



Coventry City Council

COMMITTEE REPORT

Report to

Planning Committee
31/08/2017

Report of

Head of Planning and Regulation

Title

Pre-application charging scheme

1.0 Purpose of the Report

- 1.1 Despite the pressures that the planning department have been experiencing over recent years officers have continued to offer a free pre-application advice service in connection with planning applications to be determined by this authority. However, the service provided has been limited and dependent upon resources and capacity.
- 1.2 The increasing pressure on local authorities to be self-financing by 2020, the drive to be more commercially minded and the recognition that paid for pre-application advice is now widespread and generally accepted by developers, has led to this proposal. The charging will be introduced in a phased approach starting with major proposals. We are currently implementing a new IT system and advertising our vacant posts (2 planning assistants, 2 planning officers, 1 part time ecology officer and 1 planning apprentice) within the department. Once the posts are filled and the new IT system is in place then the service will increase to include the minor/householder advice. It is envisaged that the whole pre application service will be in place by April 2018.
- 1.3 It is also proposed to review the planning pre-application charging schedule on an annual basis and to make adjustments to those fees where appropriate, to reflect the quality of the service and resources provided.

2.0 Recommendation

- 2.1 Planning Committee is recommended to note the report and make comments. The charging regime will be reported to the Cabinet Member for approval.

3.0 Information/Background

- 3.1 Pre-application advice usually involves developers seeking specialist advice from the local planning authority and other statutory and non-statutory consultees as part of the process for preparing a planning application. Developers want to know about the potential constraints on a particular site, the planning policy considerations/compliance and the type of information that would need to accompany a planning application.
- 3.2 Government Practice Guidance recognises the role of a pre-application advice service as it can offer:

‘significant potential to improve the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success.’ ([ref Government Guidance ‘Before Submitting an Application, paragraph 001](#))

- 3.3 The City Council has offered a free pre-application service in connection with applications to be determined by this authority for many years however, over the recent years the service has been extremely limited and dependent upon capacity.

4 Why introduce charges now?

- 4.1 The increasing pressure on local authorities to be self-financing by 2020 and the recognition that paid for pre-application advice is now widespread and generally accepted by developers together with the focus to provide a high standard of service has led to the proposal being put forward.
- 4.2 The Government acknowledges that Councils can charge for this type of discretionary service on a not-for-profit basis and the Government’s Planning Practice Guidance states that:

‘Where charges are made they must not exceed the cost of providing the service. It is important that any charging does not discourage appropriate pre-application discussions. In this context local planning authorities need to consider whether charging is appropriate in all cases, given the potential for pre-application engagement to save time and improve outcomes later in the process. Where possible, local planning authorities are strongly encouraged to provide at least a basic level of service without charge.’ ([ref. Government Guidance ‘Before Submitting an Application, paragraph 004](#))

- 4.3 It is worth noting that the City Council already uses [Section 93 of the Local Government Act 2003](#) to charge for specialist services and the provision of information e.g. Historic Environment Record (£40 + VAT per hour), List of applications relating to a site (£40 inc. VAT per site),

Supplementary question relating to search results (charge per decision reviewed £15 inc. VAT).

- 4.4 The majority of City Councils across the country now charge for pre-application advice including Nottingham, Derby and Birmingham. In addition a number of neighbouring authorities charge (Warwick, Nuneaton and Bedworth, Solihull and Stratford). Furthermore statutory consultees such as Natural England, the Environment Agency and Historic England also charge for their pre-application advice.

5.0 When will the charges be introduced and how will it work?

- 5.1 The proposed scheme is set out in appendix A of this report. Whilst it incorporates all types of development it is our aim to start charging for the major development pre-application advice from 1 October 2017 and to start charging for the remainder of the pre-application requests by the start of the next financial year to allow for the introduction of the new IT system and appointment of staff.
- 5.2 A web-based free service giving basic information will continue to be provided. This includes self-serve web access to site history, constraints, planning policy (including supplementary planning guidance/documents).
- 5.3 The pre-application advice service will be explained on our web-site along with the charges which will be set according to the scale and complexity of the proposals. The charges will not exceed the cost of providing the service.

