

Issues raised at East Cambs 'Introduction to CIL' Breakfast Meeting

17th January 2013

This note is a follow up to the Breakfast meeting held on 17th January 2013 regarding the introduction of CIL, and provides clarification on some of the issues raised at the meeting.

If you wish to follow this up any further please e mail CIL@eastcambs.gov.uk, and we will respond as soon as possible.

We would like to thank you for attending the breakfast meeting and contributing to the discussion, and we will place these additional clarification notes on the Council's website in the Guidance for Planning Applicants and Frequently Asked Questions sections.

1) Definition of floorspace

The Government's planning portal confirms that the floorspace is calculated on the basis of **gross internal floorspace**. This includes the area measured to the internal face of the perimeter wall at each floor level within a building, ie it includes all internal walls but excludes perimeter walls. In a simple rectangular building for example, this would involve simply 2 measurements of the length and breadth of the building for each floor level.

Floorspace includes rooms, circulation and service space such as lifts and floorspace devoted to corridors, toilets, storage, ancillary floorspace (eg underground parking). Residential floorspace includes new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use. In flats developments, this includes communal entrances, landings etc and any related internal parking

Calculations should be based on the **RICS Code of Measuring Practice**. This is summarised in the table below:

Gross Internal Area (GIA)

Includes	Excludes
<ul style="list-style-type: none">• Areas occupied by internal walls and partitions• Columns, piers, chimney breasts, stairwells, lift wells, other internal projections, vertical ducts and similar• Atria and entrance halls, with clear height above, measured at base level only• Internal open-sided balconies, walkways and similar• Structural, raked or stepped floors are treated as a level floor measured horizontally• Horizontal floors, with permanent access below structural, raked or	<ul style="list-style-type: none">• Perimeter wall thicknesses and external projections• External open-sided balconies, covered ways and fire escapes• Canopies• Voids over or under structural, raked or stepped floors• Greenhouses, garden stores, fuel stores and similar

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| <p>stepped floors</p> <ul style="list-style-type: none"> • Corridors of a permanent essential nature (eg fire corridors, smoke lobbies) • Lift rooms, plant rooms, fuel stores, • Tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level • Service accommodation such as toilets, • toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and similar • Projection rooms • Voids over stairwells and lift shafts on upper floors • Loading bays • Areas with a headroom of less than 1.5m • Pavement vaults • Garages • Conservatories | |
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Garages

As indicated above, garages should be included within the calculation of gross internal floorspace, as a use ancillary to the dwelling. This applies whether they are attached to the dwelling or separate from it.

Mezzanine floors

Mezzanine floors are not liable for CIL

Mezzanine floors are defined as:

- a) Storey of lower height between two higher ones
- b) Floor at half height accessed from staircase leading from entrance hall/lobby
- c) New floor inserted between existing floors

In new build, an upper floor with a cut away element would not qualify as a mezzanine, as it is not a halfway floor.

Definition of Lawful Use

Lawful use is defined as a use which has been made for a continuous period of at least six months within the period of twelve months preceding the day planning permission first permits the chargeable development.

When planning permission first permits the chargeable development.

Please note that where a planning permission is given subject to a condition requiring further approval to be obtained before development can commence, the planning permission first permits the development on the day the final approval of the relevant conditions is given. The relevant date is, therefore, the date of the final approval of the last relevant condition.

It is possible that a development which at planning application stage was not considered liable for CIL may become liable for CIL if, for example, vacant use or demolition takes place in the period between the conditional permission and final approval of the conditions. This can impact on the chargeable area calculations. The timing of any demolition/vacant use is therefore important. The District Council must be informed of changes of circumstances in the 12 months before the relevant date.

Permitted Development and Lawful Use

In cases of permitted development, if the size of the development incurs liability for CIL, the relevant date for calculating the twelve month period calculation is the date that the Notice of Chargeable Development is submitted.

Outline Applications

CIL is liable only when the planning permission first permits the chargeable development. In the case of outline applications which are subject to reserved matters, this only applies when all the reserved matters have been approved.

Review of the Charging Schedule

The East Cambridgeshire Charging Schedule is likely to be reviewed on an annual basis. The first review will take place once the forthcoming East Cambridgeshire Local Plan is approved, currently anticipated for early in 2014.

Draft Liability Notices

East Cambridgeshire District Council intends to issue draft liability notices at the issue of planning permission stage, in order to provide applicants with an estimate of their CIL liability. However, this will be subject to the proviso that the final liability notice will be issued on commencement of development.

SPD on Developer Contributions

East Cambridgeshire District Council has issued a draft SPD on Developer Contributions for consultation and this consultation will run from 14th January 2013 to 11th February 2012. Further details on the consultation are available on the Council's website. This clarifies the relationship between S106 developer contributions and CIL, and together with the Regulation 123 list (which sets out details of what CIL income will be spent on), will ensure that there is no double funding of projects by both CIL and S106 contributions.