

SUBJECT: Introduction of a fast-track service in relation to pre-application advice; lawful development certificates and compliance letters, and amendments to pre-application fees

MEETING: Individual Cabinet Member Decision

DATE: 12th April 2017

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To seek Cabinet Member's endorsement to introduce fast-track services including increased fees, and additional fee generating services as set out in this report.
- 1.2 To seek Cabinet Member's endorsement to amend pre application advice fees to remove charity exemptions but to allow discretion in the case of non-profit Monmouthshire community projects.

2. RECOMMENDATIONS:

- 2.1 To authorise the proposed introduction of fast-track services and fee increases set out in this report from 01 May 2017.
- 2.2 To authorise the proposed changes to pre-application advice fees from 01 May 2017.

3. KEY ISSUES:

Pre-application advice service

- 3.1 Monmouthshire has been offering a formal pre-application advice service since April 2014 and it has been widely well received by both customers and staff. The existing service that has been running successfully for the last few years was developed by engaging with our customers and asking them what matters to them.
- 3.2 From consultation with customers it is considered that there appears to be a market for the introduction of a fast-track service in relation to Level 3 and Level 4 of the pre-application advice service on major application proposals, where the developers would be able to choose to pay a higher fee for a quicker response time than both the present service and the statutory advice service introduced by Welsh Government. This would benefit developers in gaining a timely response to assist their timescales having regard to the new legislation requiring all major applications to be subject of a public consultation with the local community (Pre-application Community Consultation - PACC).
- 3.3 The Council's current bespoke Level 3 pre-application advice service for major development has a charge of £850 with a timescale of written response within 28 days. It is proposed that a fast-track service could be introduced to provide a written response within 15 days (or 5 days following the meeting) for which the fee could be doubled to £1,700. Level 4 for large major developments (e.g. 25 houses or more) could be increased from £1,250 to £2,500 for a written response within 15 days (or 5 days following the meeting).

- 3.4 In addition, from the data and evidence collated through the ongoing monitoring of the services it was considered that specialist pre-application advice for heritage services should be increased from £60 to £120 due to the time being taken on site and complex nature of the enquiries.
- 3.5 There is currently a fee-exemption for registered charities so that they do not pay for any pre-application advice. This includes large, well-funded charities who submit development proposals via paid planning agents, yet are exempt from our modest fee charges. It is proposed to remove the exemption for charities, however at the discretion of officers the fee may be waived in the case of Monmouthshire community-based projects by not-for-profit groups where the project's purpose has a direct benefit to the communities of Monmouthshire.
- 3.6 The Local Planning Authority will still offer the statutory service, however we believe that our customers will still wish to use the bespoke service due to the benefits over and above those of the statutory service which include the following:
- On site face-to-face meeting with the customer and their agent;
 - Access to all relevant experts at all stages to determine what information is required within an application and their views on the proposal;
 - Advice on how to improve the scheme to reach a positive outcome;
 - A detailed written response outlining policy considerations and advice and recommendations on the proposals;
 - Follow up meetings if required.

Certificates of proposed and existing lawful use or development

- 3.7 It is considered that certificates for proposed and existing lawful use or development can be dealt with via a fast track service as these applications are not subject to public consultation. The current fee for a proposed LDC is half the normal planning fee: this fee is set by the Welsh Government. However an optional fast track service can be offered for a decision within 10 working days for the full fee. For existing LDCs the cost of the fast track will be the full fee plus 50% for a decision within 10 working days. These certificates are helpful to customers who are either buying or selling property and require an urgent decision, and it is considered that there is a demand for such a service. As these decisions are a matter of fact and not subject to normal planning considerations, such decisions can be made as soon as the applications are valid.
- 3.8 This service would be entirely optional, similar to fast track services for passports. It is proposed that if the fast-track deadline is missed, the customer would have the additional (increased) fee refunded. The service would be operated as a trial run and if it is not considered to work effectively, the trial will be brought to an end.

Householder applications

- 3.9 The current fee for a householder application is £190, which is set by the Welsh Government. It is considered that applications for minor householder developments such as porches, single storey extensions, garages and outbuildings could be offered as a fast track service for a fee of £275 where the applicant would be provided with a decision within 28 days from the valid date. This would be an optional service, chosen by the customer because they want a quicker decision and are willing to pay more to get it. These minor development applications generally generate little or no response or objection from neighbours or the Town and Community Councils as they have little impact on either the street scene or neighbour amenity. However if a decision is not provided within the 28 day period and a short extension of time is not agreed by the applicant, the fast track (additional) fee would need to be refunded.

- 3.10 If the building is Listed it is possible to fast track the LB consent concurrently with the householder application for a total fee of £550 (£275 each).

Pre-purchase certificates and completion certificates

- 3.11 It is considered that there is a market for the Council to provide pre-purchase certificates for potential purchasers of properties or estate agents/ solicitors etc. These would provide the customer with a planning history search and details of planning permissions, listed building consents and enforcement history (relating to identified breaches of planning control: this would not relate to unsubstantiated complaints). It would also provide the customer with a certificate that any approved development at the site has been carried out in accordance with approved plans, or that there is no breach of planning control at the site. This service would include a site visit and a determination whether there are any breaches of planning control and whether or not any breaches would be enforceable. The fee for this service would be £180 which takes account of officer time to investigate and carry out any research. A decision would be made within 28 days. (This service looks at compliance with planning permissions: it does not provide a substitute to Lawful Development Certificates which confirm that development did not require permission or is now immune from enforcement action).
- 3.12 Completion certificates could be made available for a customer to apply for a certificate which states that all conditions imposed on a planning permission or listed building consent have been complied with. This would also involve a site inspection. The fee for this service is assessed as £120 having regard to the officer time involved and a decision would be made within 28 days.
- 3.13 The introduction of these services will have an impact on staff workload and timescales, however it is considered that the introduction of the new computer system will have efficiencies in terms of officer time. It is anticipated that the new system will allow the minor householder applications and applications for lawful development certificates to be dealt with by the support staff which will free up Development Management officers' time to enable these fast track proposals to be provided. The services will be continually reviewed to ensure they are fit for purpose, if the services are not working or conversely demand exceeds supply the services will be withdrawn or amended accordingly.

4. RECOMMENDATIONS:

- 4.1 The report outlines the proposals for the introduction of a series of fast track services to be provided to customers. The additional fee income forms part of the approved 2017/18 budget agreement. It is requested that Cabinet Member agrees the proposals so that they can be introduced from 1st May 2017.

5. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 5.1 There are no significant equality impacts identified in this report. The Future Generations Evaluation is an Appendix to this report.

6. OTHER IMPLICATIONS:

- 6.1 Communication: It is important that the Council's Services procedures and charging schedules are publicly available and promoted to ensure customers are fully aware of the changes to the services.

Personnel: Officers will need to be briefed on the updated fees and Service Level changes.

7. CONSULTEES:

Development Management Staff; Planning Policy; Housing Officer; Heritage
Planning Committee: the proposals will be presented to planning committee in April 2017.

8. BACKGROUND PAPERS:

Appendix 1 Well-being of Future Generations Assessment

9. AUTHORS:

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