

**Agenda Item No:** 14  
**Report To:** Cabinet  
**Date of Meeting:** 24th November 2022



**Report Title:** Proposed changes to the Council's Pre-Planning Application Advice Service and associated charging structure.

**Report Author:** Simon Cole  
**Job Title:** Assistant Director – Planning and Development

**Portfolio Holder:** Cllr Bell  
**Portfolio Holder for:** Planning & Development

**Summary:** The report discusses proposed changes to the Council's pre-planning application advice service which has been largely suspended since April 2022.

The report sets out a revised approach to dealing with pre-application advice for different types of proposals and an amended charging regime that seeks to place the service on a broad cost recovery basis whilst improving the quality and reliability of the advice being provided for the benefit of customers of the service.

**Key Decision:** NO

**Significantly Affected Wards:** None

**The Cabinet is requested to:-**

- (i) endorse the proposed customer service plan set out in Appendix 3 of the report and
- (ii) recommend that Full Council approves and adopts the new fees and charges set out in Appendix 3 of the report, and the discretion of the Assistant Director – Planning & Development to grant fee exemptions/reductions as listed,

**with effect from:-**

- 1<sup>st</sup> January 2023 for developments of 10 units or above, where not covered by separate PPA arrangements, and,
- 1<sup>st</sup> April 2023 for all other proposals, but this date may be brought forward (or delayed in exceptional circumstances) by the Assistant Director – Planning & Development in consultation with the Director of Place & Space and the Portfolio Holder for Planning & Development.

<b>Policy Overview:</b>	To comply with NPPF expectations and to bring ABC into line with customer expectations and the delivery of similar advice in neighbouring councils.
<b>Financial Implications:</b>	The proposals are expected to achieve additional revenue from the operation of the pre-application service on a cost recovery basis. Existing fees and charges were approved by Full Council as part of the Budget for 2022-23, therefore the new fees and charges set out in Appendix 3 need the approval of Full Council.
<b>Legal Implications:</b> <i>Text agreed by Principal Solicitor – Strategic Development on 16 November 2022</i>	<p>All pre-application advice (whether oral or written) is provided without prejudice to the eventual decision of the Local Planning Authority on a formally made planning application. This principle is set out in the proposed Customer Service Plan (Appendix 3) and should also be stated in all pre-application advice given by the Council and all PPAs entered into.</p> <p>The Council has the power, under s.93 Local Government Act 2003, to offer and charge for this discretionary service, subject to a duty to secure that, taking one financial year with another, the income from charges does not exceed the costs of provision of the service. The terms set out in the report are designed to achieve this, within the statutory flexibility to charge different persons different amounts for a service, and to not charge some persons at all. The proposals have no other direct legal implications for the Council.</p>
<b>Equalities Impact Assessment:</b>	There are no adverse impacts or implications for individuals with any protected characteristics. The report sets out exemptions to fees where a proposal relates to development for the specific purpose of meeting the needs of disabled persons.
<b>Data Protection Impact Assessment:</b>	Pre-application advice may be commercially sensitive and in those circumstances would potentially be exempt from FOI and EIA enquiries, subject to the public interest test. Otherwise, the Council's practice of publishing pre-application advice, once a subsequent planning application for the same or substantially the same proposal has been made on the same site, is proposed to continue, with the redaction of personal data in line with the Data Protection principles.
<b>Risk Assessment (Risk Appetite Statement):</b>	The risk associated with adopting the recommendations in the report are considered to be low overall. There are potential significant benefits to the service of focusing additional resource on major projects at pre-application stage and providing a clearer customer service which should reduce potential for complaints. Ensuring adequate resource is available within the service is covered in the report and

**Other Material  
Implications:**

implementation of the revised service will be phased.

The proposals set out in this report are intended to improve the professional reputation of the service, widen the scope of the service that can be provided and ensure that this can be maintained in a financially sustainable way that does not adversely affect statutory casework. This should result in better and more consistent decision-making and improved quality of developments on the ground.

**Exempt from  
Publication:**

**NO**

**Background  
Papers:**

**None**

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## **Report Title: Proposed changes to the Council's Pre-Planning Application Advice Service and associated charging structure**

### **Introduction**

1. It had become clear that the current pre-application advice service was not meeting the expectations of our paying customers or helping to smooth the way of new development proposals through the planning system. It was generating complaints and further enquiries and the service needed to be improved.
2. Pre application advice is a non-statutory part of the planning service. However, the ability to obtain that advice is very much appreciated by some applicants. The planning service has been through a period of high staff turnover in the last 18 months. In these circumstances, prioritisation of resources needed to be devoted elsewhere to maintain performance levels against statutory performance indicators with pre-application work suffering as a consequence.
3. In April 2022, the majority of the pre-application service was suspended to enable a thorough review of service delivery and to provide the time and space to establish proposals for a deliverable and sustainable service to be re-launched later in the year.
4. This report sets out the conclusions of that review and proposes a revised pre-application service, with an updated charging schedule and customer charter by which the service would be governed. The Cabinet is asked to endorse the proposals set out in this report.