6.0 Legal Considerations

- 6.1 Section 93 of the Local Government Act 2003 enables authorities to charge for discretionary services that '*the authority is authorised, but not required, by an enactment to provide*' such as pre-application advice, provided that it is on a not-for-profit basis.
- 6.2 Officers have confirmed within the report that the charges will not exceed the cost of providing the service.

7.0 Publicity

- 7.1 None, there is no statutory duty for consultation in this instance.

8.0 Financial Considerations

- 8.1 Guidance states that the charges for pre-application advice should not exceed the costs of providing it. In arriving at the scale of charges (Appendix A) due consideration has been taken to ensure this. Charges will be reviewed/revised on an annual basis.

9.0 Risk Management

- 9.1 There is a risk that the introduction of charges will put off some developers from seeking pre-application advice but the charge will help in managing demand and the use of increasingly stretched City Council resources by discouraging speculative developers who have no serious intentions.

10. Equalities and Diversity

- 10.1 No EIA has been carried for this scheme however, there is no evidence from an initial assessment of an adverse impact on equality. There will be significant economic and social benefits to the city through the development of new homes and employment opportunities in Coventry. The pre-application advice service will ensure that schemes, when submitted to the Council, are of good quality, saving time and improving outcomes at later stages in the planning process.

PROPER OFFICER: Tracy Miller, Head of Planning and Regulation

Author: Cathy Horton, Development Manager

ALL BACKGROUND PAPERS available online

- Planning Practice Guidance – before submitting an application
<https://www.gov.uk/guidance/before-submitting-an-application#the-value-of-pre-application-engagement>
- Section 93 of the Local Government Act 2003
<http://www.legislation.gov.uk/ukpga/2003/26/section/93>

Appendix A

PRE-APPLICATION ADVICE SCHEME

Background

Coventry City Council is able to provide advice and information if you are considering submitting a development proposal. We welcome and encourage discussions before you submit your application and understand that early discussions of your proposal can provide advantages for all parties involved. We will be able to provide advice to developers and their agents on key issues prior to formal submission where the function is to speed up the development process, and avoid unacceptable proposals and sustain and improve the service provided.

The provision of advice on development schemes is time consuming and the current statutory planning fees, do not cover the cost of these discussions. In view of this and taking into account the increased number of requests for advice, we have formalised the procedures for handling this area of work and introduced a fee.

The advice that we provide does not include any feedback from local consultation. This would be part of the formal application process. It is strongly advised that applicants discuss their proposals with neighbours or other parties interested in the relevant site before submitting a formal planning applications.

Our pre-application commitments

- 1) We will acknowledge receipt of requests within 3 working days.
- 2) We will advise you if your request is invalid, explaining the reasons why and allowing you time to submit any missing information. If a fee has been submitted for advice without all of the necessary information and the information is not received within 20 working days following a request, the fee will be returned with £30 deducted for administration costs.
- 3) We will provide services tailored to the needs of each development proposal shown indicatively in the pre-application service summary pages and will adopt a proportionate and flexible approach.
- 4) We will work constructively to identify what needs to be done to achieve sustainable development in accordance with the Development Plan, national planning policy and other material considerations, but we will also be clear where significant policy and technical conflicts are unlikely to be resolved. Our professional advice will always be given in good faith, but this will not be binding on the council, and is given without prejudice, based upon the information available at the time when development proposals are submitted. If an application is subsequently submitted which fails to take on board advice given by officers, then the council may refuse it without further discussion with the applicant or their agent.

