

# Surrey Heath Borough Council

## Executive

14 February 2023

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### Review of Development Management Pre-application Service and Fast-Track Planning Application Service

<b>Portfolio Holder:</b>	Councillor Adrian Page - Planning and Control
<b>Strategic Director/Head of Service</b>	Gavin Chinniah
<b>Report Author:</b>	Jonathan Partington - Development Manager
<b>Key Decision:</b>	no
<b>Date Portfolio Holder signed off the report</b>	10 January 2023
<b>Wards Affected:</b>	All

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#### Summary and purpose

This report provides a review of discretionary Development Management services. This includes the current paid pre-application advice service, benchmarked against other Surrey authorities with the purpose of revising this. A draft proposal is provided within Annex A. Research is also provided on local planning authorities that provide a fast-track planning service, as set out in the Background Papers, and on the basis of these case studies a pilot service is proposed.

#### Recommendation

The Executive is advised to RESOLVE that:

- (i) The revised pre-application charging schedule takes effect from 1 April 2023; and
- (ii) A fast-track planning application service, for householder planning applications and applications for certificates of lawfulness, be piloted from 1 April 2023 – 31 December 2023.

#### 1. Background and Supporting Information

- 1.1 The current pre-application service was introduced in October 2020. The current schedule of charges includes standard service charges, plus optional extras. This ranges from householder planning applications to strategic sized applications, with the level of service tailored accordingly. Whilst this service

is operating well officers consider that a review after two years is reasonable and necessary. This is to ensure that what we offer is still equitable with other Surrey authorities in terms of both the costs, extent and the quality of service provided.

- 1.2 The idea of a fast-track planning application is to accelerate the determination of a planning application for a decision to be quicker than the statutory determination date (normally 8 weeks), for an additional fee on top of the statutory fee. Few authorities currently offer such a service. Of those that do, what is offered varies but typically it is a speedier registration of an application, an earlier site visit and an earlier decision date. On the whole, this is reserved for householder planning applications and applications for certificates of lawful development.
- 1.3 Annex A provides an overview of the current pre-application service and benchmarks this against other Surrey authorities pre-application services. Key findings from this research forms the basis of the proposed revised pre-application charges. This paper also provides case studies of other authorities in England that operate fast-track planning application services.

## **2. Reasons for Recommendation**

### **(i) Pre-application service**

- 2.1 Key findings from the Surrey benchmarking on current pre-application services have provided the justification for the recommended changes to this service. These findings are set out in Annex A on pages 5 -7 and are summarised below:
  - Surrey Heath's current fee for householder pre-application enquiries is below the average fee within Surrey;
  - Surrey Heath's pre-application service maximum charge for 100+ dwellings is generous and uncapped compared to some authorities, whose fee range or cap is much lower before bespoke fees or PPAs apply.
- 2.2 The table on pages 8-10 explains the rationale, compared to the existing service. Whilst there would be fee increases across all pre-application fee categories, these increases are justified. This is because as already explained the householder fee increase is aligning itself with the Surrey-wide average. Our maximum fees would still be comparable with other Surrey authorities notably Elmbridge, and, Epsom and Ewell. This income generation would also enable additional resource to be invested back into the service (the benefits of which are further explained in sections 4 and 5 below).
- 2.3 The revised pre-application service would also be broader in scope and provide a better service to the public i.e. by offering concept only meetings, specialist expert advice (trees, drainage and environmental services) and potentially enable developers to meet with senior management. High level

meetings are sometimes already held at Head of Planning, Director or even Chief Executive level and so this service seeks to formalise that.

(ii) Fast-track service

2.4 The case-studies on authorities that offer fast-track services has provided the justification for the recommendations. These findings are set out on pages 13-16 in the attached paper. In summary:

- Of the few councils that offer a fast-track service this is typically limited to householder planning applications, or applications for certificates of lawful development (CLDs). Some councils offer fast-track for minor applications but it is unusual for it to be offered for major development proposals;
- Councils that offer fast-track caveat its use whether that's no guarantee of registration, conditional on an item needing to be reported to committee, not accepting amendments or not refunding fees.

### 3. Proposal and Alternative Options

3.1 Please see the table on pages 8 to 10 of Annex A that contains the proposed new fee schedule for the revised pre-application service and explains the rationale.

3.2 The revised pre-application service would increase fees for all types of applications including householder, up to strategic sized development. This seeks to better categorise the different sizes of development. There is a greater expectation with this revised service that applicants for major developments enter into Planning Performance Agreements (PPAs). The revised service would also include a new service for advice on heritage assets, offer a new concept advice meeting for major development proposals and specialist advice for an additional fee.

