.

The appendix identifies the extent of the existing scheme (in black) and the proposed revisions (in red).

All the fees in the proposed charging structure are discretionary and developers and citizens will be encouraged to contact the Duty Officer for informal free of charge advice before deciding if they want to submit a formal request for written advice.

At the same time as revising the fees we will be introducing a more structured, consistent process which will result in a better quality of response and more high quality submissions.

Briefing notes documents:	Appendix 1 Draft Charging Structure20150724.docx
Other Options Considered:	<p>Do Nothing. REJECTED. Leaving the status quo means a substantial proportion of pre application advice enquiries do not attract a fee reducing available resources for targeting 'real development proposals' This option would mean we will not be able to provide a comprehensive pre-application advice service or recover the costs of officer time for this important area of work.</p> <p>Retain existing charges for major developments but withdraw the free advice service for other categories. REJECTED This option is not favoured because pre-application advice is seen as an essential and mutually beneficial part of the development management service that reduces delays and improves the quality of development proposals.</p>
Background Papers:	None
Published Works:	Medium Term Financial Plan (MTFP) 2015/16-2017/18
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	N/A
Equality:	Please login to the system to view the EIA document: PAC_EIA_20150724.doc
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	20/08/2015
Advice Sought:	Legal, Finance, Equality and Diversity

Legal Advice:

1. Under section 93 of the Local Government Act 2003 the Council has the power to charge for discretionary services which it is authorised, but not required, to provide. The income from charges may not exceed the cost of providing it on a yearly basis.

2. The decision is within the terms of reference of the Portfolio Holder for Planning and Transportation according to the Council's current Constitution. Alternatively the decision could also be taken under delegated power granted by no. 4 in the Scheme of Delegation by the Corporate Director for Development and Growth or the Director for Planning and Transport, in consultation with the Portfolio Holder for Planning and Transportation.

Advice provided by Judith Irwin (Senior Solicitor) on 24/07/2015.

Finance Advice:

This decision seeks approval to implement a revised charging structure in respect of pre-application planning advice, as detailed in the draft schedule. The medium term financial plan approved by Executive Board in February 2015 includes an expected income stream of £45k.

The Development Management team will need to put in place appropriate monitoring measures in place to ensure recovery of income where advice has been provided.

Advice provided by Maria Balchin (Finance Analyst) on 23/06/2015.

Equality and Diversity Advice:

There are no significant equality issues relating to this proposal beyond any price rise will clearly impact on more vulnerable communities. The inclusion of an exemption for the needs of disabled people is welcomed. Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 31/07/2015.

Signatures

Jane Urquhart (Portfolio Holder for Planning and Housing)
 SIGNED and Dated: 13/08/2015
 David Bishop (Deputy CE, CD for Development and Growth)
 SIGNED and Dated: 07/08/2015