

# Charging for Pre-Application Advice

## Guidance Note - London Borough of Newham

**May 2012**

### **About the London Borough of Newham**

Newham is home to a large and ethnically diverse population and is undergoing an ambitious and far reaching physical transformation. Amongst the 2000+ planning applications we deal with each year we have twenty-five major regeneration projects underway, including the landmark developments of Stratford City, Silvertown Quays and Canning Town, and of course the 2012 Olympic Games and Paralympic Games. We are home to the University of East London (UEL) and London City Airport. The decline of traditional employment has left vast areas of under-utilised land, particularly in the Lower Lea Valley, Royal Docks and Thames-side areas. However these areas are well served by public transport including the Jubilee Line and the DLR.

Larger applications submitted to Newham can raise very complex issues and we want to be able to assist developers through the planning process in order to deliver high quality schemes. We see pre-application advice as an important tool in achieving this.

The Council has powers under the Local Government Act 1972, 2000, 2003 local authorities can charge for the discretionary services of pre-application advice. This guidance note provides details on the procedure and the level of charges.

### **Our Service Commitment**

As a Service we welcome and encourage discussions before a developer submits an application. Pre-application advice will generally give more certainty at an earlier stage and help resolve issues so that speedier planning decisions can be made. By charging we can allocate more resources to this all important early stage of the process, and be able to provide good advice from senior officers. We know from experience that developers generally welcome such a service.

Charging for pre-application and project advice will be for the larger, more complex cases. The Borough will continue to offer free advice by phone and at the planning reception for other domestic and small scale matters not included under this charging scheme.

### **Why pre-application discussion?**

Early discussions between developers and planning officers will provide the opportunity to steer projects in the right form that will be attractive to the community and acceptable to the local planning authority. They can be of great benefit to the applicant by identifying the key planning issues, avoiding abortive work and speeding up the statutory process.

We seek to progress all applications within the prescribed period. However, it is likely that the more complex cases may take longer. Work at the pre-application stage will significantly reduce any unnecessary delays.

Pre-application discussions will ensure greater certainty and clarity to the applicant by identifying planning issues and requirements before the application is submitted. As part of this process, it is usually expected to also agree a Planning Performance Agreement (PPA) before an application is submitted which includes a timetable for progressing the application to decision stage.

Such an approach should lead to a reduction in the number of planning applications that are invalid when we receive them. It should lead to a reduction in the number of planning applications that are refused or withdrawn because the development is unacceptable. If comprehensive pre-application discussions have taken place it should avoid the need for significant revisions to a scheme during the lifetime of the application. This should remove a major factor that often results in significant delays.

The scheme will allow heads of terms for planning obligations (s106) to be identified at an early stage including an early commitment to drafting the legal agreement in parallel to the application.

### **What kind of applications will benefit from the Service?**

#### **Free advice is given on all of the following categories of development:**

- Changes of use of less than 99 sq.m
- Extensions and alterations to single domestic dwellings (including flats)
- Commercial developments (including extensions) of 99 sq.m or less and shopfronts
- All small scale advertisements relating to business premises (including shop fronts)
- All applications to clear conditions other than reserved matters applications on outline scheme and applications to vary hours of use
- Minor physical alterations to commercial properties

Advice to third parties, e.g. local residents affected by proposals, is not charged for.

Where enquiries are made as to whether planning permission is needed then free verbal advice will be given, however where written confirmation is needed, including straightforward cases, then a formal application for a certificate of lawfulness is required. There will be no charge for pre-application discussions over these.

### **Charging applies to the following:**

#### **A) Small Scale Development**

- Flat conversions incorporating up to 3 units

- Proposals for 1 to 3 residential units

### **B) Medium Scale Development**

- Flat conversions incorporating more than 3 units
- Proposals for 4 to 9 residential units
- Commercial development proposals of 100-999 sq.m floor space
- Changes of use 100-999sq.m of floorspace
- Proposals for advertisement hoardings/poster panels/general advertising
- Proposals for extensions and alteration requiring specialist conservation and/or design advice (other than shop fronts)
- Proposals for extension and alterations to listed buildings
- New telecommunication equipment and masts (applications and notification, not part 24 permitted development)
- Amendments to previously approved schemes

### **C) Major Scale Development**

- Provision of 10 to 99 dwelling units
- Provision of over 1000sq.m to 4999sq.m of commercial floorspace
- Development involving a site of up to 0.49ha
- Reserved matter applications on outline major schemes
- Change of use of 1000sq.m of floor space
- Developments requiring an environmental impact assessment
- Schemes requiring a transport assessment
- Pub, restaurants, casino and nightclub proposals
- Thames –side and Dockland developments

