

Monitoring Report

Portfolio: Regulatory

Ward(s) Affected: All Wards

Purpose: As an information item providing an overview of function and performance of the Development Management service for the period 1 April 2016 – 31 March 2017

Recommendation

The Planning Applications Committee is advised to NOTE the contents of this report to the Executive.

1. Key Issues

- 1.1 A monitoring report for the period 1 October 2015 – 31 March 2016 was reported to Planning Applications Committee on 21 July 2016. This report provides an update on matters for the period up to 31 March 2017.

2. Major Applications DeterminedDetermined

- 2.1 In July 2016 the service introduced Design Review for strategic applications (typically 50+ dwellings) and the following determined applications were all subject to Design Review Panels:
- 16/0323 – Outline application for up to 85 dwellings (Land north of Beldam Bridge Road, West End. Granted 22/7/2016)
 - 15/1062 – Reserved matters for infrastructure/spine road, central SANGS and Village Green pursuant to outline permission 12/0546 for 1,200 dwellings (Princess Royal Barracks, Deepcut, Granted 27/7/2016)
 - 16/0554 – Reserved matters pursuant to outline planning permission 14/0532 for the erection of 84 dwellings (Land south of 24-46 Kings Road and 6 & 9 Rose Meadow, West End. Granted 14/2/2017)
 - 16/0679 – Full application for residential development of 35 dwellings (Land southeast of 4-14 Kings Road, West End. Granted 14/3/2017)
- 2.2 Other major applications of note determined since April 2016 are listed below:
- 16/0389 – Change of use of nursery to residential, demolition of existing buildings and erection of 35 affordable dwellings with land for SANGS (Land at Little Heath Nursery, Burr Hill Lane, Chobham. Granted 26/7/2016)
 - 16/0447 – Outline application for erection of a 4 storey building comprising Class A1-A5 on the ground floor and 16 residential units (15-17 Obelisk Way, Camberley. Granted 18/11/2016)

- 16/0947 – Erection of 88 bed care home (Land at Orchard Cottage, Shepherds Lane, Windlesham. Refused 14/2/2017)
- 16/1041 – Sub-division of existing retail unit to provide 3 no. retail units i.e. outdoor pursuits, pet care and café/restaurant (Unit 2 adjacent to Waitrose, 150-152 London Road, Bagshot. Granted 14/2/2017).

3. Applications Performance

3.1 The following table summarises the performance of the Authority quarter by quarter from 1 April 2015 – 31 March 2017. These are the statutory returns i.e. those planning applications types reported to the government and include applications where an extension of time has been agreed with the applicant:

| | Q1 2015 | Q2 2015 | Q3 2015 | Q4 15/16 | Q1 2016 | Q2 2016 | Q3 2016 | Q4 16/17 | Average |
|----------------------------------|------------|------------|------------|-------------|------------|------------|------------|-------------|----------------|
| Majors (Target 60%) | 100% | 91% | 100% | 100% | 67% | 92% | 75% | 78% | 88% |
| Minors (Target 65%) | 73% | 83% | 83% | 50% | 69% | 56% | 58% | 76% | 69% |
| Others (Target 80%) | 78% | 92% | 87% | 80% | 76% | 69% | 67% | 73% | 78% |

3.2 This table shows that during 2016/17 performance dipped compared with 2015/16. A key reason for this was due to a long term staff sickness (i.e. since August 2016 and to March 2017) plus continued staffing shortages. Staffing turnover and recruitment is further explained in section 8 below.

3.3 The government currently measures local authority performance by reason of speed and quality of decision-making. Specific assessment periods are used with special measures adopted for designated underperforming authorities that fall below targets. In November 2016 the DCLG document, *'Improving planning performance, Criteria for designation (revised 2016)'* set new targets. In simplistic terms this will mean that from 2018 an authority would be eligible for designation if less than 60% of major applications are determined within the statutory determination period or such extended period as has been agreed in writing with the applicant (currently 50%); and, for non-major applications less than 60% (currently 65%). The above table shows that the Authority is currently performing above the targets.

