

Report to: **Overview and Scrutiny Panel**
Date: **22 March 2018**
Title: **Development Management Pre-Application Advice**

Portfolio Area: **Customer First – Cllr H Bastone**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

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RECOMMENDATION

That the Overview and Scrutiny Panel RECOMMEND to the Executive approval of the proposed pre-application process for consultation with users of the service.

1. EXECUTIVE SUMMARY

- 1.1** Following the Planning Peer review, it was agreed that a review of the planning pre-application process be undertaken, including the planning duty service.
- 1.2** The key elements of the existing pre-application process are robust and remain valid. There are two main areas of the process that it is recommended are changed; the interaction with Council Members and Town and Parish Councils, and the publication of both pre-application submissions and the Councils response.
- 1.3** Proposed changes in respect of the interaction during the pre-application process with Council Members and Town and Parish

Councils together with changes to the publication of Pre-application submissions and responses are provided at Appendix 1.

2. BACKGROUND

- 2.1** South Hams District Council is committed to supporting effective pre-application engagement with developers, applicants and local communities. However, it should be noted from the outset that the Council's pre application service is for the provision of advice and is not an approval service. It should aim to give developers/applicants very clear advice about whether Council officers may recommend approval for a scheme, or how it may need to change to be supported by a recommendation.
- 2.2** The National Planning Policy Framework (NPPF) advises Local Planning Authorities (LPAs) to approach decision-taking in a positive way to foster the delivery of sustainable development. LPA's need to look for solutions rather than problems and where possible, seek to approve applications for sustainable development. In this respect, LPA's should work proactively with developers/applicants to secure developments that improve economic, social and environmental conditions of an area.
- 2.3** The NPPF clearly encourages early engagement and front loading as this has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Good quality pre-application discussions enable better coordination between public and private resources and improved outcomes for the community. LPA's have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage and should encourage any developers/applicants to engage with the local community before submitting their formal planning applications.
- 2.4** The more issues that can be resolved at pre-application stage, the greater the benefits. For the planning system to be effective and positive, statutory planning consultees must take the same early, pro-active approach, and provide advice in a timely manner. This assists in issuing timely decisions, helping to ensure that there are no unnecessary delays and costs.
- 2.5** We receive a significant number of pre-application submissions with 348 being received in 2017. However only 217 submissions completed the process in 2017 and it is clear that insufficient resources have been directed to pre-applications to enable the efficient processing of them within the time frame that is set out which is 6 weeks for non-majors and between 2-6 months for major schemes.
- 2.6** The existing pre-application process sets out that the Council will expect developers and applicants to be open and positive in their engagement with communities and follow the Council's pre-application process. Communities have a key role in identifying

issues and opportunities around community facilities. The pre-application process and interaction between developers and applicants, local communities and the LPA will allow those communities to express their thoughts and opinions on scale, nature and form of development in a way that is proportionate to the scale of the development proposal.

- 2.7** There appears only to be a small number of pre-application submissions during which the local community are involved. The Council has no power to compel developers or prospective applicants to engage with the community, other than for a relatively large scale energy project. However the pre-application process should continue to encourage community involvement.
- 2.8** The planning duty service sits alongside the pre-application process. The duty planning service only provides general planning advice and not pre-application advice. There are also specific appointments for Listed Building and Heritage questions. It is recognised that this does provide a service to customers who have general planning questions.

3. PROPOSED ACTIONS

- 3.1** As Members are aware, the Planning Duty service has been revised and those revisions approved as part of the Budget Setting process to take effect from 1 April 2018. Members of the public (including planning agents/architects) can book either a face to face appointment at Follaton House or have a telephone call from a member of the Development Management Team who cover the appointments on a rota. Each appointment is for 30 minutes and will be charged at £30 per appointment. At present the duty service is free and is for 15 minute appointments.
- 3.2** The Council has also approved through the budget setting process, fees for pre-applications from April 2018. A copy of the approved fees are attached at Appendix 2.
- 3.3** The target timescales for dealing with pre-application submissions have been re-visited. It is acknowledged that the response times to pre-application enquiries have not been in accordance with the target timescales. The additional resources to Development Management achieved through the increase in planning fees, will provide additional capacity that will facilitate improvements in the speed of response to such enquiries. It is proposed that the target timescales for dealing with pre-applications will be as follows:

Householder/Advertisements: Meeting to take place within 4 weeks from the date of receipt of pre-app with a full response within 6 weeks from date of receipt.

Small Minor: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement with 7 days of the meeting.

Full pre-app meeting within 4 weeks from date of receipt or within 2 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app meeting. If no further information is required or no comments from other consultees needed the response should be within 3 weeks of the meeting.

Minor: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 4 weeks from date of receipt or within 2 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app meeting. If no further information is required or no comments from other consultees needed the response should be within 3 weeks of the meeting.

Small Scale Major: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 5 weeks from date of receipt or within 3 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app scoping meeting or at the first full pre-app meeting.

Large Scale Major: Scoping meeting to take place within 4 weeks from the date of receipt with notes circulated for agreement within 7 days of the meeting. The timescale for the rest of the pre-app will be set out in an agreed PPA.

- 3.4** A pre-application submission should not be dealt with in the same way as a planning application and is not a vehicle for public consultation and the consideration by the Council of representations from the public or other non-technical consultees.
- 3.5** The Council will continue to encourage discussion between developers and land/property owners who submit pre-applications and the community, including Town and Parish Councils. There will not be formal consultation with the community by the Council unless a development forum takes place,
- 3.6** It is proposed that Ward Members will continue to receive a weekly list of new pre-application enquiries that have been received. In addition, it is proposed that Ward Members will be advised when pre-application meetings have been arranged to enable them to attend the meetings if they so wish. Further details are set out in Appendix 1.
- 3.7** It is also proposed that if an application is subsequently submitted following any pre-application advice being given, once the new application is registered, the pre-application submission and the

response from the Council will be published on the Council Website with the application documents.

4. CONSIDERATION OF RISK

- 4.1** The front loading of the planning application process with early engagement is set out in the NPPF as having the significant potential to improve the efficiency and effectiveness of the planning application system. The risk therefore in not engaging at a pre-application stage is reducing the efficiency and effectiveness of Development Management.
- 4.2** The changes proposed will address a potential perception that the pre-application process is not transparent, by publicising the pre application details and advice given once a full application is received.

5. IMPLICATIONS

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Paragraphs 188 - 195 of the National Planning Policy Framework set out that Local Planning Authorities should engage with a pre-application process. The EIR 2004 Regulations provide a presumption of disclosure for information including pre-apps
Financial	N	There are no direct financial implications of the contents of the report.
Risk	Y	As outlined in section 4.0 of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Appendices:

Appendix 1 – Proposed Pre-App procedure.

Appendix 2 – Approved Pre-App fees from 01/04/18