

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 9 February 2017
Report for: Information
Report of: Head of Planning and Development

Report Title

Amendments to Pre-Application Enquiry Service

Summary

This report is to inform the Planning and Development Management Committee of the proposed amendments to the Pre-Application Enquiry Service.

Recommendation

That Planning and Development Management Committee note the contents of this report.

Contact person for access to background papers and further information:

Name: Stephen Day
Extension: 4512

1.0 Introduction and Background

- 1.1 The National Planning Practice Guidance states that “Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success.”
- 1.2 Effective pre-application discussions allow issues to be identified at an early stage in the process, offer an opportunity to improve schemes and to seek to ensure that they respond to the concerns of the community, allow an opportunity to engage with consultees, save abortive costs for the developer and help to achieve a faster application process.
- 1.3 The Council provides a Pre-Application Enquiry Service, the details of which can be found on the website. Whilst it is considered that this service is operating successfully, the current fee schedule does not reflect the true cost of

delivering the service. Pre-application charges are discretionary fees and can be set at a level which enables full cost recovery. It is also important, however, that the fees also represent value for money for potential applicants. This means that in some cases they are constrained by the relevant statutory planning application fee, which is set by central government.

- 1.4 The Planning and Development Service has also in 2016-17 introduced more widely the use of Planning Performance Agreements (PPAs). PPAs are a project management tool and can be used as a premium fast-track service. The Service enters into an agreement with a developer, undertaking to meet certain 'milestones' in the application process. In exchange, the developer pays a fee to help the authority take on the appropriate resource to deliver the milestones in the PPA. Although PPAs are most commonly used for the planning application process, they can also be used for pre-application discussions, discharge of planning conditions or cover the entire end to end process. The use of a PPA does not fetter the Local Planning Authority's decision making in any way but delivers certainty around timescales.
- 1.5 Revisions are therefore proposed to the pre-application fees in order to better reflect the current costs of providing the service. In addition, some minor revisions are proposed to the categories of development and to the way in which the service operates in order to make it more responsive to current needs. In addition to changes to the Council's website to reflect these revisions, guidance is also to be provided on the website regarding the circumstances in which exemptions from fees are applicable. There is not currently any information about the opportunities for PPAs on the website and therefore there is also an opportunity to provide this and better advertise the bespoke services available.
- 1.6 The key proposed changes are as follows: -
 - The current distinction between town centre and non-town centre commercial uses in respect of fees is to be removed.
 - An additional category is to be introduced for commercial, industrial and leisure uses at the lower end of the scale of fees.
 - Whilst the standard timescale of 42 days will remain in place for the provision of responses to enquiries, the service will make specific provision for speedier responses to be provided subject to a bespoke fee.
 - Where further advice is required following the provision of a written response to an enquiry, this will be invoiced at an hourly rate (depending on the seniority of the officers involved) and a cut-off date of 3 months from the date of the written response will be introduced after which a new pre-application enquiry would be required.
 - Exemptions from fees will be clarified – these will include alterations to listed buildings where these do not form part of a development that requires planning permission and alterations to dwellings to meet the needs of disabled persons.
 - Provision of guidance on Planning Performance Agreements.

- 1.7 The existing development categories and scale of charges are attached in Appendix A. The proposed revised development categories and scale of charges and proposed amendments to the wording on the Council's website are included in Appendix B. Fees are inclusive of VAT.
- 1.8 The fee for householder pre-application enquiries will remain at the current level (£208.30) (including VAT). This fee is set so it does not exceed, before VAT, the householder planning application fee of £172. The householder pre-application enquiry service will remain unchanged with the exceptions that the new arrangements for additional advice following the provision of a written response and for exemptions from fees will apply.
- 1.9 The amended fees will be reported to the Budget Fixing Council on 22 February 2017 and, subject to the approval of Council, it is intended that the new fees and revised arrangements will be introduced from 1 April 2017.

2.0 Conclusion

- 2.1 The proposed amendments are intended to reflect the current costs of providing the service and to ensure that the Council is able to provide a more responsive service in relation to Pre-Application Enquiries.

