

Cabinet Member for City Services

06 November 2017

**Name of Cabinet Member:**

Cabinet Member for City Services – Councillor J Innes

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

All

**Title: Pre-application charging scheme – Highways and Drainage**

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**Is this a key decision?**

No – although this proposals affects all Wards of the City it will not have a significant impact on communities

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**Executive Summary:**

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.

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. This 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.

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.

**Recommendations:**

The Cabinet Member is requested to approve the introduction of Pre-Application Charging Schemes for both the Highway Authority and the Lead Local Flood Authority.

**List of Appendices included:**

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

**Background papers:**

None

### **Other Useful Documents**

All background papers are 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>

### **Has it been or will it be considered by Scrutiny?**

No

### **Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

The matter was discussed by Planning Committee 28<sup>th</sup> September 2017

### **Will this report go to Council?**

No

## Report title: Pre-application Charging Scheme – Highways and Drainage

### 1. Context (or background)

1.1 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.

1.2 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)

1.3 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.

### 2. Options considered and recommended proposal

2.1 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.

2.2 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](#))

2.3 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 questions relating to search results (charge per decision reviewed £15 inc. VAT). In addition it is also the intention for the Local Planning Authority to introduce pre application charging.

2.4 The majority of Local Authorities 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.

- 2.5 The proposed schemes and scale of charges are set out in Appendix A and B of this report.
- 2.6 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 have been set to recover the cost of providing the service.

### **3. Results of consultation undertaken**

- 3.1 Consultation has not been undertaken and there is no statutory duty for consultation. Currently the City Council does not provide a pre-application service. Developers are not required to undertake pre-application discussion with the City Council they can choose whether or not to pay for the service.

### **4. Timetable for implementing this decision**

- 4.1 It is proposed to commence the service from 1<sup>st</sup> December 2017 for all development proposals.

### **5. Comments from Director of Finance and Corporate Services**

#### **5.1 Financial implications**

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

#### **5.2 Legal implications**

Section 93 of the Local Government Act 2003 enables authorities to charge for discretionary services that the authority has the power to but is not under a duty to provide such as pre-application advice. A charge can be made for such services provided that it is on a not-for-profit basis.

Officers have confirmed within the report that the charges will not exceed the cost of providing the service.

### **6. Other implications**

None

#### **6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

Providing pre-application advice will ensure the effective implementation of the policies within the emerging development plan which contribute to achieving the Council's key objectives as follows:

- A prosperous Coventry: The plans have sought to deliver a range of opportunities to deliver new homes and employment land across the city for the next 15-20 years. This will help to ensure that sufficient new homes are provided to meet the needs of local people and sufficient jobs are created and facilitated. It will also help ensure that businesses are not deprived of staff through a lack of housing and land opportunities;

- Citizens living longer, healthier, independent lives: Choosing the right approach to delivering the city's housing, employment, retail and infrastructure needs will help promote improvements to the existing built environment. The most valuable and sensitive green spaces will also be protected from inappropriate development. Both Plans also contain specific policy promoting improvements to health and wellbeing including improvements to health inequalities and life expectancy.
- Making Coventry an attractive and enjoyable place to be: Choosing the right approach to delivering the city's housing, employment, retail and infrastructure needs will help promote improvements to the existing built environment. This will also create opportunities for the city centre to develop and regenerate supporting increased tourism and ensuring the most valuable and sensitive green spaces will also be protected from inappropriate development.
- Providing a good choice of housing: In partnership with neighbouring authorities both Plans make provisions to fully meet the city's housing needs. This will ensure that sufficient new homes are provided to meet the needs of local people within the Housing Market Area.
- Making places and services easily accessible: New homes and job opportunities will be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible. Both Plans will also promote sustainable development with adequate provision of infrastructure and improved accessibility to key services and facilities.
- Encouraging a creative, active and vibrant city: Both Plans promote a centres first policy, establishing designated centres as the hub for new retail, leisure and community investments within their surrounding communities. New homes and job opportunities will be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible.
- Developing a more equal city with cohesive communities and neighbourhoods: By planning proactively for the city's housing and employment needs both Plans can help to ensure that more people will be adequately housed, with greater access to new jobs, leisure provisions and community facilities.
- Improving the environment and tackling climate change: The Plans proactively seek to mitigate the impacts on the environment brought about by development and include specific policy on combating climate change. The Plans will help bring about improvements to areas in need of investment and will protect the most valuable and sensitive areas of green space from inappropriate development.

## 6.2 How is risk being managed?

Whilst it is recognised that there is a risk that the introduction of charges will put off some developers from seeking pre-application advice 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. Furthermore should a developer wish to submit an application without paying for advice they can still do so.

### 6.3 What is the impact on the organisation?

The provision of the service will have a small impact upon resources however if the service creates significant work which in turn would generate a significant income then additional resources could be justified.

### 6.4 Equalities / EIA

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.

### 6.5 Implications for (or impact on) the environment

None

### 6.6 Implications for partner organisations?

None

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