



# PLANNING PRE-APPLICATION ADVICE AND PLANNING PERFORMANCE AGREEMENT SERVICE

**April 2023**



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## Introduction

Hertsmere recognises the value and importance of pre-application discussions for the more efficient handling of subsequent applications. In particular, pre-application discussions are useful because they:

- Provide an understanding how the council's policies (adopted and/or emerging) will be applied to a proposal;
- Identify and seek to address potential issues and public concerns at an early stage;
- Encourage openness when we decide on planning applications, and allow us to process applications in a more timely way; and
- Ensure that proposals are in line with planning policies, and to secure high-quality sustainable development.

Submitting a planning application for a development proposal is not always straight forward and our advice and guidance aims to help you through the process and to achieve the best development for a site. We are committed to providing a pre-application service that gives applicants greater certainty as to any future proposals they may have.

The council has powers under the Local Government Act 2003 to charge for the discretionary services of pre-application advice. This guidance note provides details on the procedure and the level of charges.

## Why should I apply for Pre-application Advice before submitting an application?

The Council welcomes and encourages discussions in relation to development proposals in the Borough. We acknowledge the advantages of providing good quality advice to developers and their agents prior to the formal submission of a planning application in order to help speed up the development process and avoid unacceptable proposals.

The provision of advice on development schemes is time consuming and costly. In view of this and taking into account the increased number of requests for pre application meetings, the Council has formalised the procedures for handling pre-application advice and has introduced a fee. This will help the Council to sustain and improve the service provided. It will also ensure that the cost of providing advice does not fall as a general cost to the Council taxpayer.

We strongly recommend you seek pre-application advice from us before formally submitting an application although you are not required to do so. The Pre-application procedure provides the following benefits:

- Avoid costly mistakes and save time;
- Understand planning policy requirements and constraints that apply to your site;
- Identify potential problems early on and work to explore potential solutions; and
- Receive advice about how to improve your development proposal.

We charge a fee for all pre application proposals under the provision of the Local Government Act 2003. These are set out in the table on the following page.

Pre-application band categories	Cost	Additional Notes <sup>1</sup>
<b>Category A</b> <b>Large major development</b> <ul style="list-style-type: none"> <li>• 100+ residential units<sup>2</sup> (gross);</li> <li>• 10,000sq.m+ non-residential floorspace<sup>3</sup> (including change of use);</li> <li>• Sites over 2.5 hectares.</li> </ul>	<b>£11,527.95+VAT (£13,833.54)</b>	Up to a maximum of two meetings with officers, including one with Design/Heritage advice as appropriate. A third meeting for the purposes of discussing viability may be included (refer to Viability section). Any additional meetings or advice charged at extra cost of £768.75 per meeting.
<b>Category B</b> <b>Small major development</b> <ul style="list-style-type: none"> <li>• Between 10 and 99 residential units (gross) or Sites over 0.5 hectares with residential units proposed;</li> <li>• Between 1,000 and 9,999sq.m of non-residential floorspace (including change of use) or Sites between 1 and 2.49 hectares.</li> </ul>	<b>£7,942.72+VAT (£9,531.27)</b>	Up to a maximum of two meetings with officers, including one with Design/Heritage advice as appropriate. A third meeting for the purposes of discussing viability can be included (refer to Viability section). Any additional meetings or advice charged at extra cost of £768.65 per meeting.
<b>Category C</b> <b>Minor development (1)</b> <ul style="list-style-type: none"> <li>• Between 5 and 9 residential units (gross);</li> <li>• Between 500 and 999sq.m non-residential floorspace (including change of use);</li> <li>• Sites between 0.5 and 1 hectare<sup>4</sup>.</li> </ul>	<b>£3,677+VAT (£4,412.40)</b>	Up to a maximum of two meetings with officers. Design/Heritage advice provided in writing. Any additional meetings or advice charged at extra cost of £358.75 per meeting.
<b>Category D</b> <b>Minor development (2)</b> <ul style="list-style-type: none"> <li>• Between 2 and 4 residential units (gross);</li> <li>• Up to 499sq.m non-residential floorspace (including change of use);</li> <li>• Sites less than 0.5 hectares.</li> </ul>	<b>£1,576 +VAT (£1,891.20)</b>	One meeting with officers. Design/Heritage advice provided in writing. Any additional meetings or advice charged at extra cost of £358.75 per meeting.
<b>Category E</b> Creation/construction of a Single dwelling (self-contained residential unit)	<b>£400+VAT (£480) without meeting</b> <b>£550+VAT (£660) with meeting</b>	Written advice only, unless an officer meeting is requested and paid for at the outset.
<b>Category F</b> <b>Other</b> Including (but not limited to): <ul style="list-style-type: none"> <li>• Advertisement</li> <li>• Telecomms</li> <li>• Shop fronts</li> <li>• Conditions</li> </ul>	<b>£400+VAT (£480) without meeting</b> <b>£550+VAT (£660) with meeting</b>	Written advice only, unless an officer meeting is requested and paid for at the outset.
<b>Category G</b> <b>Householder</b> (Including Lawful Development Certificates)	<b>£150+VAT (£180) without meeting</b> <b>£250+VAT (£300) with meeting</b>	Written advice only, unless an officer meeting is requested and paid for at the outset.
<b>Category H</b> Listed Building Advice only  Standalone Heritage Advice only  If Planning Advice required with either of the above	<b>0.00 for pre app</b>  <b>See bespoke fee schedule</b>  <b>£150.00+VAT (£180.00) without meeting</b> <b>£250.00+VAT (£300.00) with meeting</b>	Plus payment required for bespoke advice from consultants – see bespoke fee schedule  Payment required for bespoke advice from consultants – see bespoke fee schedule