3.3 It is proposed that the following is piloted for fast-track service:

<b>Fast-Track Service</b>	<b>Validation review option</b>	<b>Fee</b>	<b>Early site visit option</b>	<b>Fee</b>	<b>Early decision option</b>	<b>Fee</b>	<b>Fee if all options chosen</b>
<b>Householder Planning Application</b>	1 working day	£100	5 working days from registration	£100	5 weeks from registration	£500	£600
<b>Householder Certificate of Proposed Lawful Development</b>	1 working day	£100	N/A	N/A	2 weeks from registration	£300	£400

<b>Householder Certificate of Existing Lawful Development</b>	1 working day	£100	N/A	N/A	3 weeks from registration	£300	£400
<b>Other Certificates of Proposed Lawful Development</b>	1 working day	£100	N/A	N/A	4 weeks from registration	£400	£500
<b>Other Certificates of Existing Lawful Development</b>	1 working day	£100	N/A	N/A	5 weeks from registration	£500	£600

3.4 As explained in the annex it will be important to caveat this service concerning the potential of a planning application being reported to committee. For householders, a decision within 5 weeks reflects the fact that a councillor can call-in any planning application for up to 28 days after the publication of the weekly list. Applications for Certificates of Lawful Development (CLDs) cannot be called-in and are not reported to committee, hence the earlier decision date. It is also advisable to caveat that the validation review does not guarantee registration and that as part of the fast-track service no amendments will be accepted. Additionally, this service shouldn't be provided for sites within a conservation area, given the requirement to advertise.

3.5 As an alternative, minor planning applications (e.g. up to 10 dwellings) could also be included as part of a fast-track service. However, this option might be better to introduce once we know the success rate of householder and CLD applications. Inclusion of minor applications is more problematic because of the greater reliance on consultees where delays are out of our control; the greater likelihood of committee call-ins; the greater work time needed to process them; and, by association, our historical statutory performance on minors has not been as good and there is often a greater necessity for extensions of time.

3.6 Major developments (e.g. 10 + dwellings) have been excluded because a bespoke timetable can still be secured via a PPA. In addition, there is even greater reliance on consultees with majors.

#### **4. Contribution to the Council's Five Year Strategy**

4.1 As set out in the attached annex, a fast-track service aligns itself with Surrey Heath's 5 Year Strategy by facilitating the priority to be an *Effective and Responsive Council* due to the high level of customer service that such a service would provide. It also supports the *Economy* and for residents, business and developers alike. A quicker decision provides greater

confidence and certainty for various reasons, for example, whether this is for funding purposes, contractual requirements, build project deadlines or conveyancing reasons.

- 4.2 In November 2021, the planning department was reviewed by the Planning Advisory Service. One of the targets was to improve statutory performance and a fast-track service is a key way of not only doing this but also making Surrey Heath an exemplar – it would help the council stand out from the crowd and be a borough that developers want to do business with. Operating with a commercial mindset is seen as positive progress.

## **5. Resource Implications**

- 5.1 An increase in pre-application fees and the introduction of a fast-track service enables income generation that can be invested back into the planning department and wider Council.
- 5.2 It is important that by charging more for the pre-application service that the Council has the resource to deliver on time and still provide a quality service. The revised pre-application service would not have any additional resource implications for planning officers as this is not dissimilar to the existing service in terms of written responses and attendance at meetings. However, the revised service would include new optional additional charges for specialist advice from the Drainage Engineer, Council's Tree Officer and Council's Urban Design/Conservation Consultant. Currently, these officers are occasionally asked to input into the pre-application process, whether providing written advice or attending a meeting, but there is no charge for their time. Nevertheless, it is recognised that these officers have limited resource and so acceptance of their time will need to be on a case-by-case basis and on the discretion of the Development Manager
- 5.3 The department is currently fully staffed with planning officers and could resource the fast-track service. However, dependent on demand for this service, plus planning officer resource in 2023, a decision will need to be made as to whether this service is offered universally, on a case-by-case request basis, or once a threshold of applications has been reached. Monitoring and review of the pilot is vital and this is explained further on page 18 of Annex A.

## **6. Section 151 Officer Comments:**

- 6.1 Following the in-year star chamber process this year, there is an expectation that the planning service will increase its levels of income. Both the pre-application and fast-track services are part of this income generating initiative and therefore some of the increased income targets are predicated on these initiatives being agreed.

## **7. Legal and Governance Issues**

7.1 The proposed fast track service set out in this report is a discretionary service and section 93 of the Local Government Act 2003 permits the Council to charge for the service on a cost recovery basis.

## **8. Monitoring Officer Comments:**

8.1 No matters arising.

## **9. Other Considerations and Impacts**

### **Environment and Climate Change**

9.1 An effective pre-application service is encouraged by the government. It ensures that quality planning decisions are made, in the interests of sustainable development. A fast-track service will have no impact upon the quality of the decisions made and therefore there will be no negative impact upon the environment.

### **Equalities and Human Rights**

9.2 All planning decisions must have due regard to the Equalities Act 2010 and the Human Rights Act 1998 and this would remain unchanged with a fast-track service.

### **Risk Management**

9.3 The main risk is associated with officer resource implications, as explained in section 5 above. In order to manage this, it is important that certain services are only provided on an on request basis, particularly high level meetings or specialist officer advice. If the staffing situation changes, then suspension of the entire service can be more damaging to the reputation of the Council and so any offer of service must be caveated.

### **Community Engagement**

9.4 It is proposed that for the fast-track planning service a consultation exercise with planning agents is undertaken. This could be via an Agents Forum, next scheduled for January/February 2023.

### **Annexes**

Annex A - Review of Pre-Application Service and Fast-Track Service document (includes Surrey benchmarking on current pre-application charges, current charges and revised charges plus fast-track planning service case studies and proposed pilot)

### **Background Papers**

Comparative information from London Borough of Barnet and Horsham District Council.