3.4 The following table shows the number of planning applications received and determined in 14/15, 15/16 and 16/17 respectively:

| | 14/15 | 15/16 | 16/17 |
|---|-------|-------|-------|
| Total no. of planning applications received | 898 | 1,031 | 966 |
| Total no. of planning applications determined | 834 | 818 | 844 |

3.5 This table excludes certificates of lawfulness, non-material amendments and details pursuant to conditions which significantly add to the overall work. Pre-application work is also excluded.

4. Planning Appeal Performance

4.1 The following table shows the appeal success of the Authority quarter by quarter from 1 April 2015 – 31 March 2017:

| | Q1 2015 | Q2 2015 | Q3 2015 | Q4 15/16 | Q1 2016 | Q2 2016 | Q3 2016 | Q4 16/17 |
|---------------------------|------------|------------|------------|-------------|------------|------------|------------|-------------|
| Appeals Determined | 6 | 6 | 4 | 14 | 6 | 12 | 8 | 6 |
| Appeals Allowed | 50% | 0% | 50% | 21% | 17% | 42% | 50% | 17% |

4.2 Eleven appeals have been allowed in the 2016 financial year and these are listed below (those marked with an asterisk were committee overturns):

- 15/0309 – Erection of two 3 bed dwellings following demolition of bungalow (Lyndhurst, 2 Kings Road, West End allowed 29/6/16) DC;
- 16/0247 – Erection of part two storey, part single storey side/front/rear extension and front porch and erection of two rear dormers (52 Youlden Drive, Camberley allowed 24/8/2016) EP;
- *15/1043 – Conversion of garage to habitable space, the erection of a two storey rear extension following demolition of existing extension and conversion of roof space to provide habitable space (34 Curley Hill Road, Lightwater allowed 5/9/2016) HM;
- 16/0198 – Erection of part first floor side extension and single storey rear extension (26 Fairfield Drive, Frimley allowed 13/9/16) SM;
- 16/0231 – Change of use of ancillary habitable accommodation to form separate dwelling (1 MacNaghten Woods, Camberley allowed 20/9/16) EP;
- 16/0116 – Erection of two no. 4 bed dwellings (11 Benner Lane, West End allowed 27/9/2016) EP;
- 16/0141 – Alterations to existing house and erection of new dwelling (80 Kings Ride, Camberley allowed 7/11/16) EP;
- 15/1123 – Variation of condition 4 to enable primary living accommodation in the gym (9 Crofters Close, Dettington Park, Deepcut allowed 11/11/16) SM;
- 15/0445 – Residential development comprising 95 dwellings (Land to the east of Benner Lane, West End. Informal hearing and allowed 30/11/16) DC;
- *15/1133 – Removal of condition 1 of 13/0367 to enable 24/7 opening of filling station (Chobham Service Station, Station Road allowed 19/12/16) EP;

- *16/0320 – Subdivision of property to create two no. 2 bed dwellings (49 Bosman Drive, Windlesham allowed 11/1/2017) EP

4.4 Of those appeals allowed one was a major development (15/0445). By comparison there were three major developments dismissed on appeal. These appeals, and other dismissed appeals of note, are listed below (asterisk denotes committee overturn):

- 15/0479 – Development of 10 three bed dwellings (69 James Road, Camberley, dismissed 21/4/16) MF;
- 15/0849 – Continued use of industrial centre for B1, B2 and B8 use and stopping up of existing access (Frimhurst Farm, Deepcut Bridge Road, Deepcut. Public inquiry and dismissed 6/2/17) EP;
- Enforcement Notice appeal – Unauthorised erection of a garage building with residential accommodation at first floor (Willowood, School Road, Windlesham, dismissed 27/10/16) JP;
- 15/0868 – Change of use of field shelter to a dwelling (Hook Meadow, Philpot Lane, Chobham. Public inquiry and dismissed 2/8/16) MF;
- *16/0353 – New gated vehicular access to The Grange for maintenance purposes (rear of 31 Windsor Road fronting The Grange, Chobham, dismissed 30/1/17) DC;
- *15/0166 – Erection of detached four bed dwelling and detached single garage (School Lane, Windlesham, dismissed on character grounds 16/8/16) NP.

