

# Relaunch of the Pre-application Advice Service

**Planning Committee**

**Date: 9<sup>th</sup> April 2019**

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Author:	Head of Planning, Regulatory Services and Heritage
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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## **1. Purpose and Reasons**

- 1.1 To seek Planning Committee endorsement to introduce a revised pre-application advice fee structure and guidance that is transparent, and commits to a level of service that meets applicant's needs, provides certainty, improves efficiency in the overall planning service and meets total costs of providing the service. The revised fee structure would replace the existing fee structure.
- 1.2 The Pre-Application Service is key to the delivery of regeneration and growth by enabling early engagement with developers and applicants. The pre-application advice stage provides an opportunity not only for developers to receive certainty over the likely acceptance of their proposals, but also for the Council to both shape and drive growth and regeneration schemes. The service is integral to the delivery of the development strategy in the Swindon Borough Local Plan (2026), and Council pledges and objectives around regeneration and sustainable growth. To do this, a greater proportion of our planning resource will need to be devoted to facilitating schemes at an early stage.
- 1.3 Section 93 of the Local Government Act, 2003, allows for the charging for discretionary services. Swindon has been operating a 'charged-for' Pre-application Service since 2010. Over this time the service has facilitated a number of major development schemes, and in doing so has generated an income of over £400k to fund the service. However, the costs recovered do not cover the costs of providing the service. More importantly, the current service does not meet all the needs of developers in a timely manner, which means that developers tend not to engage in a timely manner, meaning that applications can be well below standard on submission, extending timeframes for determination and increasing uncertainty. This is of no benefit to developers or the Council.
- 1.4 This report seeks Committee's authorisation to introduce a new Pre-application Advice Service that meets the needs of customers functioning to the mutual benefit of both developers and the Council, and which covers costs.

## **2. Recommendations**

### That Committee:

- 2.1 Agrees to the introduction of the new Pre-application Advice Service in accord with the Pre-application Guidance Note and Fee Structure as set out in Appendix 1.

# Relaunch of the Pre-application Advice Service

**Planning Committee**

**Date: 9<sup>th</sup> April 2019**

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- 2.2 Agrees the Pre-application Service Guidance Note and authorises the Head of Planning, Regulatory Services and Heritage to publish the protocol in the planning pages of the Councils Web site.
- 2.3 Authorises the Head of Planning, Regulatory Services and Heritage to make any minor or typographical changes as may be necessary prior to publication.
- 2.4 Authorises the Head of Planning, Regulatory Services and Heritage to refresh forms required to operate the Pre-application Service in accordance with the Council's online forms and amend the Pre-application Service Guidance Note to capture changes in process.

## **3. Context**

### Legislative Framework

- 3.1 Section 93 of the Local Government Act 2003 allows local councils to charge for discretionary services. Pre-application advice is a discretionary service but is important to support the efficient delivery of the statutory planning service. The pre-application advice stage provides an opportunity for the Council to positively shape and help drive forward development. Our Pre-application Service as currently offered is no longer fit for purpose, and requires a review.
- 3.2 The Housing and Planning Act introduces a range of measures that will require Local Planning Authorities (LPAs) to be more commercially focussed (for example, proposals to introduce competition in service delivery). The Act also introduces a number of opportunities for LPA's to enhance their service (for example, the proposal to allow high performing LPAs to vary their fees / proposal to allow LPA's to charge higher fees for a "fast-track" service.)

### Planning guidance

- 3.3 The National Planning Policy Framework (NPPF) at paragraphs 188-191 encourages both the LPA and developers to engage in pre-application discussions at an early stage in formalising development proposals. The more issues that can be resolved at the pre-application stage, the greater will be the benefits. It also encourages engagement with the local community prior to submission of a planning application.
- 3.4 The Planning Practice Guidance (PPG) also recognises the significant potential to improve both the efficiency and effectiveness of the planning application system, the quality of planning applications, and their likelihood of success. It states that engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.
- 3.5 In addition to government guidance, there has also been guidance issued by professional bodies such as 'The Pre-application Suite' published in June 2014 by the Local Government Association and the Planning Advisory Service.

# Relaunch of the Pre-application Advice Service

Planning Committee

Date: 9<sup>th</sup> April 2019

---

## Council Aims and Objectives

- 3.6 The Vision for Swindon 2016 – 2020 has four main priorities, which are:
1. Improve infrastructure and housing to support a growing, low-carbon economy
  2. Offer education opportunities that lead to the right skills and right jobs in the right places
  3. Ensure clean and safe streets and improve our public spaces and local culture
  4. Help people to help themselves while always protecting our most vulnerable children and adults
- 3.7 The Pre-application Service is key to delivery of high quality development and infrastructure by both ensuring the delivery of ambitious objectives within the Swindon Borough Local Plan 2026, and ensuring that the Council can recover the costs of that delivery.
- 3.8 The benefits of providing a good Pre-application Advice Service for both the Council and developers can be summarised as:

