



Coventry City Council

COMMITTEE REPORT

Report to

Planning Committee
28/09/2017

Report of

Director of Transportation and Highways

Title

Pre-application charging scheme

1.0 Purpose of the Report

- 1.1 Despite the pressures that the Highway Authority and Lead Local Flood Authority have both 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 and in response to this it is the intention to introduce a pre application charging scheme for both the Highway Authority and Lead Local Flood Authority.
- 1.3 It is also proposed to review the planning pre-application charging schedules 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 In addition it is also the intention for the Local Planning Authority to introduce pre application charging as reported to the previous Planning Committee on 31 August 2017.

4.5 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 schemes are set out in appendix A and B of this report and 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.

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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

HDM/2017/001/A - Highway Authority Pre-application Charging Scheme

Appendix B

LLFA/2017/001/A – Lead Local Flood Authority Pre-application Charging Scheme