4.5 There are several high profile cases currently with the Inspectorate, listed below with updates (asterisk denotes committee overturn):

- *15/0590 – Outline application for 140 dwellings on a reserved housing site (Land at Heathpark Wood, Windlesham. Public inquiry held 21/3/17 – 24/7/17 and scheduled to reconvene 13/6/2017);
- 13/0173 – Three year temporary permission for use of site for two gypsy pitches (Stonehill Piggery and The Chicken Farm, Dunstall Green, Chobham. Original informal hearing held 20/2/2014. The case was recovered by the then Secretary of State who then revoked this earlier decision. Appeal was subsequently allowed on 18/11/2015 but challenged by the Local Authority. As a consequence the appeal was reopened and a further informal hearing was held on 1/3/2017);
- Enforcement Notice appeals – Unauthorised mixed use activities including et al caravans (Land at Swift Lane, Bagshot. Appeals lodged and start date pending)

4.6 In addition to assessing a local authority on the speed of decision making the government also assesses appeal success rate as an indicator of quality. The criteria

for designation set for 2018 is to measure the percentage of the total number of decisions made by an authority on applications that are then subsequently overturned on appeal i.e. 10% for the period April 15 – March 17, with majors and non-major applications measured separately. Given that the Authority receives relatively few appeals in proportion to the total number of planning applications, it is unlikely that this target measure will be exceeded.

5. Enforcement Performance

5.1 The following enforcement cases have been received per annum:

| | |
|-------------------------|-----|
| 2013 | 130 |
| 2014 | 217 |
| 2015 | 124 |
| 2016 | 169 |
| 2017 (to end of March) | 43 |

5.2 The majority of these cases are classified as Low Priority under the adopted Local Enforcement Plan (i.e. advertisements causing harm to amenity; businesses being operated from home; any alleged breaches causing a limited degree of harm to local residents or the environment; untidy land). For example, 157 of the total 169 received cases in 2016 were Low Priority. Nevertheless, there is still a duty to investigate and action all cases. According to the records 63 cases were closed in 2016 (of which not all would necessarily have been received in 2016) and 126 cases received in 2016 remain open. Closure of cases would have been for a variety of reasons but often this is because no breach was established or the works were permitted development.

5.3 On face value there would appear to be a low number of case closures. However, this does not mean that there has been no investigation or action. Many enforcement cases require monitoring over a period of time and where a breach has been established it can take months to fully resolve; the submission and determination of a retrospective planning application, for example. The level of work also has to be considered in the context of the available resource. The service has one full time enforcement officer for the entire Borough. Furthermore, where higher priority breaches are established there is a necessity for significant planning officer input. For example, drafting reports to take enforcement action and defending any appeals.

5.4 In order to assist with resources the service has continued to closely work alongside the Council's Audit and Investigations team. Weekly case meetings are held with this team and this has particularly assisted with monitoring and compliance site visits. In addition, the service has appointed external enforcement consultants to assist with resourcing the highest priority cases. A recent example of Council wide resource and use of external consultants is with the investigation and serving of Enforcement Notices at Swift Lane. This has been particularly resource hungry involving multi-agencies, weekend working and legal input.

5.5 The following table summarises the number of Enforcement Notices issued per year since 2013:

| | |
|------------------------|---|
| 2013 | 9 |
| 2014 | 2 |
| 2015 | 9 |
| 2016 | 2 |
| 2017 (to end of March) | 3 |

5.6 The serving of Enforcement Notices should always be the last resort but can be an effective tool in securing compliance and sends a message that an authority has teeth. For example, the Enforcement Notice issued at Willowood in June 2016 was dismissed on appeal October 2016 and the contravener complied with the Notice in March 2017. Inevitably the serving of Notices will in the majority of cases result in appeals, which delays and frustrates, and at the end of this process there is no guarantee of success. Seeking compliance by other means, particularly for the lower priority cases, can often bring quicker and greater results. For example, the service has been successful in resolution of breaches by securing voluntary compliance and negotiation.

