

Public Document Pack

Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS



Belfast
City Council

14th October, 2016

MEETING OF PLANNING COMMITTEE – REPORTS TO FOLLOW (MISC. ITEMS)

Dear Alderman/Councillor,

The above-named Committee will meet in the Banqueting Hall - City Hall on Tuesday, 18th October, 2016 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

8. Miscellaneous Items

- (b) Planning Committee - Pre Application Scale of Charging (Pages 1 - 10)
- (c) Planning Performance Agreement Protocol (Pages 11 - 22)



PLANNING COMMITTEE

Subject:	Pre-Application Advice – Scale of Charging
Date:	18 October 2016
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Phil Williams, Director of Planning and Place

Is this report restricted?	No
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1.0	Purpose of Report
	<p>This report addresses the opportunity for a Local Planning Authority (LPA) to apply a reasonable charging mechanism for pre-application discussions (PAD)s.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development - September 2015 - recognises that PASs are “fundamental to ‘front loading’ the new development management system. This front loading will help all parties, both to prepare an application to a high standard and to establish an agreed course and timetable for determining a development proposal”.</p> <p>Development Management Practice Note 10 - Pre-Application Community Consultation recognises that the pre-application discussion process is not a statutory requirement and is optional. However, by facilitating effective and meaningful pre-application discussions, a Council can ensure that opportunities to work collaboratively with applicants and to improve the quality of developments are maximised.</p> <p>Many LPAs, including UK Core Cities utilise this approach for strategic, major, and other forms of development.</p>
2.0	Summary of Main Issues
	<p>Belfast is facing an unprecedented level of growth where the development pipeline includes very significant commercial and employment generating developments. The City Council is committed to encouraging quality developments in the capital city of Northern Ireland.</p> <p>To support applicants investing in such developments the Council needs to provide certainty and sufficient resources to ensure that planning applications for large scale or complex proposals are dealt with in a timely manner.</p> <p><u>Benefits of Pre-Application Discussions</u></p> <p>The benefits of pre-application discussions have already been recognised by applicants in the processing of planning applications. Engaging in the pre-application process can help to:</p> <ul style="list-style-type: none"> Identify potential policy constraints and other material issues which need to be

	<p>addressed at an early stage in the process;</p> <ul style="list-style-type: none"> • Facilitate discussions with key consultees (where appropriate) at an early stage, especially where an environmental statement is likely to be required; • Identify related technical issues and allow for discussion with a view to resolving such matters. • Ensure that engagement with appropriate stakeholders takes place at an early stage in the planning process; • Offer an opportunity for informed amendments and improvements to be made to schemes prior to formal planning applications being submitted, thereby potentially reducing the time taken for an application to move through the planning system; • Improve the content and quality of planning applications; • Enhance the quality of a development scheme; • Speed up the statutory decision making process; and • Ensure active case management. <p><u>Summary of Pre-Application Discussions</u></p> <p>The pre-application process relies on a constructive approach from applicants and the Council, or the Department as may be the case. Spending time exchanging information or discussing plans during the critical period when proposals are being developed and are therefore capable of change allows for a collaborative way of working to solve problems, enhance sustainability and quality and better ensure financial viability. As such, whilst non-statutory, pre-application discussions are a central part of a positive and proactive planning system.</p> <p>The Scale of Charges for a number of LPAs is listed in Appendix 1.</p>
4.0	Recommendations
	<p>That the Planning department investigates a Scale of Charges for Pre-Application Discussions to establish a formal charging framework, commensurate with other Core Cities in the UK.</p>
5.1	Documents Attached
	<p>The Scale of Charges for a number of LPAs is attached at Appendix 1.</p>

