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Date	13 th March 2018

Ward (s) affected	All	Key Decision	Yes
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Subject	Report of the Planning Panel.
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RECOMMENDATION

The Planning Panel has met four times and following the consideration of extensive reports, comprehensive background papers and presentations by officers from the Planning Service, invites the Scrutiny Committee to recommend to the Executive that:

- The resources of the Development Management Service are deployed to ensure the delivery of the planning enforcement function is improved.
- The 2012 Local Enforcement Plan is reviewed and updated.
- The content of the initial acknowledgement to reported alleged breaches of planning control is improved to explain the stages in the planning enforcement process and manage expectations of a resolution.
- A mandatory training programme for Members of the Development Control Committee is established.
- A peer review of the work of the Development Control Committee is commissioned.
- Officers in the Planning Service and Members are encouraged to work collaboratively wherever possible on planning applications and in the preparation of the new Local Plan for the benefit of Mole Valley's residents and businesses.

EXECUTIVE SUMMARY

In September 2017 it was agreed by the Scrutiny Committee to establish a Panel of Members to examine and review MVDC's planning service and identify recommendations that could contribute to its improved delivery for the benefit of Mole Valley residents and businesses. The Panel has met on four occasions.

The Panel conducted a wide ranging review of the operation of the Planning Service. This included the work of the Development Management Team who are responsible for

the timely determination of planning applications and the enforcement of planning control; the Planning Policy Team who are preparing the new Local Plan and provide the Planning Conservation Service; and the Planning Support Team who deliver the administrative support for the service. Other matters that the Panel considered included the Building Control Service; training for Members of the Development Control Committee and a peer review of the way the Committee operates; MVDC's performance in defending appeals against the refusal of planning permission; customer service issues and the interaction between the Planning Service and Members.

This report explains the findings of the Planning Panel and its recommendations to the Scrutiny Committee.

CORPORATE PRIORITY OUTCOMES

Through the preparation of planning policies, the determination of planning applications and taking planning enforcement action against alleged breaches of planning control, the Planning Service has an important role to play in contributing to the delivery of MVDC's environment and prosperity priorities that the District is a highly attractive area with housing the meets local need and has a vibrant local economy with thriving towns and villages.

1. Background

1.1 As part of its work programme, the Scrutiny Committee agreed at its meeting on 19th September 2017 to establish a Planning Panel. The Panel met on 21st November; 9th January; 5th February and 22nd February. The Panel agreed the content of this report at its meeting on 22nd February 2018.

1.2 The Panel's Terms of Reference are set out in Annex 1 to this report. They have determined the structure of the report.

2.0 Contribution of the Planning Service to the delivery of the MVDC Corporate Strategy.

2.1 The Corporate Strategy sets out MVDC's vision for the District as a place where people want to live, work, do business and spend their leisure time. The District's environment is one of the three priority themes for MVDC. To support this priority, MVDC is committed to:

(i) Protect and enhance the natural and built environment and ensure Mole Valley's areas of natural beauty are well looked after.

(ii) In consultation with the community, develop plans for how land is used, setting out proposals for residential, leisure and commercial development which balances residents' needs with the protection of the Green Belt

(iii) Pursue policies that encourage the creation of affordable housing.

- 2.2 The Planning Service has a major role to play in delivering the vision of the Corporate Strategy and the Environment priority theme through its work to establish planning policies that guide the location of development and in the determination of planning applications for the use of land and the provision of new development.
- 3.0 **Development Management Service**
- 3.1 The Panel looked closely at the work of the Development Management Service (DMS) whose principal role is to ensure the timely determination of planning applications; defend appeals against the refusal of planning permission and instigate enforcement action against alleged breaches of planning control where it is expedient to do so.
- 3.2 The proposed 2018/19 DMS Service Plan was considered by the Panel. It was noted that the main thrust of the work programme will be to process planning applications, defend appeals against the refusal of planning permission, process requests for pre-application advice and investigate alleged breaches of planning control.
- 3.3 The Panel noted the volume of applications that the DMS handle, details of which are set out in Annex 2. The DMS is performing very well against the Key Performance Indicators which establish the time to be taken for the determination of planning applications. The performance is among the best in Surrey across all types of planning application¹.
- 3.4 The Panel also looked at the instances where the Development Control Committee refused planning permission against the recommendation on the agenda paper and where the applicant subsequently appealed the decision. See Annex 3. In the period 2010 to 2017, the Development Control Committee refused 38 applications for planning permission which had been recommended for approval. These decisions were appealed by applicants. Of the 38 appeals, 24 (63%) were allowed and planning permission granted in accordance with the recommendation on the agenda paper. There were 14 (37%) instances where the decision of the Development Control Committee to refuse planning permission contrary to the recommendation on the agenda paper was supported by the Planning Inspectorate in dismissing the appeals.
- 3.5 The Panel also considered the cases where costs had been awarded against MVDC where a Planning Inspector had adjudged that the Council had acted unreasonably in refusing to grant planning permission. The Panel appreciated that the award of costs against MVDC is an exception. The cases they looked at did however provide a timely reminder that reasons for refusal of planning permission must be substantiated, be based on evidence and clearly explain the demonstrable harm that would result from the proposed development. Vague, generalised assertions about a proposed development's impact which are unsupported by any objective analysis should be avoided.

¹ During Q2 of 2017/18, MVDC was in the top three Surrey Councils in terms of the time taken to determine major, minor and other planning applications.

