

## Development Control – Charging for pre-application advice protocol - DRAFT

The former Office of the Deputy Prime Minister produced guidance on the introduction of charges under Section 93 of the Local Government Act 2003 in a publication 'General Power for Best Value Authorities to Charge for Discretionary Service – Guidance on the Power in the Local Government Act 2003'.

In addition the provisions for charging under Section 303 of the Town and Country Planning Act 1990 were significantly widened in their scope by Section 53 of the Planning and Compulsory Purchase Act 2004. This section of the Act allows fees to be charged in relation to any function of a local planning authority and for matters ancillary to those functions.

In order to provide a better and sufficiently resourced service, Development Services is intending to introduce charges for certain development control pre-application enquiries. The new scheme will start on 1 October 2012.

### Why are we introducing this service?

Hinckley and Bosworth Borough Council has always sought to respond to requests for advice about proposed development prior to an application being made. However, the number of requests we have received for pre-application meetings has increased significantly over the years and the level of advice sought is growing.

Developers, in the past, have indicated how useful our service is in that it provides greater certainty and clarity to them by identifying planning issues and requirements before the application is submitted. It will also ensure that more applications are valid and complete when we receive them. This is particularly so for the more complex applications where consultees require the submission of more technical documents.

The pre-application advice service requires significant resources and results in higher workloads for our more experienced staff therefore we have decided to formalise how we handle our service and to introduce a charge.

We anticipate that by introducing this chargeable service for many of the larger proposals, the application process will be a more positive experience. Having a detailed pre-application response will help proposals to comply with policy, ensure validity, avoid refusals and minimise concerns, while helping us to consult with appropriate statutory bodies with informed documents and service.

Whilst the scheme does not propose charging householders and minor developments we have currently withdrawn this service on the basis that there is sufficient information contained on the Councils website to assist with such proposals. We aim to review the situation in 12 months and reconsidered this approach if deemed necessary.

The pre-application advice we give you will aid this process significantly, will be a consideration in a subsequent planning application and will be referred to in any subsequent report to Committee should the application be determined at that level. The advice is without benefit of neighbour notification and the Council is bound to take any representations into account in the preparation of any report on the subsequent application.

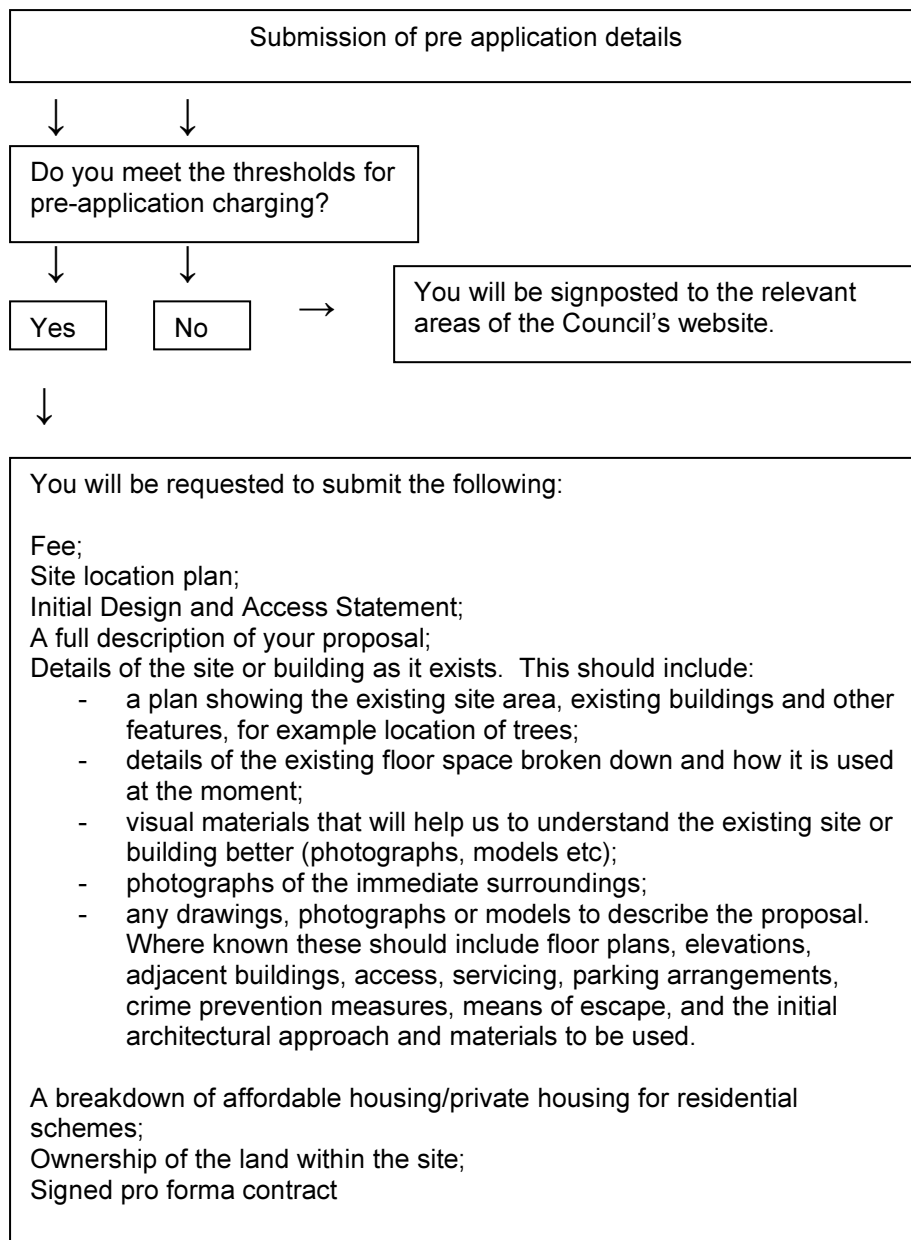
**Disclaimer:** We cannot offer advice that can bind the Local Planning Authority but we will give you the best advice possible on the information and proposals that you provide.