### **Background**

5. The Local Government Act 2003 (sections 93 and 94), permitted Best Value Local Authorities to introduce charging regimes for providing discretionary services where they are limited to a cost recovery regime. The income from such charges was not to exceed the cost of service provision and does not include services which the Authority is mandated to provide.
6. Pre-planning application advice is such a discretionary service that had, prior to 2003, been provided by most Local Authorities without customers incurring a charge. However, as it is not a requirement of statute, there are choices that can be made around how, and at what cost, the service should be provided.
7. This has been followed through in planning legislation and, more recently, National Guidance which requires Local Authorities to work collaboratively with developers to deliver quality schemes in partnership, rather than rely on the former regime of refusing applications for planning permission on details that could be improved with ease. It has also been long accepted as good

practice in the sector and has formed part of the Council's planning service for many years.

8. Paragraph 38 of the NPPF 2021 states that *“Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve application for sustainable development where possible.”*
9. Para. 39 goes onto stress; *“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community”*.
10. The Guidance recognises that Local Planning Authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take up of any pre-application services they offer.
11. It has since become the expected practice of Local Planning Authorities to offer good quality and timely pre-application advice for a charge. In many cases this service has become the victim of its own success and compromised the timely delivery of statutory planning functions such as the processing of planning and similar applications. It is for this reason that most Councils adopted this flexibility to charge for discretionary services, which help to fund the additional resources necessary to provide that service.
12. In reviewing the Council's pre-application service, it has become clear that it had become outdated and not based on a sound financial platform. In addition, pre application matters need to be dealt with consistently, ensuring continuity of delivery and in a time of high staff turnover, that has proven to be very difficult. As a consequence, the time that should be saved by all parties by using the pre-application service has not been realised. Therefore, the current pre-application service has been reconsidered in its entirety.
13. This review has sought to consider all aspects of pre-application planning advice ranging from householder extensions to large residential or commercial schemes. It also looks at when Planning Performance Agreements (PPAs) should be offered to potential applicants as these can deal with pre-application and post-application handling of a case.
14. In addition, this report considers the potential benefits and cost/resource implications of the following as part of a re-launched pre-application advice service :-
  - Pre-application follow-up advice
  - Amended scheme service (following an initial refusal);
  - Listed Building/heritage advice; and,
  - Arboricultural advice (in respect of TPO matters).

### **The current pre-application service offer**

15. The scope of the Council's current pre-application service is set out in Appendix 1 to this report. It shows four levels of advice based on different types and scales of proposals. A significant proportion have been free to the customer whilst the highest level applies to schemes of 10 or more dwellings or 1000 sq.m. or more of commercial floorspace. All except some Level 3 pre-application services (typically those given by the Strategic Development Team) - has been suspended since April 2022.
16. A Review team, was charged with reviewing all aspects of the pre-application service. This Review had the objectives of improving the quality of customer support that the planning team could provide and updating and modernising the service in order to place it on a deliverable and sustainable footing moving forward. This means that any fresh service needs to function well within the available resource context and the need to ensure performance targets are met in respect of the statutory planning functions that Council must deliver and on which it is measured by government.
17. A number of overarching principles have driven the review and the proposals arising from it that are outlined below in this report.
18. At the forefront of these principles is the need to deliver a good quality service to the customer. This means the provision of clear and consistent planning advice (whether positive or negative) that will set out the key principles (and adopted policies) that a development will need to meet to be recommended favourably by officers, should an application be submitted. Customers should expect to be guided as to whether more subjective matters (such as design or external appearance) are potentially acceptable based on what they have submitted and, if applicable, where improvements may be required. Where input from other parties such as KCC Highways, Natural England, etc would be needed to form a rounded view at formal planning application stage, this should be highlighted.
19. Whilst all pre-application advice must be provided without prejudice to the eventual decision of the Local Planning Authority, the clear aim must be to be consistent in principle between pre-application advice and any eventual decision on a subsequent application. Internal procedures are being put in place to ensure cases can be signed off by senior officers across the service to ensure consistency of approach and provide a 'corporate' view from the service at an early stage. This will involve 'case reviews' of pre-application cases by service managers and additional training for officers to embed consistency in decision-making where similar issues arise on different cases.
20. Alongside this, the pre-application service should be designed to enable potential benefits for officers when it comes to the processing of a subsequent planning application. If pre-application advice has been thorough and considered, this should lead to a higher quality of application at submission stage and reduce the need for subsequent negotiations or amendments and improve processing times.

