Executive report
Wards affected: all
Report of Planning Development Manager
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Date: 25 November 2015

Pre-application advice and planning duty officer process refresh and revised charging schedule

Executive Summary

The paid pre-application advice process for Development Management has not been reviewed since it was first adopted in late 2010. The planning duty officer system is a long-standing service to provide general advice to members of the public. The main areas of concern and issues with the current system are:

- the duty system is old fashioned and is time hungry for planning officers and administrative support staff.
- poor use of IT
- poor response rates and targets for officers
- responses too long and detailed
- fees out of line with other authorities
- pre-application service does not offer enough choice of service

The proposed new pre-application advice service and duty officer service would be introduced in January 2016 and would involve the following new features and initiatives:

- a new duty officer surgery for new householder application advice and general enquiries. This would be offered on three mornings each week. There would be an online booking and payment system to facilitate
- revised pre-application advice service based on a Platinum, Gold, Silver and Bronze service, providing greater flexibility and offering a range of advice options for the service
- revised and realistic timescales for response
- shorter sharper responses (which is what the planning agents and customers have advised they would prefer)
- greater assistance and support from the Customer Service Centre including taking some simpler telephone calls and answering general email enquiries
- better use of our Acolaid software systems and IT.
• robust monitoring of the service

**Recommendation to Executive**

That the Executive approves the revised pre-application process refresh and new charging schedule.

**Reason for Recommendation:**
To push forward a key project of the Fundamental Service Review for Development Management in Planning Services.

1. **Purpose of Report**

1.1 The Executive is asked to endorse this refreshed pre-application advice service to allow officers to proceed as part of the Planning Services Fundamental Service Review.

2. **Strategic Priorities**

2.1 This refresh of an existing paid service will be far more customer focused. The new duty service will provide a surgery booking system to allow residents and planning agents a more focused response to general queries. The pre-application service will provide a range of services to allow better tailoring of advice to customers.

2.2 This refresh has required officers to benchmark with other authorities as to what they charge for pre-application advice. This has meant a revision to our fee structure and consolidation of some of the categories.

2.3 The work has also identified a need to offer a new service for pre-application tree advice and advice for general tree works. This new initiative would only be introduced in late spring/early summer 2016.

2.4 Overall, the new pre-application advice service will provide a value for money service, will be more interactive and more customer focused.

3. **Introduction**

3.1 As part of the Planning Services Fundamental Service Review, pre-application advice was identified as an area that could benefit from a process refresh. The current pre-application advice service (pre-app) was identified as an area which experiences failures in delivery and satisfaction both externally and internally.

3.2 The current pre-application system was introduced in 2010 as a means of offering a paid service with the aims of improving quality of information received by the service and improving the quality of information returned to the applicant with the eventual aim of speeding up the planning application process.

3.3 It has proved popular and in 2014 (calendar year) we received 416 paid pre-application requests. To date we have received 359 for 2015. In respect of
income, paid pre-application generated circa £123,000 in 2014 and to date this year has generated circa £77,000.

Background and Issues

Current pre-application system and duty service and issues with the systems

3.4 The current pre-application advice system operates on a two-tier system split between householder and non-householder pre-app. The householder system operates as a written response (always including a site visit), with the non-householder service offering the opportunity for a meeting followed by a meeting note. Key features of the process are:

- set fee structure and clear advice notes available online
- form required for submission along with list of key information and plans
- submissions can be made by email or hard copy
- site visit required for all pre-apps
- 10 working day target turnaround time for householder pre-apps
- where a meeting is required case officer to contact applicant within 10 working days to arrange the meeting – meeting note to be provided within 3 working days of the meeting

3.5 The 10-day target was originally based on the corporate timescales for letter responses. This has proved to be unrealistic, primarily due to the complex nature of the requests and the detailed responses we provide and general workloads of officers. For more significant development proposals (i.e. more than 50 dwellings) bespoke pre-app services have been offered setting out a number of meetings and levels of information to be provided. This has often included a ‘pre’ pre-app meeting to scope out how the pre-app would work and who needs to be involved. This offer is well-received by planning agents.

