



Chester-le-Street
District Council

Report to:	Council
Date of Meeting:	18 September 2008
Report from:	Director of Development Services
Title of Report	Proposals to Charge for Discharge of Planning Conditions
Agenda Item Number:	

1. PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to advise Members of new powers provided to the Council in legislation contained in the Town and Country Planning (Applications and Deemed Applications) Fees (Amendment) (England) Regulations 2008 (hereafter referred to as 'The Regulations') and to seek Council approval to adopt those powers.
- 1.2 The Regulations, which came into force in April 2008, provide for a number of changes to the national fee regime applicable for customers wishing to make applications for planning permission (and other forms of related consents as governed by the relevant Town and County Planning Acts). Typically this increased the level of fee payable by customers, upon the making of a planning application, by between 15% and 25%. The Government considered this increase justified as part of its aim of ensuring Local Planning Authorities are adequately resourced to deliver their planning functions, and in part following the commissioning of independent research which revealed that planning application fees amount to a relatively insignificant figure taken in the context of all costs associated with development projects (as little as 1% in many cases).
- 1.3 However, in addition to the general increase in planning application fees the Regulations also provided for a discretionary power for Local Planning Authorities to charge customers seeking to discharge conditions attached to grants of planning permission. As this Authority has never previously charged for this service the view is taken that Council approval is required before this new income stream could be realised.
- 1.4 Officers would therefore recommend that Members of the Council authorise the adoption of the advice detailed in the Town and Country Planning (Applications and Deemed Applications) Fees (Amendment) (England)

Regulations 2008 to introduce a fee charge, for customers wishing to discharge planning conditions,

2. CONSULTATION

- 2.1 Although there is no statutory requirement for consultation to be carried out, in the interests of customer care Officers have consulted with the Planning Services Team's Developer Forum. Members may be aware that this group, consisting of regular users of the Planning Service, has been in existence for some 18 months now and acts as a sounding board for proposed service delivery changes within the Planning Service. Details of the comments received in response to this consultation exercise, together with an appraisal of their implications, are shown in the attached appendix.

3. TRANSITION PLAN AND PEOPLE AND PLACE PRIORITIES

- 3.1 It is not considered that the introduction of a charge for the discharge of planning conditions has any significant impact on Transition Plan priorities.

4. IMPLICATIONS

4.1 Financial Implications and Value for Money Statement

The introduction of a charge for customers wishing to discharge planning conditions will have a positive financial implication. It is anticipated that the charge will bring increased revenue into the present Planning Services budget account in the region of £2,000 for the financial year 2008/09.

4.2 Local Government Re-organisation

The introduction of the recommended charge is not considered to have any adverse LGR implications. Two of the other present County Durham Authorities are already charging for the discharge of planning conditions. Discussions held with other County Durham Officers has also revealed that all other Authorities are intending to implement the charging Regulations through 2008/09.

4.3 Legal

There are no significant legal implications arising from this report.

4.4 Personnel

There are no personnel implications arising from this report. The administration of the proposed charging stream can be carried out by existing staffing establishments from within the Planning Services Team.

4.5 Other Services

There are no implications on other services arising from this report.

4.6 Diversity

There are not considered to be any diversity issues arising from this report. Whilst the additional charges could be construed as having a potential impact on the less wealthy residents of the District it is considered that the level of fee prescribed by Central Government is relatively insignificant taken in the context of the wider costs associated with any development project requiring planning permission.

In addition Members will note from the attached appendix that Officers are proposing to waive the fee requirement for disabled customers.

4.7 Risk

If Members were minded not to adopt the recommended charges this could attract criticism from the Audit Commission on the grounds of the Authority failing to take advantage of an available income stream.

4.8 Crime and Disorder

There are no crime and disorder issues raised by the report.

4.9 Data Quality

Every care has been taken in the development of this report to ensure that the information and data used in its preparation are accurate, timely, consistent and comprehensive. The Council's Data Quality Policy has been fully complied with in producing this report.

4.10 Other Implications

There are no other implications associated with this report.

5. BACKGROUND, POSITION STATEMENT AND OPTION APPRAISAL

- 5.1 At present the only charge levied by the Council to customers seeking to use its Planning Service arises in the form of a mandatory fee to be paid at the time of the submission of a planning application. The level of fee payable varies depending upon the nature and size of a development (for example an application for a proposed house extension attracts a flat rate fee of £150 whereas applications for new housing development attract a fee of £335 for each dwelling).

- 5.2 All other services provided by the Council's Planning Services Team are done so free of charge. This includes providing pre-application advice to customers as to the likely acceptability of a proposed development; the investigation of planning enforcement complaints; the making of Tree Preservation Orders, and, defending the Council's case at planning appeal.
- 5.3 The new Regulation advises that a Local Authority can now charge customers seeking to discharge conditions attached to planning permissions. The nationally applicable fee is set at £25 for conditions attached to a domestic (householder) applications and £85 for conditions attached to all other forms of planning consent.
- 5.4 The Regulations advise that Local Authorities should respond to such request inside 8 weeks, and furthermore that if a decision is not made within 12 weeks the fee must be refunded. These timescale are considered by Officers to be entirely achievable as the Planning Team currently operates to established Local Performance Indicators of either 14 or 28 days to respond to customer requests to discharge conditions (14 days for those conditions which do not require consultation with other bodies, 28 days for those which do). These targets are presently being met in the overwhelming majority of cases.
- 5.5 The Regulations also advise that Authorities should allow the submission of details to discharge more than one condition as part of a single fee. This advice will help mitigate any potential additional financial impact on customers; in particular those who may have received a grant of planning permission with several conditions attached.

6. CONCLUSION

- 6.1 Officers consider that the Regulations provide for a reasonable response by Central Government to help address the resource implications required by Local Planning Authorities to discharge conditions attached to planning permissions. Furthermore it is considered that the adoption of the advice contained in the Regulations will help the Planning Services Team to continue to meet its service aim of best practice in terms of financial management. Finally it is considered that the potential adverse implications identified by the service's customers (see appendix) can be addressed by Officers.

7 RECOMMENDATION

- 7.1 Members are recommended to authorise the adoption of the advice detailed in the Town and Country Planning (Applications and Deemed Applications) Fees (Amendment) (England) Regulations 2008 to introduce a fee charge of £25 and £85, for customers wishing to discharge planning conditions, as detailed above at 5.3.

8. BACKGROUND PAPERS / DOCUMENTS REFERRED TO

- 8.1 The Town and Country Planning (Applications and Deemed Applications) Fees (Amendment) (England) Regulations 2008

CLG Circular 04/2008 - Planning Fees

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