- 5) We will seek initial advice on aspects such as transport, community facilities and open space, conservation and landscape, trees and ecology as appropriate. If more detailed advice on drainage and highway matters are requested this may be subject to a further fee.
- 6) We will provide an indication of the measures required to mitigate the impacts of development and their possible inclusion in a section 106 agreement.
- 7) Meetings will be held according to the standards set out in the pre-application service summary pages. There will be a presumption that any meetings will take place at the civic offices in Coventry, unless justification or necessity requires a meeting on site.
- 8) We will provide written advice within 10 working days of the meeting or within 28 days of receipt of a valid pre-application enquiry. (Unless otherwise agreed).

Pre-application information requirements

We will require a minimum level of descriptive and illustrative material. It should be proportionate to the scale and stage of development of the proposals.

The cumulative size of the electronic documents submitted should not exceed 20 Mb; otherwise the authority may not be able to forward the documents to statutory consultees effectively.

For all proposals we will require:

- The relevant fee or receipt of payment
- A full description of the proposed works (minimum requirement)
- A location plan identifying the site and its boundaries
- An indicative site layout plan

Other documents which will be useful and ensure a robust response include:

- Other illustrative material, if appropriate, such as sketch drawings, models to describe the proposal. Where known these should include floor plans, elevations, adjacent buildings, access, servicing, parking arrangements, crime prevention measures, means of escape, and the initial architectural approach and materials to be used
- A draft planning statement (if available)
- A plan showing the existing site area, existing buildings and other features, for example location of trees
- Details of the existing floor space broken down and how it is used at the moment
- Visual materials that will help us to understand the existing site or building better (for example, photographs, models)
- Photographs of the immediate surroundings
- A breakdown of affordable housing/private housing for residential schemes
- Details of the ownership of the land within the site.

The charges

Householder including written response	£50 + VAT (£60 inc VAT)
Change of use including written response *	£100 + VAT (£120 inc VAT)
Minor Development including written response	£300 + VAT (£360 inc VAT)
Advertisements including written response	£100 + VAT (£120 inc VAT)
Specialist advice:	
Works to trees including a site visit and written response	£100 + VAT (£120 inc VAT)
Conservation/Listed Building including a written response	£120 + VAT (£144 in VAT)
Urban Design including a written response	£120 + VAT (£144 inc VAT)
Environmental Protection (Pollution) including a written response	£120 + VAT (£144 inc VAT)
Major Development	
Small-scale (10 up to 49 residential units): including 1hr (max) meeting and written advice	£600 + VAT (£720 inc VAT)
Small-scale (1000 to 2999 sq m) : including 1hr (max) meeting and written advice	£600 + VAT (£720 inc VAT)
Medium (50 to 199 residential units): including 1hr (max) meeting and written advice	£1000 + VAT (£1200 inc VAT)
Medium (3000 to 9999 sq m): including 1hr (max) meeting and written advice	£1000 + VAT (£1200 inc VAT)
Large-scale (200+ residential units): including 2hr (max) meeting and written advice	£2000 + VAT (£2400 inc VAT)
Large-scale (10,000+ sq m): including 2hr (max) meeting and written advice	£2000 + VAT (£2400 inc VAT)
Other Charges	
Additional meetings 1hr (max)	£200 + VAT (£240 inc VAT)
Additional follow up advice (1 Letter)	£200 + VAT (£240 inc VAT)
<p>*Student accommodation schemes/ HMO/commercial/residential applications are calculated on the number of units and/or floor space at the minor/major rates above.</p> <p>All charges are subject to VAT</p> <p>All floor space figures are gross measurements</p> <p>Any mixed use schemes will be charged on the basis of combined fees</p>	

Disclaimer

Coventry City Council will make every effort to ensure that the advice given in the pre application process is as accurate as possible. However, any advice given by council officers for pre application enquiries does not constitute a formal response or decision of the Council with regards to any future planning application and, whilst it may be a material consideration, cannot be held to bind the council in its validation or formal determination of a subsequent application. If an application is subsequently submitted which fails to take on board advice given by officers, then the council may refuse it without further discussion with the applicant or their agent.