Appendix - Sample charging schedules



**Nottingham
City Council**

Nottingham City Council

PRE APPLICATION ADVICE - CHARGING STRUCTURE

TYPE OF DEVELOPMENT	FIXED FEE (INC. VAT)	Additional hourly rate
Large Major /Strategic Development Over 100 residential dwellings Over 10,000m ² commercial floor space	Price on application	N/A
Major Development 10-99 residential dwellings 1,000–9,999m ² commercial floor space Change of Use over 1,000m ²	£1,200	£50
Minor Development – Type 2 5-9 residential dwellings 500–999m ² commercial floor space Change of use - conversion to flats	£300	£50
Minor Development - Type 1 1-4 residential dwellings 0–499m ² commercial floor space Change of Use - conversion to flats	£200	£50
Householder Development	£50	N/A
Householder Development with site visit	£100	N/A
Change of Use Non-residential buildings where the floor space is less than 1,000m ²	£85	N/A
*Listed Building Consent - Desk Top Assessment	£85	N/A
*Listed Building Consent with site visit	£150	£50
Adverts/Signage	£50	N/A
Telecommunications	£50	N/A

*This fee is in addition to charges for planning pre-application advice

Information we require with your pre-application enquiry

There is some essential information we need in order to assess your proposal, these are listed below. You may choose to submit additional documents to assist us in commenting on your scheme:

Failure to include this information will mean we will be unable to progress with your enquiry.

(please tick the boxes to show you have included this information)

Essential requirements:

- A location plan at scale clearly identifying the boundary of the site or building (1:1250 or 1:2500 scale)
- Proposed site layout plan
- Fee

Optional:

- Photographs and drawings that describe the site, location of trees, topography. This should include elevations, floor plans, adjacent buildings, access, parking arrangements and materials, where known
- Drawings showing the height/ scale
- Drawings showing the context of the proposal
- Other, please state

Methods of payment

I wish to pay by cheque, made payable to Leeds City Council for the amount (please complete the amount £)

I wish to pay by debit or credit card, either in person or via phone on 0113 222 4409

I wish to pay by cash, in person at the reception at the Leonardo Building, Rossington Street, Leeds, LS2 8HD

Please sign and date this form

Date

Signed

Please email this form and supporting information to DVD.Planning.PreApplications@leeds.gov.uk or send paper copies to:
Leeds City Council Planning Services
The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Disclaimer

The Council will make every effort to ensure that the advice given in the pre-application process is as accurate as possible. However, any advice given by council officers for pre-application enquiries does not constitute a formal response or decision of the Council with regards to any future planning applications. Whilst it may be a material consideration, it cannot be held to bind the Council in its validation or formal determination of a subsequent application.

If an application is subsequently submitted which fails to take on board advice given by officers, then the council may refuse it without further discussion with the applicant or their agent.

Sheffield City Council Planning Service

SCHEDULE OF PRE-APPLICATION ENQUIRY FEES

APPLICATION TYPE AND THRESHOLD	SERVICE NOTES	FEE (INC. VAT)
Householder development House extension / alteration / etc.		£85
Adverts & Changes of use Not including Major development or if any building or engineering work requiring planning permission proposed		£85
Simple Listed Building/Conservation/policy advice Based on desktop study		£85
Minor development • Dwellings: 0 - 5 / 0 - 0.25 ha • Other uses 0 - 500 sq m / 0 - 0.5 ha		£225
More complex Listed Building/Conservation/policy advice Based on desktop study with provision for additional work (possible site visit/meeting)		£150
Minor development (larger scale) • Dwellings 6 - 9 / 0.25 - 0.5 ha • Other uses 500 - 1,000 sq m / 0.5 - 1 ha		£275
Small-scale Major development • Dwellings: 10-199 / 0.5 - 4 ha • Other uses: 1,000 – 9,999 sq m / 1 - 2 ha (Outline 0.5 – 4 ha)	Stage 1 'in principle' enquiry	£350
	Stage 2 remaining details	£950
	Full service: Stages 1 & 2 together	£1,300
Large-scale Major development • Dwellings: 200+ / more than 4 ha • Offices/industry/retail: 10,000+ sq. m / more than 4 ha • Other uses: 10,000+ sq. m / more than 2 ha	Stage 1 'in principle' enquiry	£650
	Stage 2 remaining details	£1,500
	Full service: Stages 1 & 2 together	£2,150
Strategic developments Of city-wide significance and/or especially complex issues	Planning Performance Agreement (PPA) recommended	Price on application

Fee guarantee:

The intention is to recover the cost of the service provided, based on an average rate of £50 an hour for all officer contributions. Time recording has been used to set the fees.

