

Relaunch of the Pre-application Advice Service

Planning Committee

Date: 10th July 2018

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

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, committing to a level of service that meets applicant's needs, provides certainty, improves efficiency in the overall planning service and meets total costs of the service.
- 1.2 The Pre-Application Service is key to the delivery of regeneration and growth by enabling early engagement with developers who assist in this delivery. The pre-application advice stage provides an opportunity for the Council to both shape and drive growth and regeneration schemes. The service is integral to the delivery of the Swindon Borough Local Plan (2026). It is important that the focus of the Planning Service is on delivering regeneration and growth. To do this, a greater proportion of our planning resource will need to be devoted to facilitating major regeneration and growth 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 we have facilitated a number of major development schemes and in doing so generated an income of over £400k to fund the service. However, the costs recovered do not cover the costs for the delivery of the service, and nor does the current service meet all the needs of developers in a timely manner.
- 1.4 This report seeks authorisation to introduce a new Pre-application Advice Service that meets the needs of customers and recovers the cost for the provision of the service to enable it to function to the mutual benefit of both customer and the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Agree to the introduction of the new Pre-application Advice Service in accordance with the Pre-application Guidance Note and Fee Structure as set out in Appendix 1.
- 2.2 Agree the Pre-application Service Guidance Note and authorise the Head of Planning, Regulatory Services and Heritage to publish the protocol in the planning pages of the Councils Web site.

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- 2.3 Authorise the Head of Planning, Regulatory Services and Heritage to make any minor or typographical changes as may be necessary.
- 2.4 Authorise the Head of Planning, Regulatory Services and Heritage to refresh the application forms required to operate the Pre-application Service in accordance with the Council's online forms and amend the Pre-application Service Guidance Note (page 14) to capture changes in process.

3. Context

Legislative Framework

- 3.1 Section 93 of the Local Government Act 2003 allows us 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.

Council Aims and Objectives

- 3.6 The Swindon Programme sets the challenge of saving at least £30 million in 30 months. This will be achieved by making our services, systems and process

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more efficient for both our customers and staff in service delivery. The Programme consists of four strands; organisational excellence, demand management, commissioning and procurement and commercialisation. This project falls within the commercialisation work stream which seeks to re-think the way the Council funds its services through the income generation. The Pre-application Service would also involve the digitisation of processes and customer services, with online forms (which are currently in paper form only) and streamlining of validation and decision-making process.

3.7 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

3.8 The vision also sets out the manner in which the priorities will be delivered in a climate of budget cuts and reduced funding streams. The Plan acknowledges that careful management of the budget will not be enough. To respond to the financial reality the Council must find new ways of delivering services and increasing its income. It states;

“We will become more commercial; marketing our skills and generating income in areas such as building control, architecture, design and through development. By doing this we not only make best use of our expertise and generate income, but also make use of the opportunity to stimulate housing and employment growth through making connections for developers and other interested parties across the range of council services. Our planning function will offer a seamless service to enable developers to engage with a single organisation on all aspects of development.”

3.9 The Pre-application Service is key to delivery of high quality development 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.

3.10 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
• A proactive / positive activity;	• Increases certainty and reduces

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

- 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

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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. This is particularly true for the medium sized minor applications (1-9 dwellings and small scale commercial schemes of less than 1,000 square metres) and the smaller major schemes (10-50 dwellings or 1,000 – 5,000 square metres).
- 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. The 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 current service, which is focused on a written responses rather than face to face meetings, is not flexible enough to meet the needs of the customer.
- 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 In summary the following objectives have been the focus of the review of the existing Pre-application Service:

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

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

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

Objective 3 (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 a greater proportion of 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.

5. Proposed Pre application service

5.1 The cost schedule for the new 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 in other local authority areas 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 following list highlights key characteristics for the new service:

- Fewer developments that would be exempt from paying any fee
- Introduction of a reduced fee for certain types of development or developer
- Greater encouragement for community engagement at an early stage.
- More clarity regarding definitions for development proposals to improve transparency

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- More realistic timeframes for provision of advice and/or scheduling a meeting, which are adhered to
- An increase in the 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 for applicants to take development proposals to a Design Review Panel

5.3 The proposed new Pre-application Service is considered to strike the correct balance between customer satisfaction, cost recovery and 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.

6. Alternative Options

6.1 The Planning Committee may not agree to adopt some or all of the Pre-application Service Guidance Note, which would result in the retention of the existing Pre-application Advice Service, which is currently not fit for purpose. This would continue to place pressure upon an already constrained budget to the detriment of service provision in other areas for the Development Management Teams.

6.2 This report details the shortcomings of the existing service with the recommendation for the implementation of a new, more efficient, cost effective and customer focussed service to the benefit of both customers and the Council.

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 the service. The current Pre-application Service provides a generally good level of service for the customer but fails to recover adequate costs, which are placing additional pressure upon resources. The new service would maintain and improve service as well as relieving pressure upon limited resources.

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Legal and Human Rights Implications

- 7.2 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 the Swindon Borough Local Plan 2026.

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.

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:

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- 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