

East Herts Council Report Template

Overview and Scrutiny Committee

Date of Meeting: 16 June 2020

Report by: Executive Member for Planning and Growth

Report title: Development Management Pre-Application Advice Service

Ward(s) affected: All

Summary

- Report for information outlining the Council's Development Management Pre-Application Advice Service and current issues.

RECOMMENDATIONS FOR DECISION:

(a) That the report and the ongoing review of the service be noted.

1.0 Proposal(s)

1.1 That the report be noted.

2.0 Background

2.1 The Council operates a chargeable pre-application advice service for the public and developers wishing to seek advice as to whether proposed development is likely to be acceptable. The chargeable service was introduced in about 2008 and the basis for the current scheme of charging was introduced in 2018.

2.2 Advice is provided in writing making it clear that it is officer opinion and given without prejudice to any decision of the Local Planning Authority on a subsequent planning application:

2.3 Advice is provided in the following format:

- The planning history of the site;
- The District Plan issues raised by the proposal and an assessment of its impact;
- Advice on amendments/ alterations that could be made to improve the proposals or make them acceptable;
- Advice on the information required if a formal planning submission is to be made
- Advise on the likely outcome of any formal planning application submission

2.4 The pre-application advice service is subject to the following fees.

Type	Initial fee £ (inc VAT)	Follow up fee £(inc VAT)
Householder	155.00	70.00
Minor development comprising a single residential unit or development creating up to 50m ² floorspace	387.00	n/a
Minor development creating no new floorspace	129.00	64.00
All other minor development	387.00	n/a
Advertisements	107.00	n/a
Informal confirmation that a proposal is permitted development	140.00	n/a

Heritage advice	140.00	70.00
Major applications	Individual quote	
Meeting with officer (if agreed)	46.00 per hour per officer	

3.0 Considerations

- 3.1 There are a number of issues with the current operation of the service including fees and performance targets. These issues are currently being reviewed, with the aim of improving the overall operation of the service and in turn encouraging more customers to use it. The intention is to implement changes in Autumn 2020.
- 3.2 The current target for pre-application responses is 28 working days. However, whilst this is an appropriate target for householder enquiries it is clearly unrealistic for major developments and unachievable for many minor development proposals.
- 3.3 It should be recognised that the statutory period for determining householder and minor planning applications is 8 weeks. The Council performs extremely well in that regard and above the government's target of 80% of applications to be determined within the statutory period. There is little difference in terms of the work generated by the assessment of pre-application proposals than that generated by planning applications and the current 28 day target for response is unrealistic in many cases.
- 3.4 The target is also not well related to the complexity of current pre-application workload or the planning policy requirements of the District Plan adopted in October 2019. For example in the case of significant developments Policy DES1 of the District Plan requires the adoption of a Materplanning approach to guide the proposed development. Pre-application engagement with

officers in respect of strategic sites and other major developments can span many months and Planning Performance Agreements (PPA's) scheduling this engagement have been adopted for strategic site allocations within the District Plan.

4.0 Engagement

4.1 The pre-application advice service attracts little feedback from applicants by way of complaint. However, some limited issues are raised by customers with the Service Manager – Development Management from time to time.

4.2 During 2019 some issues were raised regarding delayed responses by reference to the Council's 28 day target.

4.3 Some very limited feedback from applicants was also received in respect of the following issues:

No.	Issue – point of concern raised	Number of customers
1	The advice encouraged the applicant to proceed to commit expenditure to progressing a scheme that was unlikely to be granted permission	1
2	The service provided did not represent good value for money	1
3	Planning applications had been refused and subsequent pre-application advice stated that elements of the scheme were unacceptable but these elements were already present on nearby properties	1

4.4 Point 1 - on review it was found that the allegation was ill founded. Whilst the case officer had wrongly considered that

the site was previously developed land (a brownfield site). The response was clear in stating that the proposal amounted to inappropriate development in the Green Belt. The proposal was therefore unacceptable in principle and planning permission would be unlikely to be granted. No encouragement to further the proposal had been given.

4.5 Point 2 – on review it was found that the response was of good professional standard.

4.6 Point 3 – on review it was found that the pre-application advice given was accurate and that it reflected current District Plan Policy and the circumstances of the dwelling. Alterations carried out to nearby properties, which included dormer windows and rooflights were historic alterations that comprised permitted development that did not require planning permission at the time. The property was situated within the part of a Conservation Area which now the subject of an Article 4 Direction removing permitted development rights for the type of development proposed.

4.7 Officers are also aware of a concern raised with a Member but not with officers (Jolly Waggoners Public House). In this case an application for pre-application advice was submitted following a refusal of planning permission. The case officer advised the applicant that the pre-application submission was little different to the refused application and informal advice was given by email as to the areas of concern that they should be addressing. The applicant did not follow this up and the case was therefore closed with no formal response having been given.

5.0 Conclusions

5.1 Analysis of the limited number of issues raised by customers shows that there are no issues with the standard of advice being given. However, there are service issues which require review including:

- Review and adoption of revised fees;
- The adoption of realistic performance targets that relate to the scale of the development;
- Performance monitoring to the adopted targets.

These issues are currently being reviewed, with the aim of implementing changes in summer 2020.

6.0 Options

6.1 The pre-application advice service is currently under review and any changes will be reported for adoption as necessary.

7.0 Risks

7.1 Ensuring that fees and performance targets are appropriate.

8.0 Implications/Consultations

8.1 The pre-application response service is confidential between the applicant and the Council and it does not involve public engagement.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

9.0 Background papers, appendices and other relevant material

9.1 None

Contact Member

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