21. In order to achieve the qualitative improvements outlined above, it is necessary to review the charging structure for pre-application advice.
22. The review has examined pre-application fees charged by a range of other local authorities across London and the South East, as this is the most relevant geographical comparison to make.
23. It is noted that all the councils benchmarked had different service offers and some had offers and calculations more complex than the national planning application categories would suggest. Broadly common factors were the division of major schemes into larger majors and smaller majors categories and the separation of commercial and residential schemes.
24. There are a variety of charging options, some with site visits and some without. Consequently, making direct comparisons across different authorities is difficult and so an approximation of average costs across different scheme types and sizes has been undertaken.
25. Legislation dictates that the fees charged for discretionary services should be cost recovery only. The research for this project showed that different Councils contain different elements within this making direct comparisons difficult but there is a need to balance this with fees that are reasonable and affordable and not a disincentive to using the service.
26. What is abundantly clear is that Ashford's pre-application charges were out of line and out of date compared to those charged by other authorities.
27. The most recent example of an updated pre-application service is in Dover District and the proposals contained in Appendix 3 for Ashford lean heavily on the structure and level of charging regime found there. This seems to broadly reflect average pre-application fees found within the County and is considered to be a fair benchmark for this authority.
28. The following table shows the number of pre-application cases and related income figures for the Council from the last three calendar years based on the existing levels of pre-application advice and charging schedule set out in Appendix 1.

	Development Type	2019		2020		2021	
		No.	Income	No.	Income	No.	Income
0	Informals/Householder	142	£0	139	£0	156	£0
1	Minors-Level 1	26	£2,098	35	£2,636	25	£1,547
2	Minors–Level 2	122	£20,903	125	£23,291	143	£25,371
3	Majors-Level 3	47	£8,384	61	£25,943	57	£22,759

	<b>Total</b>	<b>337</b>	<b>£31,385</b>	<b>360</b>	<b>£51,870</b>	<b>381</b>	<b>£49,677</b>
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Since April 2021, the fees for Level 1 cases have been charged at £98 (inc. VAT), for Level 2 cases £187 (inc. VAT) and Level 3 cases, which includes meeting time at an hourly rate of £503 per hour or part thereof. Level 0 cases attracted no fees.

29. This demonstrates the scale of the officer resource needed to meet demand for pre-application advice but the relatively low levels of revenue generated for that service. Taken across the three years, over 1,000 pre-application cases were handled in the service generating only £133,000 at an average of approximately £123 per case. This falls far short of a cost recovery position.
30. To illustrate this in practice, a short time recording exercise was carried out in the Strategic Planning Team by the Team Leader, who recorded her time and the time spent by other officers in the Placemaking and Landscape teams, relating to a review of a reserved matters proposal, which was a follow up pre-application advice request. It was recorded that 24 hours were taken up with the work at a recorded hourly rate assessment of £1684.25 in total (for several staff members time) for which the applicant was only charged £503.
31. Under the re-launched proposed scheme, the estimated charge would have been at approximately the recorded hourly rate noted above., This suggests that the charging schedule would reflect a realistic estimate of the time spent on any similar proposal, without the need to commence a complicated and time-consuming time recording exercise for every proposal.

## **Proposals**

32. Given the principles of the revised pre-application service and the benchmarking research undertaken by the review team, a series of proposals for a revised structure to the service are set out below.

### **Householder schemes**

33. As the table above shows, the majority of pre-application cases the service has dealt with have been Level 0 or simple householder developments. These have not been charged to the customer, although many will have been submitted by professional agents on their client's behalf. This highlights a particular anomaly in that agents will be charging their clients for their professional service in engaging with the Council but the Council is not charging the agent for the service.
34. The resource that needs to be devoted to these cases, which may not be individually that significant, certainly becomes so when it is aggregated. Furthermore, the added 'value' that can be typically added to these types of schemes at pre-application stage is naturally more limited.
35. We will continue to provide and expand standard guidance for householder applications on-line. This can answer basic queries and advise on the usual range of material considerations for householder type proposals (e.g. overlooking, design, materials, parking). Most householder applications are



submitted via agents who should reasonably be expected to professionally advise their clients in addition to the on line advice published.

36. However, in the event that householder applications need further support through pre-application advice, it is now proposed to introduce a modest fee for householder type pre-application requests. This will bring the Council into line with other Authorities who make similar charges. It is anticipated that this element of pre-application requests may reduce in number thus limiting the overall amount of resources needing to be devoted to them.
37. Householder average pre-application fees in the 7 Kent councils benchmarked, amount to £210 per application. Ashford was the only one in Kent that was free. It is proposed to set the fee for these types of cases some 30% below this figure for simple written pre-application advice. Where a meeting is requested and deemed necessary, this fee would rise to account for the additional officer time and costs associated with this.