If it is clear that significantly less hours work are required than the fee suggests, a partial refund will be made (on request). If significantly more officer time is required than the fee suggests, an additional fee will be requested in advance. This will ensure that pre-application fees cover our costs and remain fair and reasonable.

Integrated service with Building Control:

Enquiries can include an introduction to the Building Control Team and an integrated service throughout the life of the project, so please do indicate if this may be of interest.

Exemption:

Exemption: works to improve a disabled person's access to a public building or to improve his/her access, safety, health or comfort at his/her dwelling house.

Stage 1 and 2 service:

The Stage 1 'in principle' enquiry option includes one meeting with a case officer and written advice. It is designed so that a developer can get advice on whether or not a proposal has a reasonable chance of securing a favourable recommendation, before having to commit to all the detailed drawings, consultants' fees and supporting submissions necessary to make a full pre-application enquiry or to submit a planning application.

If you decide to take the proposal forward to more detailed pre-application discussions, with a full development team approach, only the remaining balance from the 'Full service' fee will be required (Stage 2 fee).

Bristol charging schedule

Appendix 5 – Charging Schedule

Please note that the figures set out below include VAT at the standard rate of 20%.

Type of development	Fixed Fee			Additional Hourly Rate		
	Fee	VAT	Total Payable	Fee	VAT	Total Payable
Large Scale Major or Special Case¹⁵ Applications (Over 100 dwellings or over 10,000sq m of commercial floor space. Where the number of dwellings or floor space figure is not given, the site is 2 hectares or more)	£2,500	£500	£3000	£100	£20	£120
Major Applications (10 residential units and above and 1000sq m of commercial floor space and above)	£1,250	£250	£1500	£100	£20	£120
Minor Development – Type 2 (Covers proposals for 5–9 new residential units, including changes of use to flats, and business changes of use from 501 to 999m2)	£250	£50	£300	£100	£20	£120
Minor Development - Type1 (Covers proposals for 1–4 new residential units, including changes of use to flats, and business changes of use up to 500m2 in size)	£165	£33	£198	n/a	n/a	n/a
Listed Building Consent¹⁶	£85	£17	£102	n/a	n/a	n/a
Listed Building Consent (with site visit)	£150	£30	£180	n/a	n/a	n/a
Householder development	£50	£10	£60	n/a	n/a	n/a
Adverts	£50	£10	£60	n/a	n/a	n/a
Single Changes of Use e.g. the change from a shop to a hot food takeaway	£85	£17	£102	n/a	n/a	n/a
Telecommunication development e.g. new masts etc.	£85	£17	£102	n/a	n/a	n/a

¹⁵ Such cases will be below the Large Scale Major threshold, but because of the local circumstances need to be subject to a Planning Performance Agreement

¹⁶ If planning advice is also needed, then both fees will apply

Appendix 6 – Contacts and other details

- Phone – Duty Planner: Tel 0117 9223000 (for a verbal response¹⁷)
- Payment Details
- Web site: Make pre application enquiry
- Other relevant documents:
 - Bristol Local Plan
 - The Bristol Planning Protocol
- Neighbourhood Planning Network
- Building Regulations¹⁸
- Email: development.management@bristol.gov.uk

Appendix 7 – Further Information

- the '10 Commitments'
- Planning Advisory Service The Pre-application suite

¹⁷ The purpose of the Duty Planner service is to only offer guidance on:-

- The pre application advice process
- How to find out about new planning applications
- How to comment on planning applications
- How applications are dealt with
- Planning issues on straightforward cases such as householder applications

¹⁸ Call 0117 9223000 for free of charge Building Regulations advice



Subject:	Planning Performance Agreement Protocol
Date:	18 October 2016
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Phil Williams, Director of Planning and Place