3.6 It is accepted that the current system has had benefits. For larger development proposals, it offers a clearer path for securing advice and resolving potential issues before an application is submitted. In nearly all cases, the decision at application stage has followed the pre-application advice, which has provided certainty and consistency to the service.

3.7 However, the process has not provided the speed of service for customers. In addition for smaller scale schemes, responses are often lengthy and do not necessarily provide the basic information required in an easily understandable way.

Key problem areas are:

- The 10-day target has proved to be unrealistic. Even in best-case scenarios, this is not met. This has caused issues with managing customer expectations for the service. A recent analysis of pre-app responses shows that our response times are often several months rather than weeks. This is clearly
unacceptable and brings with it a real risk of complaints and increased requests for fee refunds.

- There are several factors which have a bearing on this:
  - officers are aware the current targets are unrealistic and cannot be met. The focus and priority for many years now has been on determining planning applications in time.
  - without realistic targets in place, monitoring and reporting there is little incentive for officers to prioritise. Often only react when chased.
  - Pre-app is treated like a mini planning application and the process is currently long winded.
  - no regular monitoring of pre-app occurs
  - there is often delay in pre-app reaching officers’ desks (allocating)
  - the number of meetings required as a result of this process puts significant pressure on officers
  - as pre-apps need checking before dispatch this can lead to further delays before sending out – can only be checked by senior managers

- For householder pre-app, the response letter is overly complex (long winded), provides a lot of unnecessary information and for officers it can take longer to draft this than it does to draft a planning report. We are currently trialling a shorter more concise bullet point response which, by all accounts, is being well-received by agents.

- There is uncertainty over the scope of the pre-app process, i.e. once response is provided can an applicant submit an additional set of drawings for comment?

**Duty service**

3.8 The FSR also identified that the duty service was an area which would benefit from updating.

3.9 The duty service has offered full cover and availability by a planning officer and central support officer during office hours at main reception. Since August and due to staffing levels only a morning service has been offered. There has been no fall out from this reduced service.

**Key problems are:**

- there is no longer a separate planning reception and main reception is distant from where the service is located
- the duty system is not a modern offering
- does not reflect the level of information now available online, the aim should be to direct people to online resources wherever possible
- as a service we are keen to engage more with the Customer Service Centre, particularly in respect of general enquiries both in person, by email and on the telephone
- legislation, particularly around permitted development, has become more complex over time, resulting in officers not able to give verbal advice.
- the continued full time availability of officers is unrealistic with current pressures on staff. Takes staff away from the core business
• at times used as a way to bypass pre-app services, placing additional pressure on officers.

3.10 Following the initial stages of the FSR (working with Alexanders) a project group was set up to consider alternative systems and approaches for pre-app and the duty service.

Redesign of pre-app and the duty service

3.11 It was clear to the group that a fresh approach to pre-app and duty was required in order to provide an effective service. Of particular use the guidance note produced by the Planning Advisory Service (PAS), entitled ‘10 commitments for effective pre-application engagement’. It was also important to ensure that any new process embraced the aims of the FSR for introducing a fresh culture into the Development Management service.

3.12 The group reviewed services offered by other nearby authorities and found a wide variation in the level of services offered, fees and scope of responses. Several good practice examples were found and, in the group’s opinion, these focused on a tiered response level. Taking on board PAS advice, the group recognised the need to offer a range of advice options. If done correctly this could reduce the level of contact required for both the pre-app and duty systems.

3.13 The conclusion reached is that the Council can make better use of the resources available to avoid the current over-reliance on officers’ time for fairly low-level enquiries.