5.7 In February 2017 the enforcement service’s database was migrated onto a new computer software platform (Arcus Global). Work is ongoing to make this platform as effective as possible, and the Enforcement Officer is working closely with ICT. Eventually it is hoped that this platform will assist the service with performance management and improving efficiency i.e. cloud-based software and so will enable the Enforcement Officer to access and update records on site.

6. Trees

6.1 The following table provides the numbers of tree applications (both TPO and Conservation Area applications) since January 2016.

| Year | Total | Average per month |
|---------------------|-------|-------------------|
| 2015 | 355 | 30 |
| 2016 | 422 | 36 |
| 2017 (to end March) | 115 | 38 |

6.2 This shows the workload remains high for one officer. This figure also doesn’t account for the necessity for the Tree Officer to comment on approximately 50% of planning applications received, including submitted trees surveys and details to comply.

6.3 During the same period a total of 5 tree appeals were determined. The success rate on appeal was 4 out of 5, or 80% dismissed.

7. Drainage

- 7.1 In addition to the ongoing maintenance responsibilities around the Borough, the Council's Drainage Engineer has been progressing 5 additional flood alleviation schemes where DEFRA funding has already been secured. The work primarily includes schemes around the Chobham area, some of which require County Council agreement as landowner and others that require licences for work within the highway. There are various elements of the schemes that also require private landowner agreement, these are all being progressed and the final design drawings completed. These schemes are at Staple Hill Pond; Castle Grove Road; Station Road (Broadford Lane); Philpot Lane; and, Emmetts Mill.
- 7.2 The Lead Local Flood Authority (LLFA i.e. SCC) as part of its statutory responsibility is providing planning application comments. Application sites are now reviewed by the Council's Drainage Engineer where there is a need for input such as resident concern, a known flooding history, or a substantial enough development not otherwise qualifying for LLFA comment but could exacerbate flooding. This has meant that we are now able to provide drainage advice in a more-timely manner.
- 7.4 New paths have now been constructed around the Chobham Meadows SANGS, including new watercourse routes with culvert crossings and a new footbridge over the Mill Bourne to facilitate circular walks around the site. The completion of paths and other attributes (watercourses, pond, bridges, etc.) are now awaiting results from the EA modelling of the SHBC proposed flood alleviation scheme. Following modelling results the remaining paths will be subject to reconstruction at revised levels that will facilitate controlled flooding.

8. Staff Turnover & Recruitment

- 8.1 The number of planners remains a key issue for the performance of the service, in particular appointing at senior level. Throughout 16/17 the service has been operating with vacancies and the service has advertised jobs on four occasions with limited success. In the interim an agency planner was appointed and his contract was terminated in December 2016. Using agency planners is only ever a short term solution, given the associated cost, and sometimes can be more of a hindrance than a help.
- 8.2 An Assistant Planning Officer vacant post was filled by a trainee who joined the Council in August 2016. A Senior Planning Officer was appointed in November 2016 to fill a post which had been vacant prior to April 2016. In addition, in October 2016 one of the existing Senior Planning Officers changed his working hours from part time to full time. However, long term sick leave elsewhere has negated some of the benefit of this additional resource.
- 8.3 At the same time when the major nature of some applications and the increasing complexity at dealing with these, as well as appeals received by the service, demands officers with seniority and experience. As a consequence, the service advertised for a further Senior Planning Officer in August 2016, and then re-advertised this post in October 2016. On both occasions there were a limited pool of applicants and the service failed to successfully recruit. This post is currently out to advert for the third time having now been vacant for 9 months. For the time being, the service has had to rely on external consultants to assist with appeal work and this will continue to be the case for the coming year.

- 8.4 As previously reported, there remains a necessity for the Team Leader to take on a caseload of applications and, as a consequence, for the Development Manager to take on more day to day running of the service. For example, planning officers do not have the capacity to take on enforcement related work. The Enforcement Officer is not a planner and so where significant planning input is required, such as when serving an Enforcement Notice, this work defaults to the Team Leader or Development Manager, or external consultants.
- 8.5 All of this continues to impact on the quality of customer service, particular on the major applications, and has made it more difficult to progress service improvements.

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| Annexes | None |
| Background Papers | None |
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