Benefits for the Council	Benefits for the developer
<ul style="list-style-type: none"><li>• A proactive / positive activity;</li><li>• Assists in supporting growth / regeneration;</li><li>• Opportunity for the Council to advise on the merits of a proposal and steer an evolving scheme appropriately;</li><li>• Opportunity for the Council to set out its expectations;</li><li>• Results in better quality planning application submissions;</li><li>• Enables community engagement early in the process;</li></ul>	<ul style="list-style-type: none"><li>• Increases certainty and reduces risks.</li><li>• Reduces delays (right first time).</li><li>• Able to tap into expert technical advice (Highways, Contaminated Land, Building Control, Environmental Health etc).</li><li>• Assistance with Member / Public engagement.</li><li>• Assistance with engagement with statutory consultees</li></ul>

## **4. Existing Pre application service**

- 4.1 The existing Pre-application Guidance Note sets expectations and charges for both householder (extensions to domestic properties) and non-householder development proposals.

### Householder Developments

# **Relaunch of the Pre-application Advice Service**

**Planning Committee**

**Date: 9<sup>th</sup> April 2019**

---

- 4.2 This service requires customers to pay a fee of £75 for advice regarding householder development (or £100 for advice including a site visit) householder development proposals. This includes a written response or meeting with the customer within 2 weeks of receipt of the correct fee.

## Non-householder Developments

- 4.3 This existing service requires the customer to pay a fee that constitutes 10% of the usual planning application fee with a minimum fee of £100. There are exemptions to the fee if the development relates to a regeneration scheme within the Town Centre or development by a community group or the voluntary sector. The range of fees for all schemes not exempt would be between £100-25,000 depending on the scale of the proposal. The service commits to providing a written response in draft form, including input from consultees, within 4 weeks of receipt of the fee.
- 4.4 There is no commitment within the existing system to meet with applicants, although in practice, discussions with the applicant do take place. However, the current service does not make the level of service transparent to the user.
- 4.5 The existing Pre-application Service has been evaluated by both internal and by our customers. This analysis has informed the scope of changes now proposed to the service.
- 4.6 The analysis of fees generated compared to the costs to deliver (in terms of the Officer time spend on a variety of pre-application submissions) has revealed that the fees do not cover those costs. In addition, it is also clear from that analysis that there were too many fee exemptions (for all regeneration and inward investment developments within Swindon town centre for example) resulting in a significant amount of work being undertaken for no fee.
- 4.7 The analysis has also included benchmarking with other local authority services in relation to pre-application advice. This has revealed that our fees are generally lower than the fees charged by nearby authorities and for those dealing with comparable regeneration areas.
- 4.8 The consultation with officers involved in the delivery of the service has highlighted that the process of delivery was laborious, with limited administrative support and inefficiencies resulting in time wasted. The feedback from customers also revealed there were some inconsistencies in response times and content of advice. These matters will be tackled through process improvement work which will be undertaken prior to the launch of the service to minimise the occurrence of these issues.
- 4.9 There has also been feedback provided by customers. This feedback revealed that the quality of the service was generally acceptable and compared well with the services provided by other local authorities they worked with. It revealed that users of the service rated the certainty of advice given, timeliness of responses and provision of face to face meetings as their main priorities. However, the

# **Relaunch of the Pre-application Advice Service**

**Planning Committee**

**Date: 9<sup>th</sup> April 2019**

---

current service, which is focused on a written response rather than face to face meetings, is not flexible enough to meet the needs of the customer. The Swindon Development Delivery Panel were presented with a draft of the proposed pre-application advice service at their meeting of 27<sup>th</sup> March 2019. Their feedback revealed we need to ensure inward investment, therefore, the new Pre-application service will be linked with the Economy Team to ensure inward investment in Swindon is supported.

4.10 It was clear from the analysis of the existing Pre-application Service that a review was necessary to tackle the issues raised. The new service aims to focus on the following key issues in its provision:

- Consistency;
- Certainty;
- Timeliness;
- Proper co-ordination of responses
- More tailoring of the service to customer needs;
- More opportunity for face-to-face meetings to discuss key issues;
- Greater transparency in the charging schedule.

4.11 Taking this into account, the following objectives have been the focus of the review of the existing Pre-application Service:

# Relaunch of the Pre-application Advice Service

Planning Committee

Date: 9<sup>th</sup> April 2019

---

## Objective 1 (A service that delivers value to the customer)

To provide a pre-application advice service that de-risks the regulatory processes and delivers added value for the applicant.

Measure of Success: Applicants taking forward schemes are happy to pay for the pre-application advice service.

## Objective 2 (A service that shapes development proposals)

To provide “One-Council” advice to applicants across all relevant disciplines that allows the Council to present its expectations for development

Measure of Success: Relevant Council service areas are actively engaged in the pre-application process. Council officers take ownership of the schemes coming forward through the service. Ward Members and Parish Councils actively engaged in pre application submissions.

## Objective 3 (cost recovery)

To introduce a pre-application advice fee structure that is transparent to all and set at a level that is reflective of the total costs incurred in delivering the pre-application advice service.

