PLANNING PRE-APPLICATION ADVICE AND PLANNING PERFORMANCE AGREEMENT SERVICE

April 2019
Introduction

Hertsmere Borough Council is well connected to London and the rest of the country and with the protection of land its green belt development outside the built up areas requires careful consideration. With an increasing population the Borough needs to accommodate growth while providing the best environment for existing and future residents, workers and visitors. 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 the site.

Background

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.

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 officers. We know from experience that developers and potential applicants generally welcome and benefit from such a service.

Pre-application

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;
- 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.
<table>
<thead>
<tr>
<th>Pre-application band categories</th>
<th>Initial cost</th>
<th>Additional specialist advice</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CATEGORY A</strong></td>
<td>£9,000+VAT</td>
<td>1 Meeting of Urban Design/Historic asset advice included (if the Local Authority considered it necessary/relevant)</td>
</tr>
<tr>
<td>Large major residential / commercial development</td>
<td>£10,800</td>
<td>Urban Design, Historic Asset and Affordable Housing – see footnote 2 and category K</td>
</tr>
<tr>
<td>• 75+ residential units</td>
<td></td>
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<tr>
<td>• 10,000sqm+ net additional floor space (including change of use)</td>
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<tr>
<td>• Sites over 2.5 hectares</td>
<td></td>
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<tr>
<td><strong>CATEGORY B</strong></td>
<td>£6,000+VAT</td>
<td>1 Meeting of Urban Design/Historic asset advice included (if the Local Authority considered it necessary/relevant)</td>
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<tr>
<td>• 26 - 74 units</td>
<td>£7,200</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
</tr>
<tr>
<td>• 5,000 to 9,999sqm + net additional floor space (including change of use)</td>
<td></td>
<td></td>
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<tr>
<td>• Sites between 2 - 2.49 hectares</td>
<td></td>
<td></td>
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<tr>
<td><strong>CATEGORY C</strong></td>
<td>£4,000+VAT</td>
<td>1 Meeting of Urban Design/Historic asset advice included (if the Local Authority considered it necessary/relevant)</td>
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<tr>
<td>• 10 - 25 units</td>
<td>£4,800</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
</tr>
<tr>
<td>• 2,500 to 4,999sqm + net additional floor space (including change of use)</td>
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<td></td>
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<tr>
<td>• Site between 1.49 - 1.99 hectares</td>
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<tr>
<td><strong>CATEGORY D</strong></td>
<td>£3,000+VAT</td>
<td>1 Meeting of Urban Design/Historic asset advice included (if the Local Authority considered it necessary/relevant)</td>
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<td>• 5 - 9 units</td>
<td>£3,600</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
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<td>• 1,000 to 2,499sqm + net additional floor space (including change of use)</td>
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<td>• Sites between 1 - 1.49 hectares</td>
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<tr>
<td><strong>CATEGORY E</strong></td>
<td>£1,250+VAT</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
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<td>• 2 - 4 units</td>
<td>£1,500</td>
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<tr>
<td>• 500 to 999sqm + net additional floor space (including change of use)</td>
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<tr>
<td>• Sites between 0.5 - 0.99 hectares</td>
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<tr>
<td><strong>CATEGORY F</strong></td>
<td>£400+ VAT</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
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<td>• 1 unit</td>
<td>£480</td>
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<tr>
<td><strong>CATEGORY G</strong></td>
<td>£500 +VAT</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
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<tr>
<td>• Under 500sqm + net additional floor space (including change of use)</td>
<td>£600</td>
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<tr>
<td>• Site area of less than 0.5 hectares</td>
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<td>• Telecommunications</td>
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<tr>
<td><strong>CATEGORY H</strong></td>
<td>£150 +VAT</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2 and category K</td>
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<tr>
<td>Householder applications (including Lawful Development Certificates)</td>
<td>£180</td>
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<tr>
<td><strong>CATEGORY I</strong></td>
<td>£250 +VAT</td>
<td>Urban Design, Historic Asset and Affordable Housing - see footnote 2</td>
</tr>
<tr>
<td>Minor Planning Proposals (outside categories above)</td>
<td>£300</td>
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<tr>
<td><strong>CATEGORY J</strong></td>
<td>See footnote 2</td>
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<tr>
<td>Historic Asset Advice (outside the categories above)</td>
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<tr>
<td><strong>CATEGORY K</strong></td>
<td>See footnote 2</td>
<td></td>
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<tr>
<td>Viability Assessment</td>
<td></td>
<td></td>
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<tr>
<td><strong>CATEGORY L</strong></td>
<td>See footnote 2</td>
<td></td>
</tr>
<tr>
<td>Urban Design</td>
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</tbody>
</table>