Is this report restricted?	No
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1.0	<p>Purpose of Report</p> <p>A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications.</p> <p>It is a voluntary agreement made between applicants and local planning authorities prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed. A PPA is usually agreed in the spirit of a memorandum of understanding rather than as a legally binding contract.</p> <p>It should cover the pre-application and application stages but may also extend to the post-application stage. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and key stakeholders and can help to bring together other parties such as statutory consultees.</p> <p>Many local authorities, including the UK core cities, have utilised this approach for major developments over a number of years. Moreover, a number of developers have contacted the Planning department volunteering a PPA, but it has not been possible for the City Council to enter into an agreement because the PPA process is not formally recognised.</p>
2.0	<p>Summary of Main Issues</p> <p>Belfast is facing an unprecedented level of growth where the development pipeline includes very significant commercial and employment generating developments. The City Council is committed to encouraging quality developments in the capital city of Northern Ireland.</p> <p>To support applicants investing in such developments the Council needs to provide certainty and sufficient resource and expertise to ensure that planning applications for large scale or complex proposals are dealt with in a timely manner with quality development outcomes.</p>

The PPA process provides the opportunity to more effectively communicate with developers and provide appropriate levels of highly skilled experienced staff to take responsibility for managing large scale or complex planning applications.

It is considered that those full or reserved matters applications which are broadly policy consistent, and for 100 dwellings or more or non-residential schemes with a floor space of 10,000 square metres or more, or having a site area of 1 hectare or more, could be suitable for a voluntary Planning Performance Agreement. In practice, the PPA process is likely only to relate to a small number of strategic applications.

Furthermore, it is considered that PPA's will have the following benefits:

- Provide certainty for applicants when the standard determination period is not appropriate.
- Ensure commitment from all parties to a shared timetable for pre-application, application and discharge of condition stages, as may be agreed.
- Create a development team with identified lead officers representing the applicant and the Council and involving all key contributors; internal and external to the Council
- Provide certainty about policy requirements, identification of consultees, key local groups or organisations to consult and provision of local knowledge.
- Provide an opportunity for an initial inception meeting for applicants with key Council officers to discuss a proposal, to formulate a PPA establishing a clear decision making framework and project programme. This will then be confirmed in writing by the Council as a project plan to then be signed by the lead officer for the applicant and Council.
- Ensure that the Council's lead officer and where necessary other named officers in key service areas, prioritise the application to provide a timely coordinated response, identify issues early and resolve any potential delays and conflicts.
- Ensure there is sufficient staff resources and expertise, including independent outside technical support as required, to deliver an effective Planning service
- Assist in delivering improved performance in determination timescales
- Support the delivery of quality development and outcomes

The applicant will be expected to agree to a project plan, pay the PPA fee which would be reflective of costs incurred by the Council, engage in meaningful pre-application discussions, allow adequate time for provision of essential information and assessment of proposal, respond within agreed timescales to requests for further information and/or revisions, attend project meetings accompanied by relevant team members, keep the Council informed of progress at all key stages, submit a complete application with all of the required supporting information and where appropriate a draft legal agreement.

It is considered that there could be benefits for including the conclusion of Section 76 Agreements as part of the PPA process if this were considered helpful.