### **D) Large Major Development**

- 100 or more units
- Provision of over 5000sq.m of commercial floor space
- Change of use of over 5000sq.m of floorspace
- Development involving a site of over 0.5ha
- Reserved matters applications on outline major schemes
- Advice on sites to be disposed – UDP policy context and early indication of development potential of site

### **E) Project Planning Performance Agreements**

- Major Scale Development
- Large Major Development
- Masterplans
- Planning briefs

### **What will you get from this service?**

We will:

- Within 10 working days of receiving a request we will provide written confirmation as to whether the pre-application service is applicable and what the fee will be
- Provide details of what information we require. It is entirely up to the applicant how information is submitted. It should be noted the more comprehensive this information the more comprehensive the advice will be.
- Within 10 days of receiving the fee we will arrange a suitable meeting date, advise what Council officers will be in attendance
- Provide written confirmation within 15 days of the meeting of the advice and views given by us. Advise whether further meetings are considered necessary.
- Advise on whether a s106 would be required and having regard to the relevant planning policies indication of what the general heads of terms could be
- A pre-submission validation checklist of documents, information required and likely consultations to be undertaken

### **Design Review Panel**

It should be noted that the above service does not include the pre-application being reviewed by the Council's Design Review Panel. There is a separate fee to cover this aspect of the service and are tabled below.

The Newham Design Review Panel provides professional design advice on pre-application proposals for key developments in the borough. The Panel consists of highly qualified professionals within the built environment, to include architects, landscape architects, public realm specialists and urban designers. The Panel members have been appointed by Newham Council through a competitive application process, and the Panel exists to advise Newham Council, however it offers independent design advice. It does not have decision-making powers, but serves as an advisory body helping the council to achieve high quality urban and architectural design for its residents.

In 2009, Newham's DRP was highlighted as a case study in "[Design Review, principles and practice](#)", a best practice guide on Design Review Panels published by the Commission of Architecture and the Built Environment and the Royal Institute of British Architects.

It is recommended that all major development proposals are reviewed by the Design Review Panel at pre-application stage.

More information on Newham's Design Review Panel can be found at the following website:

<http://www.newham.gov.uk/Planning/PlanningApplications/TheNewhamDesignReviewPanel.htm>

### **Information Required**

The Council will require a basic level of information to ensure that proper advice can be given. The following is not exhaustive but is a useful guide to what you will need to ensure that you get the advice and guidance you need.

The more information you provide the more comprehensive our advice can be.

**Before we meet**

All documentation should be received 14 working days before the pre-application meeting otherwise the pre-application meeting may be rescheduled.

**Ownership** – clarification of applicant's status, particularly if a legal agreement is required including details of other relevant interests such as tenancies, mortgages etc.

**The existing site or building** – full site address and location plan at 1:1250, with site outlined in red, any adjoining land outlined in blue.

**Site History** – existing lawful use of site and planning history, e.g. applications, appeals, enforcements

**Your proposal** – full description of the range of proposed development, scale, uses, schedule of floor space, housing details including tenure, mix, size, including drawings, sketches.

Depending on how advanced the scheme is an urban design analysis/principles of the site and area and definition of the key characteristics of the scheme would be required.

**Planning obligations** – list of identified planning obligations commitments/suggestions, including a commitment to s106 legal agreement and to paying the Council's legal costs involved in negotiating, preparing and completing the agreement.

**Photographs of site/surroundings** – of site and surrounding - fully annotated.

**At the meeting**

What will be covered at the pre-application meeting?

Newham's planners have a unique knowledge of how local and national planning policies could apply to your proposal. At the pre-application meeting we will look at the following issues:

- Land use policies – local and strategic
- Residential/Housing quality – density, size of units, mix, tenure, amenity space
- Impact of neighbouring amenity – day/sunlight, privacy, noise
- Historical impact – listed buildings/conservation areas
- Natural environment – open space, ecological diversity
- Design and sustainability
- Servicing/access/parking/highways works/traffic orders/transport
- Planning obligations
- Any other issues identified as relevant

The more information that you provide, the more comprehensive and clear the advice will be.

### **After the meeting?**

Following this meeting we will write to you within 15 working days confirming the advice given at the meeting. If new information arises during the meeting or further research is required an extended timescale may be agreed. The letter will also outline the requirements for you to submit a valid application and number of sets of documentation information required for identified consultations.

If alterations to the scheme are required or it is felt that the scheme needs to develop before a submission is made a further round of correspondence and meetings may need to take place. A further charge will apply.

