

Scrutiny – Planning Pre Application Advice – Agents’ Feedback 26 June 2013

Positive Comments

- The pre application process is excellent. Not had a single bad interaction with the planning advice service. It is a service which provides value for money. People are investing in a scheme and they should be prepared to pay.
- An agent stated that out of around 50-60 cases that he has dealt with over the last two years only one has gone wrong. This was a minor matter and was caused in part by him not chasing up a written response from the planning officer which led to a delay with the application.
- An agent uses numerous Local Authorities in and around Wales. Paying for the service is beneficial as it results in a more structured service with clear deadlines. Powys County Council does not charge for its planning advice and although there are some excellent officers in PCC they are regularly called off cases to carry out other tasks. It would be a retrograde step to get rid of the paid pre app advice service.
- An agent felt it was unbelievably good value for money. He felt that because the Authority charges for this service it is able to channel this income into the whole application process i.e. the planning officer is able to consult with other relevant officers on matters such as ecology, conservation and archaeology. Therefore, it enables the applicant/agent to iron out any problems prior to application, for example, resolve community council issues and highlight any reports that may need to be done. Without these issues being resolved early on, lengthy, costly delays could occur.
- Agent - historically, applicants attending the pre app advice service were not assured of an appropriately qualified planning officer. When pressed the agent clarified that this issue appears now to have been resolved and only qualified officers currently provide pre app advice and if this rectification is as a result of the service introducing charges then this demonstrates the advantages of a paid for service.
- Internal communication was praised by one agent with regards to ecology issues. On a recent charged for pre app case the planning officer consulted the Authority’s conservation officer who highlighted the need for a newt survey. If this issue had arisen following submission, significant delays would have been borne by the applicant.
- An agent confirmed that with almost every case he deals with he needs to seek further advice/information following the initial session but this subsequent advice is always included in the original fee – no extra charges have been levied for further advice sought. In summary, the pre app advice is cost effective, friendly and helpful, any extra advice sought is absorbed within the original fee and finally, professional advice does not generally come for free.

- An agent confirmed that every single one of the cases on which he has worked and consulted with the pre app advice service benefitted significantly.
- Agent - We are in a state of continued recession and farmers are looking for alternative means of income. There is a need for the process to be clear and transparent and he felt it currently was.
- An agent responded that he would use the service again and that it is essential to do the research and paperwork before submitting an application. He would recommend that his clients utilise any service that improves their chances of application approval.
- One agent had previously had a bad experience and subsequently lodged a complaint when she used the service early on but was encouraged by some of the more positive comments shared at this discussion.

Negative Comments

- An agent commented that it was verging on a breach of human rights that only agents were charged and if he was going to be charged for this service he would want the very best service possible. He added that he felt that charging for this service was wholly wrong.
- The client is forced to pay for the agent's time on top of the advice fee. It is wholly wrong to charge an agent simply because they are an agent.
- An Agent relayed one case where an applicant had come to him following consultation with a planning officer. The planning officer in question he knows to be very professional and thorough but the length and nature of the letter was too detailed and overwhelmed the non-professional applicant. The letter essentially stated that there were too many flawed issues with the proposed development and that the applicant would be advised not to proceed but although very detailed and polite failed to be clear enough for the applicant to understand the implications. The agent suggested that perhaps the letter should have had a summary at the end spelling out the advice simply and briefly i.e. it cannot confirm whether or not it will be successful at application stage but it could confirm whether or not it is in accordance with the Authority's planning policies or subject to certain conditions being fulfilled... etc.
- Applicants to the Authority's pre app advice service should not be considered customers. For example, a client attended a pre app advice session but after following the advice received discovered that a significant issue (which should have been picked up by the officer) had been omitted from the application causing a costly delay for the applicant yet there is no recourse for recompense. The NPA should be working for and on behalf of the community. Fundamentally, the paid for service changes the relationship between applicant and Park and distorts their role.