#### Other developments

38. Benchmarking suggests that Authorities would normally adopt a sliding scale of fees and charges relating to the scale or complexity of a pre-application scheme. Whilst Ashford's current approach has adopted something of this, the range of the scale of fees has been quite narrow. This has meant that larger, more complex schemes requiring more significant and more senior level input have not been adequately resourced from a pre-application revenue stream. These are often the proposals where pre-application input can significantly improve or add 'value' to a scheme, and so it is reasonable to charge a more in a scale of fees.
39. Therefore, it is proposed to broaden the fee structure between minor and major developments to better reflect the level of officer input required to deliver an appropriate level of advice, whilst also increasing fee charges to bring them into line with other Authorities' charges for similar scale projects.
40. Looking at the fees charged by other Districts, a variety of scales ranging from smaller minor residential and commercial developments (1-4 dwellings / 250 sq.m commercial floorspace) through categories up to very large proposals of 250 dwellings or more have been introduced, to reflect the different amount of officer resource needed to respond to such enquiries. This approach seems to be logical and proportionate from a cost recovery basis.

#### Planning Performance Agreements (PPAs)

41. Traditionally, the service has entered into very few PPAs with applicants, as there has been difficulty in securing a standard process and template for such Agreements. If working well, PPAs can provide both confidence for the applicant that the LPA has the ability to resource the timely determination of their application and for the LPA, the provision of additional financial resources to either backfill existing staff or procure additional support to work on the scheme in question. There are no guarantees over the eventual decision on any application and adherence to timescales contained within an Agreement needs to work both ways.

42. PPAs would normally cover the determination stage of a planning application but can, and arguably should, also include the pre-application stage too. It is clear that other Districts use PPAs on a more standard basis than Ashford and so there is an opportunity to utilise these on a modest scale for the larger and more complex proposals that come before the Council.
43. It is proposed that for schemes over a certain scale, the Council should invite the proposed developer/applicant to enter into a negotiated PPA that covers both pre-application stage and, if pursued, the determination of a formal application. Officers would prepare a standard template for such Agreements to be populated on a bespoke basis. Entering into a PPA would remain discretionary on both sides and there may be scope to add third parties, such as KCC.
44. To begin with, it is proposed that the invitation to enter into a PPA is triggered at schemes involving at least 250 dwellings which would cover pre-application advice. Failure to agree a PPA for a pre-application stage would mean that the default fees for the largest schemes in the schedule below would apply.

#### Other categories / exceptions

##### Follow-up advice

45. Pre-application advice is not intended to be a means to undertake lengthy and protracted negotiations on a proposal. It should be viewed more as an initial guide to the applicant to identify potential barriers to achieving a positive outcome when an application is submitted. However, it is reasonable to allow for the commissioning of a follow-up to the initial advice should the applicant wish to iron out any factors or gain a greater clarity as to what is expected by the LPA. For this, the proposals for the service enable one further round of advice to be charged at 50% of the initial advice.

##### Post-decision advice

46. In contrast to follow-up advice referred to above, post-decision advice would enable applicants to seek advice on schemes that have recently been refused before they are re-submitted. This would be intended to assist applicants in advising how their proposals would need to be revised in order to meet the concerns that had been cited in the reasons for refusal.
47. As significant officer input will have already been devoted to assessing the formal planning application, it is reasonable to not seek to charge this type of advice at the full pre-application rate and so a reduction of 50% on the applicable rate is proposed.

##### Arboricultural advice

48. The Council is fortunate in having a skilled and experienced Tree Officer within the Planning Service. Applicants seeking advice on works to protected trees in particular could benefit from pre-application advice to support subsequent applications and it is considered reasonable for a modest fee to be charged for this service and should be achievable within the resource available.

##### Listed Building/Heritage advice

49. The Borough has many heritage assets including over 3000 Listed Buildings and it would be extremely challenging to re-introduce a pre-application service for proposed works to Listed Buildings that could be delivered by the resources available to the service, alongside the input necessary into meeting statutory requirements, such as determining Listed Building Consent applications.
50. For this reason, it is not proposed at this stage that the provision of informal pre-application advice on alterations to Listed Buildings will form part of the revised service, although this decision will be subject to review when the proposals outlined in Appendix are reviewed in late 2023. However, where a proposal seeks planning advice which may affect a Listed Building or its setting for example, then the input of Conservation Officers may be sought where necessary and this is accounted for in the scope and costs proposed.

#### Exemptions / reductions

51. The proposals set out below also deal with occasions where fees may either be reduced or set aside for pre-application advice at the discretion of the Assistant Director – Planning & Development.
  - i) Where Parish/Town councils or Community Councils seek pre-application advice, These occasions are rare but support the Borough Council's wish to work constructively with these organisations.
  - ii) Proposals that are for developments that are specifically designed for the benefit of disabled persons. This mirrors the formal planning application fee regime.

For registered charities it is considered reasonable to provide a discounted service of half the normal pre-application fee. This would apply where the pre-application advice relates to a commercial (i.e profit-making) scheme as opposed to any form of community development where advice would remain free of charge.