Redesign of paid pre-app

3.14 The paid pre-app service itself must be clearer and easy to understand but also must deliver on realistic targets and provide value for money. It is proposed to continue the web based approach with all pre-app submissions to be online. To achieve this, we need the following:

• online form (smart form)
• online payments
• ability to submit documents on line
• automated check that required information is submitted
• automated interface with Acolaid to receive pre-app and upload documents to DMS

3.15 We currently receive a number of pre-app enquiries seeking simply an ‘in principle’ opinion on a proposal and being frustrated with the requirement to submit full plan details. In recognition of this, the group proposes a tiered system which would vary the level of detail in responses and officer time accordingly.

3.16 At the outset, a more realistic timeframe will be set; at a basic level this will be a one-month response target for those pre-apps which do not require a meeting. The scope of pre-apps requiring meetings will also be changed to reflect the time
burden they place on officers. Householder enquiries will not have a meeting option, neither will small-scale housing enquiries.

Suggested model:

- **Bronze** – no site visit, written response generally covering ‘in principle’ issues and highlighting what other matters are likely to be considered at application stage. Also suitable for reviewing plans following refusal of permission.
- **Silver** – site visit, more detailed written response
- **Gold** – site visit, meeting and meeting note
- **Platinum** – bespoke service for significant scale developments. Fee will be based on scale and complexity of development, number of meetings required and level of officer involvement. An initial meeting will be offered to explore the scope of the pre-app and will be used to set the final fee.

**Timescales for response**

3.17 Realistic time frames are the cornerstone to a robust service. Feedback from the Agents Forum has indicated no objection to a longer period as long as this is honoured.

- **Bronze** One month
- **Silver** One month
- **Gold** Three months
- **Platinum** Bespoke

3.18 There needs to be commitment to these targets from officers and management with reporting on individual and team response rates. The processes outlined assume the submission of a single set of plans and responses based on these. The charging table does include the provision for additional plans to be submitted for comment. This is to overcome the current inconsistencies of officers in reviewing additional information. We will need to decide reasonable timescales to respond to additional information or plans.

**Current fee schedule**

Householder - Site visit and written response - £85

**Housing: small**
- 1 - 4 dwellings - Site visit, meeting and meeting note - £190
  - 5 - 9 dwellings - Site visit, meeting and meeting note - £380

**Housing: medium**
- 10 - 24 dwellings - Site visit, meeting and meeting note - £650
  - 25 - 49 dwellings - Site visit, meeting and meeting note - £950

**Housing: large**
- 50 dwellings or above - Site visit, meeting and meeting note. Fee on a case-by-case basis (Case-by-case fees will be determined by the Head of Planning Services).

**Commercial: small**
- Under 500 sq.m. - Site visit, meeting and meeting note - £380

**Commercial: medium**
- 500 - 2,500 sq.m. - Site visit, meeting and meeting note - £650
**Commercial: large**
Over 2,500 sq.m. - Site visit, meeting and meeting note. Fee on a case-by-case basis (Case-by-case fees will be determined by the Head of Planning Services).

**Other:** (Listed building, change of use, advertisements, shopfronts, agricultural, and telecommunications)
Site visit, meeting and meeting note £165

### Revised fee schedule for householder and new dwellings

<table>
<thead>
<tr>
<th>Category for pre app</th>
<th>HH</th>
<th>1-4 dwellings</th>
<th>5-9 dwellings/</th>
<th>10-49 dwellings</th>
<th>50 + dwellings</th>
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</thead>
<tbody>
<tr>
<td>Bronze</td>
<td>£50</td>
<td>£150</td>
<td>£250</td>
<td>£500</td>
<td>£750</td>
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<tr>
<td>Silver</td>
<td>£100</td>
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<td>£350</td>
<td>£750</td>
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</tr>
<tr>
<td>Gold</td>
<td>N/A</td>
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<td>£1,000</td>
<td>£2,500</td>
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<tr>
<td>Platinum</td>
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<td>N/A</td>
<td>N/A</td>
<td>£2,000</td>
<td>Case by case</td>
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**Extras**

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<th>Add plans</th>
<th>Add Meeting</th>
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<td>Additional Meeting</td>
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<td>N/A</td>
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<td>£600</td>
<td>£800</td>
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</table>