- It is not known if private applicants are aware of the surgery advice service. This should be promoted more – the planning officers need to engage more with potential applicants.
- An agent felt there should not be a distinction between the charged for advice service received by a professional/agent and the advice which is given for free to a non-professional – the communication should be the same. A case was recalled where a farmer wished to diversify and install a pre fabricated shed on her land. She was told to attend surgery, this was followed by a site visit and she was informed that within 28 days she would receive a report. After two months she still had not heard anything. The agent made enquiries on her behalf and within two days a report was issued to her – the level of communication should not differ between professionals and non professionals.
- Whether the applicant is professional or non professional advice given should be clear and open. In a recent situation, an agent attended a meeting with his client and a planning officer and a subsequently revised planning application was refused contrary to the discussion that had taken place. Pre app advice lacks clarity and consistency.
- Inconsistency - Different planning officers offer differing views on applications – an example was stated whereby an applicant was told by one officer to revise the application only to be told subsequently by another officer to revert it to its original state causing costly delays.
- The issue of retention of original materials is not clear and each case should be reviewed on its own merit, for example – the refurbishment of a community centre in Brecon. Here, it was requested by the Authority that the existing wooden floorboards, installed in the 1930's and of no historical value, were retained yet they were in a poor state and as the centre was to be used as a children's nursery would have splintered and caused distress. Ultimately, dry rot was discovered and it was essential to replace the floorboards but the debates on the trivial issue caused the critical issue to almost be missed.
- The design and architectural elements are difficult to judge on an arbitrary basis – 'good design' is totally subjective and there is no resident architect at the Authority. An agent suggested that the Authority has been deemed by a Welsh Government inspector to be 'aiming too high' in terms of sustainability. The installation of double glazing is not generally permitted in Grade II listed buildings and with the implications of climate change this is morally indefensible.
- Architectural design, although subjective, requires a high level of expertise to comprehend yet with the Authority's planning applications the emphasis would appear to be on being able to 'tick boxes' rather than the overall appearance and environment of a proposed development. Although the three Welsh National Parks launched a Sustainability Design Guide in 2008 the Authorities struggled with this and have reverted to the tick box format.

- An architect pointed out that the differing views of the professionals involved in this discussion are due to them operating at a differing level of detail. Agents deal with principles such as whether or not an application is acceptable and are not involved with the 'nitty gritty', whereas architects are more building focussed and need to take into account issues such as architectural design, renewable energy, ecology and conservation etc which can all be subjective and liable to variable opinion. This architect has had a mixed experience with the service and has on occasion advised clients not to use the Authority's pre app advice service.
- One attendee felt unable to comment on whether or not the service has improved over the last 18 months or so as his experience has been chequered. Consistency of advice from different officers has been an issue. The level of competence of the planning officer is important and perhaps only senior officers should give advice.

Agent Suggestions for improvement?

- A named officer should be assigned to each case and should follow it through to its submission.
- For each development there are a number of areas to consider i.e. architectural design, conservation etc and the right level of expertise must come to bear – the level of expertise in architecture within the Authority is not sufficient.
- Every case is different and should be treated on its own merits.
- The advice should be free.
- Advice and responses should be turned around more quickly.

Overall rating

Very good to satisfactory – depending on the case, never excellent.

Variable.

Variable – from the very top to the very bottom.

Possible Recommendations Arising

Promotion - The service should be promoted more widely – potential applicants should be made more aware of the existence of the pre application advice service and the benefits it can provide to an individual considering an application submission.

Clarity - Communication relayed to the applicant, whether written or verbal, should be clear and easy to understand. Perhaps, a standard format of communication to applicants could include a summary, following the necessary detail, which outlines the key points of the advice and how the applicant should proceed.

Consistency – Advice from planning officers should be consistent across the whole team and applicants should not receive differing/conflicting advice from Authority planning officers. Ideally, a planning officer will be assigned to each case from the pre application stage through to submission.

Professional - There should not be a difference between the advice given to agents and professionals and that which is given to private applicants. The advice should be professional and timely whether it is being charged for or not.

Each case for pre application advice should be considered on its own merit rather than using a 'tick box' method of assessment which may fail to take into account the detail and the overall design of a proposed development.