	<p>The Council should reserve the right to decline a request for a PPA. Planning applications contrary to the Development Plan are unlikely to be considered appropriate for a PPA. The Director of Planning and Place should determine the appropriate fee level for a PPA and act consistently in determining PPA fees for comparable proposals. Higher fees will be required for particularly complex or very large scale proposals. The Director of Planning and Place should determine whether an additional fee is required if the developer significantly changes a proposal from when a PPA was originally submitted. The PPA fee will attract VAT.</p> <p>A PPA will become a public document when a planning application is submitted. The PPA is without prejudice to the Local Planning Authority's role to determine all planning applications on their merits and consider all submitted representations. It does not commit the local planning authority to a particular outcome. It is instead a commitment to a process and timetable for determining an application.</p> <p>The PPA process should be introduced immediately and reviewed by the Planning Committee after 12 months to consider its impact and whether any changes are required to the system and how it operates. It is considered that a shorter review period would be inappropriate given that the process will be targeted at largescale Major applications that have a determination period of 30 weeks (between 7 and 8 months).</p>
<p>3.0</p>	<p><u>Key Issues</u></p> <p><u>Financial & Resource Implications</u></p> <p><u>HR/IR implications</u></p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no equality or good relations implications in this report.</p>
<p>4.0</p>	<p>Recommendations</p> <p>That the Planning Performance Agreement Protocol as outlined at Appendix 1 is introduced from 1st November 2016 and that it is reviewed after 12 months.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 - Draft Planning Performance Agreement Protocol</p> <p>Appendix 2 – Draft Planning Performance Agreement Form</p>

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APPENDIX 1 – Draft Planning Performance Agreement Protocol

What is a Planning Performance Agreement?

A planning performance agreement (PPA) is a project management tool which local planning authorities and applicants may use to agree milestones, actions and resources for handling particular largescale and/or complex planning applications.

It is a voluntary agreement made between applicants and local planning authorities prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed by a planning application.

The PPA should cover the pre-application and application stages but may also extend to the post-application stage. Planning performance agreements are especially useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and key stakeholders and can help to bring together other parties such as statutory consultees.

Many local authorities, including the UK core cities, have utilised the PPA approach for major developments over a number of years.

What are the benefits of a Planning Performance Agreement?

Belfast is facing an unprecedented level of growth where the development pipeline includes very significant commercial and employment generating developments. The City Council is committed to encouraging quality developments in the capital city of Northern Ireland.

To support applicants investing in such developments the PPA process helps to provide certainty and sufficient resource and expertise to ensure that planning applications for largescale or complex proposals are dealt with in a timely manner with quality outcomes.

The PPA process provides the opportunity to more effectively communicate with developers and provide appropriate levels of highly skilled experienced staff to take responsibility for managing large scale or complex planning applications.

Planning Performance Agreements may have the following specific benefits:

- Provide certainty for applicants when the standard determination period is not appropriate.
- Ensure commitment from all parties to a shared timetable for pre-application, application and discharge of condition stages, as may be agreed.

- Create a development team with identified lead officers representing the applicant and the Council and involving all key contributors; internal and external to the Council
- Provide certainty about policy requirements, identification of consultees, key local groups or organisations to consult and provision of local knowledge.
- Provide an opportunity for an initial inception meeting for applicants with key Council officers to discuss a proposal, to formulate a PPA establishing a clear decision making framework and project programme. This will then be confirmed in writing by the Council as a project plan to then be signed by the lead officer for the applicant and Council.
- Ensure that the Council's lead officer and where necessary other named officers in key service areas, prioritise the application to provide a timely coordinated response, identify issues early and resolve any potential delays and conflicts.
- Ensure there is sufficient staff resources and expertise, including independent outside technical support as appropriate, to deliver an effective Planning service
- Assist in delivering improved performance in determination timescales
- Support the delivery of high quality development and outcomes

What types of proposal do Planning Performance Agreements apply to?

A PPA may be agreed by the City Council for those full or reserved matters applications which are broadly policy consistent, and for 100 dwellings or more or non-residential schemes with a floor space of 10,000 square metres or more, or having a site area of 1 hectare or more.

The Council reserves the right to decline a request for a PPA. Planning applications contrary to the Development Plan are unlikely to be considered appropriate for a PPA.

What should be included in the Planning Performance Agreement?

The applicant will be expected to agree to a project plan, pay the PPA fee which would be reflective of costs incurred by the Council, engage in meaningful pre-application discussions, allow adequate time for provision of essential information and assessment of proposal, respond within agreed timescales to requests for further information and/or revisions, attend project meetings accompanied by relevant team members, keep the Council informed of progress at all key stages, submit a complete application with all of the required supporting information and where appropriate a draft legal agreement.