52. Until the scheme has been in operation for a period, it is speculative to indicate the levels of revenue generation that might be achieved through these revised proposals. This will be affected by the numbers of cases submitted and success of officers in meeting deadlines for responding with cogent, constructive advice which will build confidence in applicants / agents to use the service.
53. The proposed charging schedule for pre-application advice is set out in the table that forms part of the draft Customer Charter in Appendix 3.

#### **Delivering customer expectations**

54. There is an expectation from the public and from local developers that they will get reliable, professional advice for a reasonable fee. This is an opportunity to put in place quality control measures to address some of the recognised problems with the operation of the previous pre-application service. There has to be a commitment and ability to delivering an improved version of the pre-application service, if fees for that service are to increase as

proposed. As the service is optional for any applicant, it has to be an attractive and meaningful offer to encourage take up.

55. The key components of the service must be clarity and consistency of professional advice, delivered within a reasonable and realistic time scale. The previous standard for pre-application responses was 21 days from receipt of the proposal, irrespective of the scale or complexity of the proposal but given this is a non-statutory part of an officer's caseload (and there is a need to focus on and prioritise statutory work that is subject to national performance indicators), this expectation led to a number of cases where officers simply could not realistically meet that standard.
56. If the Service is to provide a higher quality pre-application service charged at a higher rate, then it is essential that service standards are realistic about delivery timescales. Therefore, it is proposed that there is a variety of standard response times that match the scale for fees and charges related to the nature of the proposed development and the range of issues involved, including whether meetings with officers form part of the offer on any particular case. This takes account of the anticipated workload pressures that officers must manage in the processing of their statutory caseloads.
57. This forms part of a draft Customer charter for the revised pre-application service that makes clear what the customer can expect as part of the service and what is excluded. A draft of this Charter is attached as Appendix 3 to this report and Cabinet is asked to approve the principles contained within this.

## **Implementation**

58. It is critical that the re-launch of the updated pre-application service is able to be adequately resourced in order for it to be successful. This will require officer caseloads to be at a scale where additional non-statutory work can be accommodated within the time periods set out in the Customer Charter.
59. Due to current caseloads being inflated as a result of the difficulties encountered in the introduction of the new planning software system, it would be prudent to pause the full introduction of the new service until that bulge in statutory planning applications has passed through the system. It is anticipated that this point would be reached early in 2023 but this will need to be reviewed nearer the time.
60. However, it is proposed to introduce the new pre-application regime for larger cases sooner as there is most added 'value' for the service and the applicant in these areas and reflects that part of the pre-application service that was not suspended earlier this year. Consequently, pre-application proposals for developments of 10 units or above, where not covered by separate PPA arrangements, shall be implemented from the 1<sup>st</sup> January 2023.
61. With regards to all other pre-application proposals, it is proposed that this element of the service be re-launched no later than 1<sup>st</sup> April 2023 but this deadline may be brought forward (or delayed in exceptional circumstances) if agreed by the Assistant Director – Planning & Development in consultation with the Director of Place & Space and the Portfolio Holder for Planning & Development.

62. In order to ensure that the new service is operating as planned, it will be necessary to formally review the service arrangements and the charging regime before the end of 2023. As the service beds in alongside the statutory part of the service, it would be prudent to cap the number of pre-application cases that can be handled at any one point in time. This is to ensure that officers can provide adequate time and resource to both their statutory caseloads and pre-application cases to meet the service level expectations set out in the Customer Charter in Appendix 3 to this report. Initially this cap will be set at 50 pre-application cases being handled at any one point within the Service but will be reviewed on a quarterly basis by the Assistant Director – Planning & Development.

### **Equalities Impact Assessment (to be completed)**

63. There are no specific potentially negative impacts arising from the proposals in this report. It is proposed that pre-application fee exemptions are made for specific proposals relating to improving accessibility for disabled persons that are funded by the DFG. This approach mirrors that taken in the statutory planning application fee regime.

### **Consultation Planned or Undertaken**

64. Internal consultation was undertaken within the Planning service and the views received during August/September 2022 have been considered as part of the proposal.

### **Other Options Considered**

65. Non-delivery. This is not acceptable in terms of customer expectation and to build a better planning service.
66. As the report explains, benchmarking with services by other Districts has been undertaken with consideration given to their specific charging regimes.

### **Reasons for Supporting Option Recommended**

67. The proposal has been benchmarked against the service offers of other Kent authorities plus comparisons within the wider south east region and is considered to be achievable in resource terms by the Service whilst setting a fee charging schedule that is in line with similar authorities and significantly closer to the cost recovery model expected whilst not being a disincentive to applicants to using the service.

## **Next Steps in Process**

68. Subject to Cabinet agreeing the recommendation and Full Council agreeing the revised charges, the next steps will be:-
- A) Finalising the Customer Charter and publicising the revised pre-application service offer alongside,
  - B) Introducing quality control measures and processes for signing off the advice given consistently through the planning teams,
  - C) Offering training to staff to ensure consistency in delivery and advice given,
  - D) Ensure appropriate delegated authority to sign off advice,
  - E) Ensure confidentiality and data protection measures are in place,
  - F) Ensure that monitoring takes place regularly with annual benchmarking practices and continual review, including customer feedback.