<sup>1</sup> All meetings (plus third viability only meeting) must take place within 3 months of the original request. Meetings will be for not more than 90 minutes (Categories A-E) or 60 minutes (Categories F-G) and will take place in person or online during office hours.

<sup>2</sup> Self-contained residential units – for sale or rent (Use Class C3).

<sup>3</sup> Including non-self-contained residential units or shared living (e.g care homes).

<sup>4</sup> Unless covered under Small major development for residential units.



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## How to make a request for pre-application advice in categories A to G

You will need to fill in a Pre-application Advice Application Form and attach the applicable fee and information listed in the form (where applicable/relevant to your proposal). Your submission should be made electronically. This information is required to assist the Council to assess the proposal and be in a position to provide helpful advice at the meeting. This includes:

- Site Location Plan with site edged red to a scale of 1:1250 or 1:2500;
- Written summary of proposal;
- Information on existing use of land and or buildings;
- Existing and proposed drawings;
- Floor area details (If site is located in the Green Belt, details of footprint and volume should be provided);
- Photographs of the site and neighbouring land / street scene;
- Site history details;
- Design and access statement;
- Environmental Impact Assessment (if required);
- Heritage Statement (Development which affects Listed Buildings, buildings of local importance and Conservation Area);
- Site survey;
- Tree survey and or Arboriculture Impact Assessment;
- Draft Viability Assessment; and
- Ecological survey.

An officer will then undertake a preliminary assessment of the proposal and may visit the site if necessary. Advice may also be sought from internal or external consultees if considered necessary and expedient.

As per categories A to D or where specifically requested, the officer will then contact you to arrange a meeting which will be informal and without prejudice. The scope of the discussion may extend to:

- Information on current/emerging Local Plan, Supplementary Planning Documents and other advice;
- Any relevant planning history;
- CIL/Section 106 or unilateral undertaking requirements and expectations;
- Information on what detail should accompany the application; and
- Afterwards the officer will provide a brief written response summarising the main points of the discussion.

## Inception Pre-Application Option

We also provide a high level and shortened pre-application process that enables a focus on key principles. This might be an optimal approach to take should you need a quick response as to whether your proposal will likely be acceptable (in principle) to the Local Planning Authority. We are unable to discuss more detailed matters and the normal pre-application process should be utilised for such discussions. The Inception process will be led by members of our senior officer team which could include the Head of Planning and Economic Development or the Development Team Manager and allows for one meeting for which we will provide a short follow up report (or other agreed method of correspondence) to clarify our position/view.

This option is available for Category A and B type applications as listed in the table previously. Inception pre- applications are charged at half the fee (plus VAT) of the equivalent full pre-application for the scale of development proposed. For example, if the development proposal is for 10 to 99 residential units or is to be on a site of 0.5 hectares (Category B - Small Major Development) the fee will be £3,971.36 + VAT. It is feasible to convert an Inception pre-application into a full pre-application should you wish to carry on with more detailed discussions.

## Urban Design/Heritage Advice

The Council seeks design and heritage advice externally through a Service Level Agreement. This advice is included as part of the overall fee for Categories A-D, but for all other categories, such advice will be sought and charged for separately. This will be agreed prior to validation of the pre-application request.

## Viability Assessments

We encourage discussions on viability assessments at an early stage in the process. Where a draft viability assessment is available, we will allow for an extra meeting (within Categories A and B), subject to the information being provided 10 working days in advance of any meeting and a cost undertaking for our consultant to review the draft assessment and provide initial comments. The consultation may attend this meeting where necessary at the cost of the pre-applicant.