### Revised fee schedule for commercial and other development

<table>
<thead>
<tr>
<th>Category for pre app</th>
<th>Commercial up to 250 sq metre</th>
<th>Commercial up to 500 sq metres</th>
<th>Commercial up to 1000 sq metres</th>
<th>Commercial up to 2500 sq metres</th>
<th>Over 2500 sq metres</th>
<th>Other (listed building, change of use, advert, agricultural and telecommunications)</th>
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</thead>
<tbody>
<tr>
<td>Bronze</td>
<td>£150</td>
<td>£250</td>
<td>£400</td>
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<td>£200</td>
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<tr>
<td>Silver</td>
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<td>£650</td>
<td>£750</td>
<td>£1000</td>
<td>£350</td>
</tr>
<tr>
<td>Gold</td>
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<td>£850</td>
<td>£1,500</td>
<td>£2000</td>
<td></td>
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<tr>
<td>Platinum</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Case by case</td>
<td>N/A</td>
</tr>
</tbody>
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**Extras**

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<th>Add Meeting</th>
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<tbody>
<tr>
<td>Additional plans</td>
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<td>£150</td>
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<td>£750</td>
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<tr>
<td>Meeting</td>
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<td>£300</td>
<td>£400</td>
<td>£600</td>
<td>£800</td>
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</tbody>
</table>

**Proposed charges for Tree Advice**
For a site visit and written response

<table>
<thead>
<tr>
<th>Pre app advice on works to trees (TPO and Conservation Area)</th>
<th>General Tree Advice</th>
<th>Tree survey on proposed development site</th>
</tr>
</thead>
<tbody>
<tr>
<td>£75.00 for the first hour</td>
<td>£75.00 for the first hour</td>
<td>£75.00 per hour</td>
</tr>
<tr>
<td>£50.00 per subsequent hours</td>
<td>£50.00 per subsequent hours</td>
<td></td>
</tr>
</tbody>
</table>
Concessions

3.19 No charge will be made for:
- advice given during the process of a planning application
- advice given to non-profit making organisations / charities / hospitals / statutory bodies* (until the point where professional agents are appointed)
- advice on proposals relating to disabled living
*A statutory body is based on the definition set out in the General Permitted Development Order.
Parish councils will receive 50% discount to the fee.

Online advice

3.20 An improved online web tool guidance ‘suite’ should also be incorporated that can be accessed by the public. There are currently a significant number of planning related documents available on line. However, not all are easy to find.

3.21 The Residential Extensions Supplementary Planning Guidance must be more easily accessible potentially online, as should the SPA Avoidance Strategy. Additional guidance notes should also be produced alongside and this will provide clarity to potential applicants and also save officer time in explaining the Council’s position on key issues. There is a clear need for such a new advice note in respect of extensions to and replacement of dwellings in the Green Belt. This would reduce the reliance on the duty officer service for general enquiries and reduce phone calls to the service seeking similar advice.

Revised duty service

3.22 The group proposes to move away from the current open door system where officers are available every day and deal with a large variety of potential enquiries. With the introduction of the Customer Service Centre taking on the planning reception duties this is an ideal time to re-evaluate. The contact centre is willing to take more of these enquiries and handle any requests for factual information or direct customers to the website.

3.23 The suggested model is a bookable online duty service operating three mornings a week for new household and general enquiries only. We would offer:
- 45 min slot offered,
- flat £50 fee.
- drop down list of duty enquiry topics.
- brief description, including property address if requesting information about a specific property.

3.24 Redesign of the reception area supports this with the new meeting rooms introduced. It is suggested that a short meeting note be produced during the discussion (bullet points only) and this will be given (preferably by email) to the client at the end of the meeting. It is suggested that once a month a specialist advice workshop could be offered i.e. conservation/listed buildings with the same charging regime.
3.25 It is considered essential for the overall approach to work that appropriate smart forms can be developed to direct users to the correct course of action and redirect if the user indicates they are seeking advice which is inconsistent with their chosen option. Other requirements:

- online payment
- online duty rota
- auto room booking
- auto allocation to officer ‘on duty’ that slot and notification to the officer
- documents submitted should be auto uploaded to DMS
- IT facility within meeting rooms to enable meeting notes to be drafted.