3.0 Recommendation

- 3.1 That the Planning and Development Management Committee note the contents of this report.

Appendix A – Extract from the current website showing the current categories of development and fees

Dwellings

Size of development	Fee (inc VAT @ 20%)
100 units or more	£2,825
10 to 99 units	£2,084
2 to 9 units	£729
1 unit	£347

Town Centre uses (as defined in NPPF) or mixed use developments which include Town Centre uses.

Size of development	Fee (inc VAT @ 20%)
Buildings comprising 10,000 sqm gross floorspace or more / site area of 2 hectares or more *	£2,431
Buildings comprising 1,000 sqm to 9,999 sqm gross floorspace / site area from 1 hectare to less than 2 hectares *	£1,944
Buildings comprising less than 1,000 sqm gross floorspace / site area less than 1 hectare	£694.50

Commercial, Industrial or Leisure uses

Size of development	Fee (inc VAT @ 20%)
Buildings comprising 10,000 sqm gross floorspace or more /	£1,389

site area of 2 hectares or more	
Buildings comprising 1,000 sq.m. to 9,999 sqm gross floorspace / site area from 1 hectare to less than 2 hectares	£1,111
Buildings comprising less than 1,000 sqm gross floorspace /site area less than 1 hectare	£521
Waste/mineral extraction/energy production development proposals where buildings comprise less than 1,000 sqm gross floorspace or site area is less than 1 hectare	£833.50

*In the case of out-of-centre retail schemes where the Council needs to take independent retail planning advice then the fee may be subject to further negotiation.

Appendix B – Proposed revised wording for the website including the proposed revised categories of development and fees

Planning

The Council provides a comprehensive [pre-application advice service for businesses](#). Providing quality advice to developers and applicants about the acceptability of their proposals prior to the submission of a planning application can be critically important for both applicants and the Council, as it provides the opportunity to gain a clear understanding of the objectives of, constraints on and likely acceptability of development proposals. It is of particular importance for major developments in the Borough and for significant investments in and by Trafford businesses which can help fulfil the Council's ambitions for the Borough.

Planning Performance Agreements

Planning applications submitted to Trafford can raise very complex issues. Determining planning applications within the statutory 8 week or 13 week timeframes while achieving the best use of the site and best outcome from the surrounding community can be complex and challenging for everyone involved.

Planning Performance Agreements (PPAs) are a project management process and tool to improve the quality of planning applications and to provide greater certainty and transparency in the development of these schemes, in the assessment of the planning applications and in the decision making process.

Planning Performance Agreements allow a more bespoke project management approach to be taken to engagement, negotiation and determination of planning applications and allow this process to sit outside of statutory timeframes. PPAs can cover the pre-application and application stages but may also extend through to the post application stage. They can be particularly useful in setting out an efficient and transparent process for determining large and / or complex planning applications but can also be used in relation to smaller developments or where there is a requirement to meet particular deadlines e.g. for funding or site options. A Planning Performance Agreement can be a useful tool to focus pre-application discussions on the issues that will need to be addressed throughout the course of preparing and determining a planning application, and the timescales and resources that are likely to be required.

We believe the use of Planning Performance Agreements in Trafford enables the best outcomes for everyone and we strongly encourage their use. PPAs can:

- Provide certainty in the planning application process and improve project management and programming of works;
- Encourage collaborative working;
- Build trust;

- Foster strong and productive partnerships;
- Provide improved customer service;
- Allow for bespoke programming and appropriate resourcing of the proposals;
- Promote better quality developments.

While a Planning Performance Agreement will help to ensure that an application is processed to an agreed timetable with meetings to help overcome issues that arise during the application process, the signing of a PPA between the applicant and the local planning authority does not prejudice the outcome of a planning application.

If you are interested in progressing a scheme through a PPA please contact the Service directly with your requirements. The fee will be calculated on a cost recovery basis and will be dependent on the scale and nature of the development and the timescales proposed. If the PPA is to include pre-application discussions the fee will be incorporated into the overall cost of the PPA and no separate pre-application enquiry fee will be payable.

Pre-application for businesses

What do you need to provide?