## **Conclusion**

69. The pre-application service has the potential to provide significant income to offset costs, and service quality improvements for the Council's planning service. Recent evidence has shown that the current service does not routinely achieve this. Officers have struggled to reconcile their statutory casework with the needs of pre-application cases.
70. Consequently, it has been clear that the 'status quo' was not going to be acceptable or sustainable and a re-set of the service along clear principles was needed.
71. The proposals set out in this report have been benchmarked against the equivalent services provided by other local authorities, both in Kent and beyond. They represent an average cost and service expectation which should prove to be both deliverable by the service and affordable to potential applicants and investors in Ashford Borough.
72. Cabinet are requested to recommend to Full Council the phased introduction of the new service at the charges set out in Appendix 3 to the report with a review at the end of 2023 to assess the success of the changes and determine whether any further adjustments are necessary.

## **Portfolio Holder's Views**

73. The benefits of a good quality pre-application service is well recognised and should form an important part of the Council's offer to applicants and developers in the borough.
74. This service needs to be fit for purpose and delivered in a way that meets customer expectations. The review of this service has highlighted a number of weaknesses in the current approach that have been addressed in the proposals set out in this report. I am content that the proposals meet the challenge of balancing the need to make the service accessible whilst placing it on a more robust financial footing going forwards.
75. I believe that the phased introduction of these proposals will enable the full re-introduction of a successful pre-application service to come forward in 2023 which will deliver better schemes across the borough and a more efficient and constructive approach for potential investors.

## **Contact and Email**

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### Current Pre-application service structure

#### 1. Free services (Level 0)

Written advice prior to an application for:-

- Expansion or setting up of new business in the borough;
- Alterations or extensions to single dwellings and other householder applications (not including new or replacement dwellings);
- Works to trees;
- Advice on how to submit an application to establish whether planning permission is or was required (known as a Certificate of Lawful Use or Development), and
- Advice prior to making an application resulting from an enforcement investigation;

#### 2. Level 1: Change of Use, Advertisement and other related applications (**charged service**)

- Proposals that need permission other than free services listed above and those covered in Levels 2 and 3 below

#### 3. Level 2: Minor Proposals (**charged service**)

- Written advice on all minor developments which are those that do not meet the criteria for Level 3 and are not a Change of Use or householder development.

Listed Building Advice – not provided.

#### Level 3 Major Proposals (**charged service**)

- A meeting followed by written advice on major developments.

These are:

- Applications for 10 residential units or more
- Residential sites of 0.5 ha or more
- The creation or change of use of 1000m<sup>2</sup> or more of non-residential floor space
- All sites of more than one hectare in size

Payment is required in advance of meetings. Should the meeting overrun you will be invoiced for the additional time prior to your agreement.

Any charges are in addition to fees for making planning and advert applications. Fees for planning applications are available on our [Planning Fees](#) webpage.

For large scale or applications of significance in sensitive areas we will ask if you are happy to involve the relevant Parish Council in discussions in accordance with our [pre-application parish protocol](#). You may also need to look at our [S106 Agreements - What they can cover](#) page and our [Unilateral Undertakings](#) pages.



## Format of Advice

Any advice given by Council Officers for pre-application enquiries does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties.

The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time. You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application (s).

Any pre-application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position. It should be noted that the weight given to pre application advice notes will decline over time.

## Disclosing information on pre-application discussions

Although the council does not automatically publicise the details of pre-application discussions with potential developers whilst processing a request, there are circumstances where we will publish and/or disclose the advice provided by the Local Planning Authority.

Under the Environmental Information Regulations 2004, we may receive from time to time a request from a member of the public to provide information regarding enquiries for pre-application advice and of any advice given. Subject to certain exemptions, we are obliged to provide this information, although personal contact details are protected under the General Data Protection Regulations. It is important that our full guidance found on the following page [Pre-Application Advice and EIR 2004](#) is understood before an application is made.

Similarly, in the interests of transparency, a decision has been taken that we will now also publish our pre-application advice on any subsequent planning application that is submitted for the same site and same/similar proposal. Any personal data will of course be removed to ensure Data Protection is observed.

## What you need to do

For all level enquiries, you will need to [email us](#) or write including:

- An explanation/description of what you want to do
- Full site address and location plan (preferably at 1:1250 scale) with the site outlined in red
- Any relevant information about previous uses

- Sketch drawings providing details of the proposal with floor plans and how the building will look from the outside (elevations) as well as how it will relate to nearby buildings
- Photographs of the site can also be helpful
- Include correct fee for [Level 1](#), [Level 2](#) and [Level 3](#) advice. Payment is now required in advance of meetings. Should the meeting overrun you will be invoiced for the additional time prior to your agreement.