## Pre-application Planning Advice Service – Charging Scheme

### What kind of applications will benefit from the service?

Whilst it is likely that all major applications will benefit from the service this may not be so for all smaller schemes and we will provide an initial assessment to see if the service will be right for you.

The chart below may make it easier to see how we will do this.



## What will the Service do for you?

### Following receipt of your enquiry we will (within 5 working days):

- Provide details of any further information you may need to supply;

### Following receipt of the fee and other information we have requested we will (within 10 working days):

- Contact you to organise a date for a meeting;
- Within 21 days of the contact arrange a meeting with you and all the council officers needed to advise you on your case, including any site visits needed.

### What will be covered with you at the pre-application meeting?

At the pre-application meeting we will look at the following issues with you:

#### Land use

- If your proposals are in line with our planning policies and, if they are not, how they could be justified;
- If the site is covered by specific policies in the Hinckley and Bosworth Local Plan or covered by any other designations or safeguards;
- If the proposals will lead to a net loss of floor space of a use which the policy seeks to retain, and if so, how this could be justified;
- If, in our opinion, your proposals take into account the impact on local needs and facilities, for example the impact on transport, education and affordable housing and how a S106 Agreement or Obligation might alleviate such effects;

#### The design of the proposal

- Scale and massing;
- Architecture, design and materials;
- Environmental impact;
- Achieving sustainable development;
- Designing out crime;
- Impact on strategic views;

#### Housing policies

- If the proposal triggers a requirement for affordable housing we can advise as to the level and tenure required;

#### Amenity

- The likely impact on nearby residents such as loss of daylight, privacy or noise disturbance;

#### Conservation

- The impact your proposal may have on a listed building or, if within a conservation area, an unlisted building on or near the site;
- Whether, should the development be in or adjoining a conservation area, in our opinion the development would preserve or enhance the character and appearance of that conservation area;
- Impacts on historic Parks or Gardens
- Whether there are any likely archaeological implications in your proposal;

### **Natural environment**

- How the Council's play and open space policies will impact on your proposal and whether a financial contribution under a S106 Agreement will be required.

***You should note that for very large scale proposals with highly complex issues, there may need to be a series of meetings before a formal application is submitted.***

### **Following the meeting (within 3 working days unless otherwise agreed):**

- Provide detailed written confirmation of the advice and views given by us. This will include what you will need to supply in order to submit a valid application.

### **The written guidance provided by us will:**

- Provide a screening opinion;
- Provide details of all policies relevant to the proposal;
- Inform on the effect of relevant planning history
- Advise on the acceptability of a proposal including recommendations, where possible, on improvements;
- Provide details of bodies which will need to be consulted on a planning application and any advice from consultees given on previous applications relevant to the proposal;
- Advise on groups and organisations you may need to consult with;
- Advise on S106 or other contributions associated with the development;
- Provide any further additional information which will be required in a formal planning application to facilitate its decision
- Provide a guide as to the timescales within which a planning application will be determined;
- Advise on the suitability of a Planning Performance Agreement (PPA).

***If significant alterations to a scheme are required, a further round of correspondence and meetings may need to take place before a formal application is submitted. The fee includes the submission of the amended submission for review. Any further requests for meetings outside of this provision will be charged.***

### **Threshold for charging**

The scheme will apply to the following types of development:

#### **Major Developments, which for the purposes of the fees are:**

- provision of 10 or more residential units;
- provision of over 1,000m<sup>2</sup> of commercial floor space;
- developments involving a site over 0.5ha in area;
- developments requiring an Environmental Impact Statement.

### **What will the charges be?**

The fee for this will be £1,700.00

Additional meetings outside of the scope will be charged at £160.00 per hour meeting

Advice on viability issues requiring the input of a viability consultant will be charged an additional fee of £1,000 +VAT + administration charge advised in 3.4.2 above.

**Public access to pre-application advice:**

The application will not be subject to any publicity but if it includes commercially sensitive or confidential information this should be clearly stated at the head of the submission so that disclosure under the Freedom of Information Act is not given.

Otherwise, if a request is received for disclosure the Council is required to do so.