To help us respond to your request, please provide as much information as is possible about your proposal. As a general guide we suggest that the following should be submitted:

Completed pre-application enquiry form.

Site location plan at 1:1250 scale.

Elevational drawings of the proposed development, preferably to scale.

Site layout and floorplan drawings of the proposed development, preferably to scale.

Photographs and / or sketch drawings of the site and surroundings.

Written statement setting out the current use of the site / building and the details of the proposed development.

The correct pre-application fee must be paid in advance of any work commencing on your enquiry. Please make cheques payable to Trafford Council.

What fee do you need to pay?

Dwellings

Size of development	Fee (inc VAT @ 20%)
100 units or more	£4,537
10 to 99 units	£2,459
2 to 9 units	£963
1 unit	£385

Commercial, Industrial or Leisure uses

Size of development	Fee (inc VAT @ 20%)
Buildings comprising 10,000 sq.m. gross floorspace or more / site area of 2 hectares or more	£4,537
Buildings comprising 1,000 sq.m. to 9,999 sqm gross floorspace / site area from 1 hectare to less than 2 hectares	£2,459
Buildings comprising 500 to 999 sq.m. gross floorspace /site area between 0.5 hectare to less than 1 hectare	£963
Buildings comprising less than 500 sq.m. / site area of less than 0.5 hectare	£385

If in the course of pre-application discussions the Council needs to take advice from independent consultants or Counsel, the applicant will, with their agreement, be required to meet the cost of that advice. .

Exemptions

Exemptions from fees will be provided in the following cases: -

- Alterations to listed buildings where these do not form part of a proposal that also requires planning permission.
- Alterations to dwellings to meet the needs of disabled persons.

What advice will you receive?

You will receive a written response which will seek to provide clear guidance on the acceptability of your proposal. This guidance should indicate:

What the information requirements will be for the submission of a subsequent planning application.

Whether the proposal complies in principle with national, regional and local planning policies, and how these policies will apply.

Whether building works or new buildings are likely to be acceptable in terms of scale, massing, design, materials, impact upon the street scene, impact upon neighbours and adjoining uses, and heritage impacts.

In the case of new residential developments, whether they meet the Council's standards for mix of units and provision of affordable accommodation.

The likely acceptability of the proposal in highway and parking terms.

Whether the proposal is likely to have an acceptable impact upon the natural environment and if mitigation measures would be required.

Likely constraints that might be imposed upon the development through the application of conditions.

Any financial contributions or other planning obligations that may be required via a legal agreement.

In addition to the written response, the service would normally include one meeting with the case officer, where this is considered appropriate. Where a more bespoke service is requested including meetings with more senior officers or officers from other services (e.g. the Local Highway Authority), this will be subject to a bespoke additional fee (normally based on the relevant hourly rate) to be agreed between the developer and the Council.

How long will it take?

Within 5 working days of receipt of the pre-application enquiry form, fee and supporting information you will receive an acknowledgement confirming receipt of the request. The application will be allocated a unique reference number and a case officer will be assigned to the enquiry. Once the enquiry has been assigned to an officer you will be provided with their contact details.

We will aim to provide written advice within 42 days of receipt of all information.

Where a quicker response is required, for example to assist in the meeting of bid or funding deadlines, this can be provided, subject to a bespoke fee to be agreed between the developer and the Council. Please contact the Service directly with your requirements and for a quote.

Where further or follow-up advice is required following the provision of the original response, this will be charged at an hourly rate (depending on the seniority of the officers involved). A cost estimate can be provided before the work is carried out. Further or follow-up advice will only be provided for requests received in writing within 3 months of the date of the original written response. After this date, a new pre-application enquiry will be required.

Status of advice

All pre-application advice is based on the information you provide, and is given without prejudice to the formal consideration of any subsequent planning application, which would include a statutory consultation process being carried out. For this reason this we cannot offer any guarantees about the outcome of a planning application when providing advice.

All requests for advice are potentially subject to disclosure in response to Freedom of Information or Environmental Information Regulations requests. Confidentiality cannot therefore be guaranteed when using the service.