### **Planning policy advice**

- The Planning Policy team can provide advice on pre-allocation Local Plan site discussions and offer planning policy guidance. More information can be found on our [Planning Policy Advice](#) page.

### FAQs

If you have a planning query, we would encourage you to [check our top 10 Planning FAQs \[pdf\] 1043KB](#).

### Common queries:

- Planning applications
  - [Submit An Application](#)
  - [Make your application valid](#)
  - [Planning fees](#)
- Check the planning history of a property:
  - [View records online](#)
  - [View our interactive map](#) (please note that some of our maps won't work in Google Chrome)
- Find copy S106 agreements
  - [View records online](#) (you will need to search documents for the relevant planning application).
- [Listed buildings](#)
  - Find out if a property is listed: [interactive map](#)
- [Conservation areas](#)
  - Find out if you are in a conservation area: [interactive map](#)
  - [Trees in conservation areas](#)
- [Tree preservation orders](#)
  - Find out if a [tree is covered by a TPO](#)
  - Find copy [TPO documentation](#) (from 2009 onwards)
- [Trees: bat protection and licences](#)

### Other sources of reference:

- The [Planning Portal](#) is the online national resource for planning and building control. Advice on many commons projects is available on their website together with:

Ultimately, if you want to be certain that the existing use of a building is lawful for planning purposes or that your proposal does not require planning permission, you can apply for a [Lawful Development Certificate](#).

## Appendix 2

Dover District Council's pre-application charges.

Charge	Written £	Written + Meeting £
Householder	140	200
1-4 dwellings	400	650
1-4 dwellings follow up advice*	200	350
5-9 dwellings	700	1000
5-9 dwellings follow up advice*	350	600
10-49 dwellings	-	3000
10-49 dwellings follow up advice*	500	1200
50+ dwellings	-	5000
50+ dwellings follow up advice*	1000	2500
Commercial up to 250m <sup>2</sup>	175	320
Commercial up to 500m <sup>2</sup>	300	500
Follow up advice*	100	200
Commercial up to 1000m <sup>2</sup>	-	1200
Follow up advice*	200	400
Commercial over 1000m <sup>2</sup>	-	1200+500 per 500m <sup>2</sup>
Follow up advice*	400	600
Listed Building Advice	220	350
Charities and Parish Councils	HALF applicable fee (Non-residential floorspace based on the Commercial fee rate)	
Highways	Kent Highways <a href="mailto:DevelopmentPlanningEast@kent.gov.uk">DevelopmentPlanningEast@kent.gov.uk</a>	
Surface Water/Suds	KCC Coastal/River <a href="mailto:suds@kent.gov.uk">suds@kent.gov.uk</a>	
Flooding/Water quality	Environment Agency <a href="#">Pre-application Enquiry Form</a>	

## Appendix 3

### Draft Customer Service Charter

**Ashford B.C Planning Pre-application Service customer charter**

#### Overview.

The pre-application advice service offers professional guidance from qualified planning officers on the path through the planning process to attain a meaningful outcome for your development proposals.

Our advice gives you the opportunity to understand how national and local policies might apply to your development and where additional information might be required as part of your subsequent planning application, such as that relating to transport, flooding, noise, ecology, trees and landscape.

What we will provide:-

- Written professional planning advice and guidance on your proposals (see exclusions below), for an up-front fee to cover administration costs and officer time in assessing and drafting the response;
- Consistency in dealing with pre-application advice and with subsequent planning application submissions;
- The highlighting of the most relevant NPPF guidance, Local Plan/Neighbourhood Plan Policies and any other relevant SPD or other guidance to the proposal and any previous planning history that is applicable to the proposal;
- Professional advice on the planning merits of your proposal;
- Advice on documents and reports that may be required to support any subsequent planning application for the proposal;
- If necessary, a single stage of follow-up advice on your proposal for an additional 50% fee, excluding points of clarification which are included. *For strategic applications of 250+ dwellings, see the fee schedule*
- Advice within an agreed timescale of the validation of a pre-application proposal submission or of a meeting if such is necessary;

**All pre-application advice is provided without prejudice to the final decision of the Council on any planning application subsequently submitted.**

### **Confidentiality**

The Council does not publish pre-application advice submissions but may be required to disclose these under a Freedom of Information request or an Environmental Information Regulations request. This does not include personal details covered by Data Protection, or commercially sensitive information (subject to the public interest test).

Should a planning application subsequently be lodged with the Council for the same (or very similar) proposal at the same site, then the Council will publish the relevant pre-application advice provided it was provided within three years previous to the date of the planning application being validated.

### **Following fee receipt**

- Validation of pre-application request in 5 working days (see 'What you need to Provide')

- If a meeting is requested and has been agreed by the officer allocated the case, this will be a virtual meeting unless a site visit is necessary to the provision of the officer's written response.