**Better use of the Customer Service Centre and ability to attain land use information**

3.26 The duty service, planning enquiries email and officers phones take a high level of general enquiries of people seeking factual information, i.e. whether site is within Green Belt. A lot of this can be re-directed to the website. Online maps are now available to members of the public which contain this information. Advice webpage should contain a link directly to this function along with a list of some of the key types of information that can be found there. There should also be a clear link to the permitted development advice provided by the planning portal. A more robust approach is required to ensure phone calls are not redirected to officers where it is not necessary to do so.

**IT and use of our Acolaid software**

3.27 It is evident that IT remains a critical area for us in terms of the way in which we modernise and develop. Acolaid remains the core system within DM and it is essential to ensure we use the full functionality for pre-app submissions.

3.28 These elements could assist us going forward:

- to explore automation of populating Acolaid from online forms submitting, how comprehensive will this be?
- align pre-app registration with application validation process to ensure consistency. Cases should be added to GIS to ensure full case history is available for officers.
- ensure level of service (Bronze, Silver, Gold or Platinum) is recorded in Acolaid correctly to allow accurate response time monitoring.
- improve standard letter response templates to reflect the pre-app level sought. Increase automation and standard paragraphs.
- where meetings are held meeting date MUST be logged in the actions screen to allow monitoring.
- all relevant correspondence MUST be uploaded to Acolaid more consistently, especially important for larger pre-apps.
- use of enterprise to monitor tasks/workloads/completions and assist with case allocations.
- crystal reports to be set up BEFORE introduction of the system to ensure accurate monitoring of processes.

Next steps

- drive the IT forward and design online forms
- refresh online guidance notes for new process
- explore Acolaid functionality and automation
- design new standard response templates
- training for planning officers and support staff
- moratorium on new pre-application advice whilst officers clear current pre-application advice. Potentially to take 6 weeks.
- publicise in main reception and web site and contact all relevant stakeholders and regular users of the service.
- launch new system in the New Year (subject to IT support)

4 Consultations

4.1 A similar report and draft charging schedule, has been put before Corporate Management team (CMT) on 6 and 20 October. CMT fully endorsed the content and revised charging schedule and endorsed the approach suggested.

4.2 Officers have shared the contents of the report with our accountants in Financial Services. Their advice and thoughts have been incorporated into this Executive report.

4.3 We have liaised with the senior solicitor in legal services in respect of any legal implications of what we intend to do. Their advice is incorporated in the relevant section.

4.4 We have advised Angela Lovell and Mindy Daubeny in public relations and marketing about this report and proposal moving forward.

4.5 As part of the FSR process, our consultants Alexanders engaged with customers of the current pre-application service and with planning agents. Officers have also engaged with planning agents through the agents’ forum and are confident what we are proposing

5 Equality and Diversity Implications

5.1 The Human rights Act 1998 (the 1998 Act) came into effect in October 2000 when the provisions of the European Convention of Human Rights (the ECHR) were incorporated into UK law. Whilst the following articles are considered relevant:

- Article 6 (1) Right to a fair and public hearing
- Article 8 Right to respect for family life
- Article 14 Prohibition from discrimination
- Article 1 protocol 1 Protection of property

no adverse human rights implications arise from the report.
5.2 No Equalities Impact Assessment has been undertaken as part of this exercise, primarily because this is an established and adopted process that is being refined and improved. It is considered that there are no specific equalities implications. Pre-application advice is offered on a without prejudice basis and operates within the constraints of the Development Plan. Equalities matters can be material consideration and are taken into consideration as part of the assessment of pre-application advice and the determination of planning applications in accordance with adopted policies and the Council’s statutory duties and in response to matters raised through public consultation.

