

Charging for Pre-Application Advice

Guidance Note – London Thames Gateway Development Corporation and London Borough of Newham

February 2012 (Revised)

The London Thames Gateway Development Corporation

The LTGDC was established to bring new powers and funding streams to drive forward regeneration in the London Thames Gateway area. From 31 October 2005, the Corporation formally took over responsibility for determining strategic applications. Strategic applications are considered to be of significant importance to the long term development and sustainability of the London Thames Gateway Area. The LTGDC is the local planning authority for the purposes of strategic applications, currently proposed until 30th September 2012.

The LTGDC planning powers and the definitions of what are considered to be strategic applications are set out in The London Thames Gateway Development Corporation (Planning Functions) Order 2005, as amended in 2011.

Appendix 1 contains a map that shows the extent of the LTGDC area that falls within LB Newham.

The formal pre-application service currently run by Newham will operate in the LTGDC area (Newham).

The formal pre-application system will work as set out in this Procedure Note and will be co-ordinated by LTGDC in conjunction with Newham officers.

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 officers deal with each year there are 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. The borough is 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 with further funded improvements pre 2012.

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

The Council has powers under the Local Government Act 1972, 2000, 2003 whereby 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 both the borough and the LTGDC 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, the borough can allocate more resources to this all important early stage of the process, and be able to provide good advice from senior officers. From experience the authorities know that developers generally welcome such a service.

Charging for pre-application and project advice will be for the larger, more complex cases.

Why pre-application discussion?

Early discussions between developers and planning officers will provide the opportunity to steer projects in the right direction so 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 also 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 minimise 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?

This pre-application advice service is offered on those schemes that fall within the thresholds of schemes where the LTGDC is the Local Planning Authority (LPA). This can be checked with the LTGDC, LBN or from The London Thames Gateway Development Corporation (Planning Functions) Order 2005, as amended.

If the scheme does not fall into any of the LTGDC thresholds where they are the LPA, the normal categories identified in the LBN Pre-Application Guidance Note are applicable and the pre-application service will be offered direct with Newham only.

Free advice is given on the following category of development:

- All applications to clear conditions other than reserved matters applications on outline scheme and applications to vary hours of use

Applicants should be aware that should the pre-application scheme not fall within the LTGDC thresholds, they should check against the LBN Guidance Note that contains a number of other categories.

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) Medium Scale Development

- Proposals for extension and alterations to listed buildings
- Reserved matters applications on outline major schemes
- Amendments to previously approved schemes

Applicants should be aware that should the pre-application scheme not fall within the LTGDC thresholds, they should check against the LBN Guidance Note that contains a number of other categories that fall within medium scale development and a charge will apply.

B) Major Scale Development

- Provision of 50 and more dwelling units
- Provision of over 2500sq.m to 4999sq.m of commercial floorspace
- Reserved matter applications on outline major schemes
- Change of use up to 4999sq.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

Applicants should be aware that should the pre-application scheme not fall within the LTGDC thresholds, they should check against the LBN Guidance Note that contains a number of other categories that fall within major scale development and a charge will apply.

C) Large Major Development

- 100 or more units
- Provision of 5000sq.m and more of commercial floor space
- Change of use of 5000sq.m and more of floorspace
- Development involving a site of over 1ha
- Reserved matters applications on outline major schemes

Applicants should be aware that should the pre-application scheme not fall within the LTGDC thresholds, they should check against the LBN Guidance Note that contains a number of other categories that fall within large major scale development and a charge will apply.

D) 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 as to the content of the submitted information. It should be noted the more comprehensive this information the more comprehensive the advice will be.
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- Within 10 days of receiving the fee we will arrange a suitable meeting date, advise what LTGDC/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
- Prepare a draft PPA/PPPA

Information Required

The LTGDC/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 LTGDC's/Council's legal costs involved in negotiating, preparing and completing the agreement. The LTGDC operates a Planning Obligations Strategy which requires a discounted figure of £10,000 per residential unit in the Lower Lea Valley area. There are no standard charges for commercial developments and these are assessed on a case by case basis but a contribution is expected.

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

At the meeting

What will be covered at the pre-application meeting?

The LTGDC and Newham's planners have a unique knowledge of how local and national planning policies and guidance 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 on 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 the LTGDC 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.

The Role of Newham's Councillors?

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

Newham has set up an internal member/officer meeting, the Land Panel, which meets at least monthly. This is not a public meeting and is a forum where, as considered 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.

Disclaimer

Any advice given by LTGDC/Council officers at pre-application stage is not a formal planning decision by the LTGDC 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 our 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 at LTGDC:

Peter Minoletti, Planning Development Manager.

Address

LTGDC

9th Floor, South Quay Plaza 3

189 Marsh Wall, E14 9SH

As of 28th November 2011 the address will as follows although other contact details are unchanged -

10th Floor, 2 Exchange Tower, Harbour Exchange Square, London E14 9GE

Telephone number 020 7517 4743

E-mail: peter.minoletti@ltgdc.org.uk

Address

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

Email: development.control@newham.gov.uk

Please note information should be sent to both LTGDC and LBN.
The cheque should be made payable to LBN and sent direct to LBN.

What will the charge be?

Category	First meeting	Follow up meeting fee on single issue	Follow up series of meetings
Category A Medium Scale	£600 + VAT £120	£300 + VAT £60	
Category B Major Scale	£1200 + VAT £240	£600 + VAT £120	
Category C Large Majors Scale	£2400 + VAT £480 (For initial scoping meeting)	£1200 + VAT £240	Further charges by agreement for a defined series of meetings (charge for officers time at cost)
Category D Project Planning Performance Agreements (PPPA)	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		