The Director of Planning and Place will determine the appropriate fee level for a PPA and act consistently in determining PPA fees for comparable proposals. Higher fees will be required for particularly complex or very large scale proposals. The Director of Planning and Place will determine whether an additional fee is required if the developer significantly changes a proposal from when a PPA was originally submitted. The PPA fee will attract VAT.

The Planning department has produced a draft PPA form that may form the basis of the PPA. The PPA must be agreed and signed by all parties.

Who may enter into a Planning Performance Agreement?

The PPA will be drawn up between the City Council and applicant but may also include Government departments and other third parties and stakeholders, depending on the issues and circumstances of the proposal.

What is the status of a Planning Performance Agreement?

On signing, a PPA will become a public document when a planning application is submitted.

The PPA takes the form of a memorandum of understanding and is not legally binding. It should be seen as a very useful project management tool to support the planning application process.

There are no penalties, financial or otherwise, if a PPA is not complied with by any of the parties. However, any deviation from the PPA may have time consequences for the handling of the planning process. The performance of Planning Performance Agreements will be monitored by the Planning department.

The PPA is without prejudice to the Local Planning Authority's role to determine all planning applications on their merits and consider all submitted representations. **It does not commit the local planning authority to a particular outcome.** It is instead a commitment to a process and timetable for determining an application.

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APPENDIX 2 – DRAFT PLANNING PERFORMANCE AGREEMENT

PROJECT DESCRIPTION

SITE LOCATION

DEVELOPER'S MAIN POINT OF CONTACT

NAME	COMPANY	PHONE	E-MAIL
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ADDRESS

DEVELOPER'S TEAM

NAME	COMPANY	PHONE	E-MAIL
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COUNCIL'S MAIN POINT OF CONTACT

NAME	PHONE	EMAIL
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BELFAST PLANNING SERVICE, CECIL WARD BUILDING, 4-10 LINENHALL STREET, BT2 8BP

COUNCIL TEAM

NAME	SERVICE AREA	PHONE	E-MAIL
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URBAN DESIGN

ECOLOGY

TREES

EDUCATION

POLLUTION CONTROL

PARKS

CONTAMINATION

LAND USE POLICY

KEY ISSUES AND TASK PLAN IDENTIFYING APPLICANT AND COUNCIL ACTIONS/TASKS

ISSUE	ACTION/TASK	RESPONSIBILITY	PROGRESS	TIMESCALE/DATES
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THE FEE FOR THIS AGREEMENT IS £ + VAT

THIS DOCUMENT SETS OUT THE STANDARD OF SERVICE THAT CAN BE EXPECTED FROM THE COUNCIL AND THE APPLICANT.

WHERE REVISIONS NEED TO BE MADE TO THE AGREEMENT, EITHER AS A RESULT OF NEW ISSUES COMING TO LIGHT OR AS A RESULT OF PROBLEMS IN SEEKING TO ADDRESS KNOWN ISSUES THESE SHALL BE AGREED (IN WRITING WHERE APPROPRIATE) BETWEEN THOSE IDENTIFIED AS MAIN POINTS OF CONTACT FOR THE APPLICANT AND THE COUNCIL. IF THE DEVELOPMENT IS SIGNIFICANTLY ALTERED THEN A REVISED FEE MAY BE REQUIRED.

BOTH PARTIES AGREE TO THE USE OF ELECTRONIC COMMUNICATION.

THE APPLICANT AGREES NOT TO SEEK A REFUND OF THE FEE THAT ACCOMPANIES THE PLANNING APPLICATION DURING THE PERIOD OF THE AGREEMENT.

THE AGREEMENT IS WITHOUT PREJUDICE TO THE ROLE OF THE COUNCIL AS THE LOCAL PLANNING AUTHORITY WHO WILL DETERMINE ALL PLANNING APPLICATIONS ON THEIR MERITS AND CONSIDER ALL SUBMITTED REPRESENTATIONS.

SIGNATURES OF LEAD CONTACT OFFICERS

PRINT NAMES

DATE

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