5.3 The changes proposed are intended to improve the customer experience, speed up response times and provide a greater variety of service including an interactive surgery for new householder pre-application advice. This service and surgery will be fully inclusive and available to all.

6. Financial Implications

6.1 The report author has liaised closely with the service accountant in moving this FSR project forward. The main financial implications are associated with three areas.

- a revised fee schedule
- a new fee for the duty surgery
- a new pre-application and general advice service for tree advice

6.2 As part of this process, we undertook benchmarking with other authorities. It soon became clear that our fee schedule is out of step with most and whilst it has been raised incrementally each financial year, we are not competitive when compared with other authorities. The report does set out existing charges and proposed charges, so it is very clear to see the increases. We have included our benchmarking with other authorities in Appendix 1.

6.3 A new initiative is to introduce a paid surgery for new householder pre-application advice. There will be a set flat fee of £50 for a 45 minute meeting with a short summary note for the client to take with them summarising the contents of the meeting.

6.4 A further new initiative is charging for tree pre-application advice, general tree advice and for tree surveys associated with large development sites. Development Management has put forward a growth bid for a permanent tree officer from next April and this will offset the cost of providing such an officer. This would create further revenue for the Council.

7. Legal Implications

7.1 The introduction of charges for pre-application advice is permitted under Section 93 of Local Government Act 2003, a general power was introduced for local authorities to charge for discretionary activities – those services that a local authority has the power to provide, but is not obliged to do. A number of local
authorities have introduced charges for this purpose. Introduction of charges for pre-application planning advice presents an opportunity to recoup some of the costs associated with undertaking pre-application discussions with potential applicants for planning permission, and to offset some of the costs of the planning process.

7.2 The National Planning Policy Framework states:

“Early engagement has a significant potential to improve the effectiveness of the planning system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. Local Planning Authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications. The more issues that can be resolved at pre-application stage, the greater the benefits. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.”

7.3 The Council’s own Statement of Community Involvement refers to the importance of pre-application consultations, including with both statutory and non-statutory consultees and community and voluntary groups in the identification of issues early in the process.

8. Human Resource Implications

8.1 There are no HR implications to this process refresh. Planning officers and Development Management Support officers have been involved in the process refresh group leading up to this report, and many of the proposed changes are driven by the officers’ frustrations with the current system, particularly around response rate times and the length of the letter generated and the content. In broad terms, officers feel they could be shorter and more direct.

9. Summary of Options

9.1 A fee charging pre-application advice service has been in place for many years now and since 2010. To date it has not been fully reviewed. The FSR process identified the process for a total refresh. A great deal of work has gone into trying to simplify the service, to be realistic about response periods, to give the planning agents and the public what they want. It also allows the opportunity to review the fee structure and to ensure that any rises are proportionate and value for money.

9.2 The next steps are:

- to have a moratorium on new pre-application queries for the whole of December and the first two weeks of January 2016
- for officers to clear all existing pre-application advice
to advise planning agents at the agents’ forum of the new measures and to advise members of the public of the new changes via the website

- to introduce the new system in the second week of January 2016
- to monitor carefully officer response times with the new system

10. Conclusion

10.1 The primary benefits of revising our pre-app and duty service will be:

- to provide a surgery which will provide a short response at the end of that meeting
- to offer a greater range of pre app services to customers and provide greater consistency across the service.
- provide achievable timescales for responses to pre-applications advice
- future monitoring of responses and synergy to smoother and faster application process
- make the response shorter and more direct
- automated service – on line submissions; on line payments and on line booking
- revised and updated fee schedule

10.2 We believe that these measures will provide a modern, updated and fit for purpose pre-application advice service with an updated fee schedule. We believe that this offering will be far more attuned to what the customer and planning agents want and will remain popular.

11. Background Papers

Planning Advisory Service document on pre-application advice

12. Appendices

Appendix 1: Benchmarking table with other authorities