## Pre-application Service Standards

In order to sustain a high level of effectiveness and consistency in professional advice that we give to our



customers we have adopted a number of customer service standards as follows:

- We will contact you within 5 working days (10 working days for Cat. A and B schemes) to discuss the arrangements for the pre-application and arrange meetings, advice as appropriate;
- We will only attend a site meeting when considered necessary – e.g. for unusual site specific issues such as topography, this maximises our available time with all our customers;
- The pre-application fee covers one meeting (up to 90 minutes). Any additional and/or follow-up meetings will be charged an additional fee as set out in the charging schedule;
- In order to meet these deadlines applicants/agents must provide relevant plans and supporting information;
- Site layout plans at an adequate scale will assist in our consideration of any scheme;
- Officers will produce a summary of the advice given at the pre-application meeting to make an adequate record of any discussions they may have with the applicant and/ or their agent;
- The fees in this schedule only covers the services of the Planning Team, you may need advice or services from other departments or organisations and would need to consult these separately. They may charge their own fees;
- We will record our major application advice on our database for record and training purposes; and
- We commit to providing a full written response to all requests within 25 working days of the final meeting (unless where an extension is agreed for projects within Category A and B).

- Where a meeting is not requested, a full written response shall be provided within 25 working days of the initial request.

Please note that all additional and follow-up meetings must be within 3 months of the original request. Any further request after 3 months will be treated as a new pre-application request and a new fee required.

## Planning Performance Agreements

Planning Performance Agreements (PPA) allow a more bespoke project management approach to be taken to engagement, negotiation and determination of planning applications and is focussed on the quality of the outcome rather than the speed of decision. As such, this process is managed outside of the normal statutory timeframes.

Planning Performance Agreements are essentially a project management process and tool to improve the quality of major planning applications and to provide greater certainty and transparency in the development of major schemes, in the assessment of the planning applications and in the decision making process.

We believe the use of the Planning Performance Agreements in Hertsmere enables the best outcomes for everyone and we strongly encourage their use. Why we encourage the use of PPAs because they:

- Provide a corporate view of proposals;
- Promote collaborative working;
- Build trust;
- Foster strong and productive partnerships;
- Deliver an improved customer service;

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- Agree alternative timescales to the statutory of 13/ 16 week time constraints;
- Create bespoke programming and appropriate resourcing of the processes;
- Provide greater certainty through Member involvement;
- Reduce likelihood of refusals and lengthy appeals;
- Deliver better quality developments.

Where a planning application for a major development proposal is submitted without a Planning Performance Agreement, it will be determined without the lengthy dialogue that normally takes place on such schemes.

While a Planning Performance Agreement will help ensure a major application is processed to an agreed timetable with meetings to help overcome issues that arise during the application process; the signing of a Planning Performance Agreement between the applicant and the local planning authority does not prejudice the outcome of a planning application nor does it give a guarantee of planning permission.

Planning Performance Agreements (PPAs) are a bespoke service and the cost of this service will be discussed on an individual basis tailored to the specific requirements of the application and parties entering into the agreement. Please note that the cost will involve a fee for the inception/ administration of the agreement and will be required up front. Should the agreement cover a pre-application (inclusive of an Inception pre-application) as part of it, the pre-application fee will form part of the overall PPA cost.

### Limitations and important points to be aware of before applying for pre-application advice

We 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 regard to any future planning applications and, whilst it may be a material consideration, 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.

If the applicant or agent wishes the application to be determined as submitted, the council will consider the application without amendments and without further discussion with the applicant or their agent. This may result in refusal of permission.





There is a possibility that, under the Environmental Information Regulations 2000 and/or the Freedom of Information Act 2000, the council will be asked by third parties to provide information regarding enquiries for pre-application advice and copies of any advice provided or correspondence entered into.

It will be for the council to decide whether information can be withheld in the event of a request being made under the Environmental Information Regulations or Freedom of Information Act. Generally, requests for disclosure relating to planning matters will fall within the scope of the Environmental Information Regulations. The starting point under the Regulations is that information which is held should be made available on request.

Information that is disclosed under the Regulations becomes publicly available. There are only a limited number of circumstances in which information can be withheld when it has been asked for. In many cases these exceptions are not absolute but require the council to carry out a balancing process. The balancing process requires the council to consider factors such as the nature of the information in

question and how old it is, and what sort of harm could be caused, and to whom or to what, if the information were to be disclosed to a third party.

Applicants must therefore be aware when submitting material in connection with pre-application advice requests that the council may have to make that information publicly available at a later date.

The council expects applicants pro-actively to identify any information that they consider to be sensitive or confidential for other reasons when submitting a request for pre-application advice. Applicants should say clearly why the particular information is considered to be confidential or sensitive.

## Form download

The Pre-Application Stage Planning Performance Agreement application form can be downloaded at:

<https://www.hertsmere.gov.uk/preapp>

## FURTHER INFORMATION AND CONTACTS

<https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-and-Building-Control.aspx>

Alternatively you can contact us by email at:

[planning@hertsmere.gov.uk](mailto:planning@hertsmere.gov.uk)

or by post:

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