On the larger more complex cases a series of meetings may need to occur before an application is submitted. These meetings will consider in more detail issues including inter alia, the design and drawings, transport assessments, travel plans, design and access statements, environmental assessments.

### **The advantage of obtaining pre-application advice as part of a Planning Performance Agreement (PPA) and what information is required**

In some circumstances, particularly for large major developments it is strongly recommended that applicants sign up to a PPA with the Council from the outset. This enables applicants to receive a bespoke service which considers the development proposal from the pre-application stage right through to the determination and issuing of the planning decision.

It is recommended that an early liaison is undertaken with Development Services to assess the nature of the scheme and whether this would be an appropriate format for your pre-application. The Council will require a basic level of information to start things moving, this is the same as what we would require for regular pre-application advice and is detailed above in this guidance note.

On receipt of this information we will set out a project management framework for handling the proposed development which will form the basis of the PPA. The PPA commits both parties to an agreed timetable, which contains "milestones" that make clear what level of resources are required. This includes the likely number of meetings necessary and the officers required to take forward the relevant issues and ensure that all key planning issues are properly considered. It will also ensure that priority is given for review of the proposal by the Council's Design Review Panel and Planning Committee and any other necessary Council bodies. Once the framework has been agreed, we will quote a fee for the PPA package. The fee will be based on the time and resources necessary for the Council to deliver the PPA, and the level of experience of the case officer responsible for overseeing it.

### **Role of Councillors**

In respect of the more significant scheme the views of Senior Members of the Council will be sought. This advice will be shared with the applicants.

Newham has set up an internal member/officer meeting called Land Panel which meets at least monthly. This is not a public meeting but where appropriate developers are invited to present their scheme at the pre-application stage. The Land Panel receives reports on major and strategic developments within the Borough and provides a forum for Senior Member discussion.

### **Role of London Thames Gateway Development Corporation**

Significant areas of Newham fall within the London Thames Gateway Development Corporation (LTGDC) administrative district. Within these areas the LTGDC operate as the local planning authority and are the determining authority on certain planning applications that fall above certain thresholds.

A separate guidance note has been agreed with the LTGDC. Please refer to this for guidance on how the pre-application system operates within the LTGDC boundaries.

### **Role of the Olympic Delivery Authority**

The Olympics and environs at Stratford while located within Newham fall within the Olympic Delivery Authority (ODA) administrative district. Within these areas the ODA operate as the local planning authority and are the determining authority on all planning applications.

A separate guidance note has been agreed with the ODA. Please refer to this for guidance on how the pre-application system operates within the ODA boundaries.

### **Disclaimer**

Any advice given by Council officers at pre-application stage is not a formal planning decision by the Council as local planning authority. We will give you the best advice possible based on the information provided. This advice will be offered in good faith and to the best of ability, without prejudice to any formal consideration of any planning application following statutory consultation, the issues raised and the evaluation of all available information.

We cannot guarantee that any application subsequently received will be made valid or approved. However, pre-application advice should assist in helping applicants ensure that all necessary information, including the correct fee is provided. This will reduce the risk of any subsequent application being declared not valid and it should assist applicants in increasing awareness of the relevant planning issues which will inform any subsequent decision as to whether or not an application will be approved.

### **What to do next**

To request a pre-application meeting contact us, with details of your proposal and a contact person in your organisation to:

**Contact Officers:**

Andrew McGinnell – Technical Support Officer, Development Control

**Address**

Development Control Services  
 First Floor, West Wing  
 Newham Dockside  
 London, E16 2QU

Telephone number: 0203 373 4120

E-Mail: [Andrew.McGinnell@newham.gov.uk](mailto:Andrew.McGinnell@newham.gov.uk)

**What will the charge be?****Standard pre-application advice**

Category	First meeting + VAT	Follow up meeting fee on single issue	Follow up series of meetings
Category A Small Scale	£375 + VAT £75	£180 + VAT £36	
Category B Medium Scale	£750 + VAT £150	£375 + VAT £75	
Category C Major Scale	£1500 + VAT £300	£750 +VAT £150	
Category D Large Majors Scale	£3000 + VAT £600  (For initial scoping meeting)	£1500 + VAT £300	Further charges by agreement for a defined series of meetings (charge for officers time at cost)
Category E Project Planning Performance Agreements (PPA)	This service is subject to one fee determined by the resources required to deliver the Project PPA programme, and will be bespoke to each individual proposal.  + VAT		
Design Review Panel	First meeting - £2300 + VAT  Subsequent meetings - £1900 + VAT		