Measure of Success: The income generated by the pre-application advice service meets the total cost of delivering that service. The fee structure is clear to all. The financial benefits of high quality schemes are realised.

## **5. Proposed Pre application service**

5.1 The cost schedule for the proposed Pre-Application Advice Service has been devised by analysing the costs for Officers to deliver the service and using the scale of fees charged for similar services by other LPA's as a benchmark. In addition, we have used the customer feedback to devise a flexible service to meet their needs. The full Pre-application Advice Guidance Note is attached as Appendix 1 to this report.

5.2 In summary, the key characteristics of the new service area:

- Fewer developments that would be exempt from paying any fee
- Introduction of a reduced fee for certain types of development or developer (for example where the scheme comprises development within the town centre or is submitted by a registered charity)
- Greater encouragement for community engagement (including with Ward Councillors and Parish Councils) at an early stage.
- More clarity regarding definitions for development proposals to improve transparency

# Relaunch of the Pre-application Advice Service

Planning Committee

Date: 9<sup>th</sup> April 2019

---

- More realistic timeframes for provision of advice and/or scheduling a meeting, which are adhered to
- An increase in fees for minor application proposals
- More flexibility in the level of service provision including “add-ons” (such as additional meetings and/or written advice that can be provided at an additional cost)
- More emphasis to encourage applicants to take development proposals to a Design Review Panel

5.3 The proposed Pre-application Service is considered to strike the correct balance between customer requirements, cost recovery and the delivery of the aims and objectives set out with the Swindon Borough Local Plan 2026. Members are therefore asked to endorse this report and agree the recommendations set out in section 2 of this report.

5.4 As an alternative, or in addition to, using the pre-application advice service, applicants have the ability to enter into a Planning Performance Agreement (PPA) with the Council. The main purpose of the PPA is to enter into an agreed determination timetable between the Council and the applicant. There is a fee to cover the cost of this service. A bespoke fee is negotiated on a scheme by scheme basis, with the fee level set being dependent on the complexity of the scheme.

## Process development

5.5 The proposed pre-application advice service is predicated on a digitised process which reduces hand offs and eradicates avoidable delays. The digitisation and production and testing of forms is currently ongoing and is expected to be completed in the next two months. It is not recommended that the new pre-application advice service is introduced until this process is complete. Accordingly, it is anticipated that the service will be introduced on 30<sup>th</sup> June 2019.

## 6. Alternative Options

6.1 The Council could rely on the existing Pre-application Advice Service, though this is no longer fit for purpose. Operating the service in its current form would continue to place pressure upon an already constrained budget to the detriment of service provision in other areas for the Development Management Teams, and would not necessarily provide developers with a timely and effective service.

## 7. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

7.1 Government guidance makes it clear that Local Planning Authorities can recover the costs for providing service. The current Pre-application Service provides a



# Relaunch of the Pre-application Advice Service

Planning Committee

Date: 9<sup>th</sup> April 2019

---

generally good level of service for the customer but fails to recover adequate costs, which are placing additional pressure upon resources. The proposed service would maintain and improve service as well as relieving pressure upon limited resources.

## Legal and Human Rights Implications

- 7.2 In law, section 93 of the Local Government Act 2003 gives the Council the power to charge for providing pre-application advice (as a service that the Council has the power, but is not obliged, to provide), subject to a duty to secure that, taking one financial year with another, the income from charges under that subsection does not exceed the costs of provision. This charging mechanism, therefore, allows the Council to recover at least some of the costs incurred before the application is submitted.

## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 7.3 It is envisaged that the new Pre-Application Advice Service would enable staff to be clearer on the level of service provided to customers thereby allowing staff focus to remain upon steering development proposals to accord with our adopted development strategy.

## Links to Council Plan 2016-2020, Strategic Objectives, Plans and Policies

- 7.4 This report relates to improving the quality of development to be constructed in the Borough and therefore it is aligned with the vision for Swindon which seeks to ensure Swindon has all the positive characteristics of a British city with one of the UK's most successful economies and a model of well managed housing growth which supports new and existing communities. In addition, the new Pre-Application Service supports two of the four priorities set out within the Council Plan 2016-2020. These are; Priority 1: to improve infrastructure and housing to support a growing, low-carbon economy; and Priority 3: to ensure clean and safe streets and improve our public spaces and local culture.

## Diversity Impact Assessment

- 7.5 The implementation of this proposal will not create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief.
- 7.6 Pre-application advice in relation to the adaption of properties for the benefit of people with special accessibility needs would continue to be free.

## Risk Management

- 7.7 The impact of the new fee structure will be reviewed regularly.



# **Relaunch of the Pre-application Advice Service**

**Planning Committee**

**Date: 9<sup>th</sup> April 2019**

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## **8. Consultees**

- 8.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **9. Background Papers**

- 9.1 The relevant background documentations:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- 'The Pre-application Suite' published in June 2014 by the Local Government Association and the Planning Advisory Service.

## **10. Appendices**

Appendix 1 – Pre application Advice Service Guidance Note