#### **What is excluded:-**

- Advice on whether planning permission is required. For this advice refer to the Planning Portal and its interactive house or submit a Lawful Development Certificate application for a formal decision.
- Feedback from statutory consultees, interested parties or neighbours. Some statutory consultees will provide their own pre-application advice within their own separate charging regimes. This includes bodies such as KCC Highways, Natural England and the Environment Agency.
- The detail or costs that may be included within any Section 106 Agreement relating to the proposal.
- Advice on whether the proposal meets Building Regulations.
- Plan drawing services.

#### **Submitting a pre-application proposal**

In order for the Council to register your pre-application proposal, we will need the following:-

- The correct fee;
- Written details of the address and the proposals;
- Description of the nature and scale of the development and use of any buildings concerned;
- Site location plan with the site of the proposal clearly marked (to a recognised scale, north point, etc);
- Block plan;
- Existing and proposed sketch drawings to a recognised scale;
- Photos – labelled where appropriate (where no site visit is required);
- Depending on the scale and nature of the proposal, other relevant supporting information such as a design and access statement or access and parking arrangements;
- Contact details including phone number and email address.

Proposals should be submitted via e-mail to the Planning Help in-box.

**Fee exemptions/reductions may be given at the discretion of the Assistant Director – Planning & Development for:**

- Specific proposals to benefit people with registered disabilities.
- Proposals submitted by or on behalf of Parish or Town Councils or Community Councils.

**Planning Performance Agreements (PPAs)**

PPAs may be entered into with an applicant on a bespoke case-by-case basis for proposals over 250 dwellings. PPAs may or may not involve pre-application advice as well as dealing with the processing of a planning application itself.

The Council will develop a standard PPA template that sets out the following matters in addition to the ‘without prejudice’ principle at all stages:-

- certainty of timescales for reaching a decision and having a specific planning committee date to work towards;
- a project-managed application process that may include a range of professionals;
- the opportunity to discuss changes to applications as they arise;
- access to officers and consultees to enable constructive discussion on planning applications;
- named officer contact, so you can discuss your application when you need to;
- Post decision stage including conditions discharge and amendments.

**Review**

The pre-application service will undergo annual reviews of the service offer, its deliverability and the fees charged.

## Our Charges

	<b><u>Written advice only (£ excl. VAT)</u></b>	<b><u>1<sup>st</sup> meeting &amp; Written advice (£ excl. VAT)</u></b>	<b><u>Response time (from validation or meeting whichever is the later)</u></b>
Householder extensions , alterations and others	<b>140</b>	<b>280</b>	<b>1 month</b>
Minor developments 1-4 dwellings	<b>400</b>	<b>600</b>	<b>6 weeks</b>
5-9 dwellings	<b>700</b>	<b>1000</b>	<b>6 weeks</b>
Small majors - 10-49 dwellings	<b>1500</b>	<b>2500</b>	<b>2 months</b>
Large Majors- 50+ dwellings	<b>n/a</b>	<b>4000</b>	<b>To be agreed on a case basis</b>
Follow up advice	<b>50% original fee</b>	<b>50% original fee</b>	<b>1 month</b>
Strategic Developments in excess of 250 dwellings including mixed uses	<b>n/a</b>	<b>5000 plus PPA with 75% follow up fees</b>	<b>To be agreed on a case basis</b>
PPAs	<b>n/a</b>	Negotiable depending on what service the applicant demands, such as a dedicated resource	<b>n/a</b>
Commercial up to 250sqm	<b>150</b>	<b>300</b>	<b>1 month</b>
Commercial 250-500sqm	<b>300</b>	<b>500</b>	<b>6 weeks</b>
Commercial 500-1000sqm	<b>900</b>	<b>1200</b>	<b>6 weeks</b>
Commercial over 1000sqm	<b>n/a</b>	<b>1200 + 500 per 500 sqm</b>	<b>2 months</b>
Follow-up advice	<b>50% original fee</b>	<b>50% original fee</b>	<b>1 month</b>
Charities	<b>Half the fee</b>	<b>Half the fee</b>	<b>To be agreed on a case basis</b>
Tree works advice	<b>100</b>	<b>200</b>	<b>1 month</b>
Post Decision service (i.e following a refusal of permission)	<b>Half the relevant pre-application fee</b>	<b>Half the relevant pre-application fee</b>	<b>To be agreed on a case basis</b>



*Other information sources (hyperlink to be included for Planning Portal and RTPI consultants list)*

Highways	Kent Highways <a href="mailto:DevelopmentPlanningEast@kent.gov.uk">DevelopmentPlanningEast@kent.gov.uk</a>
Surface Water/Suds	KCC Coastal/River <a href="mailto:suds@kent.gov.uk">suds@kent.gov.uk</a>
Flooding/Water quality	Environment Agency <a href="#">Pre-application Enquiry Form</a>