1) Fee categories A - D the initial cost include a maximum of 2 meetings, 1 of which will involve design/heritage advice where the Local Authority deems it appropriate. Fee categories E - G include 1 meeting and Categories H and I include written advice only.

2) There is a Service Level Agreement in place with an external body to provide bespoke design advice on appropriate schemes. Any additional advice except that referenced under 1) will be charged at extra cost. The fees schedule can be found on this link https://www.hertsmere.gov.uk/Documents/09-Planning--Building-Control/Planning/Development-Mangement/Hertsmere-BC-Pre-app-fees-UD-HB-2017-2.pdf

3) If both parties agree that additional meetings are required these will incur an extra charge which will be the lower amount of £750.00 for categories A - E, or the initial fee for other categories.
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. 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;
- Ecological survey (Optional).

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, subject to your request on the pre-application form in terms of transport, heritage, viability, local parking requirements and legal.

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 Local Plan, Supplementary Planning guidance, Supplementary Planning Documents and other advice;
- Any relevant planning history;
- 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. Any subsequent formal planning application will be subject to public consultation and will ultimately be decided by the Council as Local Planning Authority.

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 to discuss the arrangement 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. Any additional 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.
Frequently Asked Questions

Will the Council’s advice incorporate the views from other departments/external organisations?

The advice provided will incorporate the views from other departments within Hertsmere Borough Council, where relevant, such as Environmental Health.

It must be noted, however, that there are other external statutory bodies which you may wish to consult with about your proposal, some of which may have their own pre-application charges.

Hertfordshire County Council Highways

The County Council welcomes and encourages discussions on the transport impacts of new development proposals before a developer submits a planning application.

http://www.hertsdirect.org/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/dmprepaladvice/

Environment Agency

The Environment Agency provides site-specific pre-application and post permission advice and would like to hear from you if your proposed development site:

- is in flood zones 2 or 3 (unless their Flood Risk Standing Advice applies)
- contains or is close to a ‘main river’
- is on land affected by contamination
- handles waste or hazardous substances (including fuels & oils)


Lead Local Flood Authority

Hertfordshire County Council, as the Lead Local Flood Authority for Hertfordshire, has the role of managing flood risk from surface water and groundwater. They are also responsible for determining any works which could affect an ordinary watercourse.


Herts Environmental Records Centre

They manage information on habitats, species and sites across the county.

http://www.hercinfo.org.uk/

Are there other sources of planning guidance?

Planning Portal

The Planning Portal is the online planning resource for England and Wales. It contains links to Planning Practice Guidance, as well as ‘Interactive Guides’ for detached and terraced houses, which provides access to information on many common householder projects.

https://www.planningportal.co.uk/info/200125/do_you_need_permission
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 allowing this process to sit outside of the 13 week statutory timeframe.

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:

- Collaborative working;
- Building trust;
- Foster strong and productive partnerships;
- An improved customers service;
- Removal of 13/16 week time constraints;
- Creation of bespoke programming and appropriate resourcing of the processes;
- Certainty through Member involvement;
- Reduction of refusals and lengthy appeals;
- 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 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 the parties entering into the agreement. However, if the agreement covers pre-application advice it will never be lower than the initial cost of that service.
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

or by post:
Development Management
Hertsmere Borough Council,
Civic Offices
Elstree Way,
Borehamwood,
Herts
WD6 1WA