- 3.6 The challenges facing the DMS were considered by the Panel. These include staff retention and recruitment. This is being addressed in the short term by the use of contract staff and the introduction of career grade posts while a reshape of the service is carried out to ensure its composition matches the nature of the work it has to manage. While there may be some limited scope for sharing resources with other Surrey Councils, the reality is that all the local planning authorities in Surrey face similar staffing issues and are drawing from the same pool of available planners.
- 3.7 Other challenges include the need to continue to meet the national Key Performance Indicators (KPIs) for the time taken to determine planning applications and performance in terms of the outcome of appeals against the refusal of planning permission. Failure to meet the KPIs could result in MVDC becoming a “standards authority” whereby applicants would be able to by-pass MVDC and submit applications for planning permission to the Planning Inspectorate who also receive the fee for the application.

Planning Enforcement

- 3.8 The Panel examined the work of the Enforcement Service. It was noted that enforcement action is discretionary and should only be taken where it is expedient. Each alleged breach of planning control requires detailed investigation before a decision can be taken about what if any action should be taken. This takes time and can lead to frustration for those making the allegations of breaches of planning control who assume action will be taken immediately and the breach stopped. Consequently managing customer expectations that prompt action can be taken to remedy a breach of planning control is a significant challenge.
- 3.9 The Panel felt that there is room for improving the flow of feedback information in response to reports of alleged breaches of planning control. It was considered that the initial acknowledgement of the receipt of an alleged breach which is currently in the form of a case reference number should be expanded to include information about the stages in the planning enforcement process to manage expectations of a resolution.
- 3.10 The significant case load of the Planning Enforcement Team was also examined by the Panel². It has been a challenge to clear the backlog of cases while trying to keep on top of new cases. It was noted that one of the drivers for reshaping the DMS is to ensure the enforcement work is adequately resourced.
- 3.11 The Panel noted that an Enforcement Register is now available on the MVDC website and that each month an update of open, closed and pending enforcement cases are posted on MOSS.
- 3.12 The Panel noted that MVDC’s approach to planning enforcement is set out in the Local Enforcement Plan. It explains the way that alleged breaches of planning control will be prioritised according to the severity and type of alleged breach. It

² It was noted that there are 103 open cases and 98 cases waiting to be registered. Since 1st January 2018, 13 cases have been closed.

was noted that national planning guidance requires that enforcement action should only be taken where it is expedient to do so and where it is, that the action is proportionate to the breach. The Panel noted that the Local Enforcement Plan was adopted in 2012 and that the service is not able to meet the targets for investigating alleged breaches. It was therefore concluded that it would be timely to review the Local Enforcement Plan and revisit the targets it contains.

Trees and Heritage

- 3.13 The DMS also provides specialist advice on works to trees and on the built heritage of the District, especially Listed Buildings.
- 3.14 The Panel was advised that the Tree Officer (TO) handles on average 350 tree works applications a year. This includes applications to carry out works to trees that are the subject of Preservation Orders or in a Conservation Area. The TO also serves Tree Preservation Orders and provides advice on the arboricultural aspects of planning applications.
- 3.15 The Panel were pleased to note that Council budget for 2018/19 enabled the Parks Service to recruit an arboriculturalist to carry out inspections of trees on MVDC property and felt this could have mutual benefits through collaborative working with the TO.
- 3.16 The Historic Environment Officer is involved in approximately 300 applications relating to heritage assets³ in the District each year and provides detailed advice on potential works to historic buildings. The Panel noted that as a result of this pro-active approach, the quality of work to the District's built heritage is of a high standard.

Development Control Committee

- 3.17 It was recognised by the Panel that the work of the Development Control Committee has a high profile and is closely scrutinised by both applicants for planning permission and those affected by development proposals. It is a shop window for the Council and for many customers it is the only occasion they observe Members at work.
- 3.18 The Panel therefore recognised the importance of Members of the Development Control Committee undergoing regular training sessions as required by the Members Planning Code of Good Practice which is contained in the Constitution. The Panel concluded that training on the following topics which are some of the most frequently faced by the Committee would be helpful for its members.
 - Making defensible planning decisions
 - Development in the Green Belt
 - Design considerations of new development

³ Heritage assets includes Listed Buildings and Conservation Areas.

- Use of planning conditions to ensure they meet the six tests in the NPPF⁴
 - Planning enforcement
- 3.19 The Panel took the view that training for members of the Development Control Committee should be mandatory. It was also noted that such training would complement the programme of training around the preparation of the Local Plan that has been arranged for Members.
- 3.20 The value of a peer review of the work of the Development Control Committee was also considered by the Panel. Like any important function of the Council the Panel felt the Committee's work would benefit from a review to ensure it is performing to the highest standards. The last review was carried out in 2013 and it was felt timely to consider a new review. The Panel felt that a peer review carried out by the Planning Advisory Service⁵ would be beneficial to ensure the way the Committee operates is open, accessible to all, efficient and effective. Information about the scope of a PAS peer review is shown at Annex 4.
- 3.21 The Panel appreciates receiving the agenda papers for the Development Control Committee two weeks in advance of the meeting. It was however accepted that this is difficult to sustain and has led to reports which are lacking in detail. Reliance on the addendum to provide supplementary information which can be critical to the consideration of an application is not good practice and publishing a recommendation before all the relevant information is available is open to challenge.
- 3.22 The stages of processing a planning application were considered. See Annex 5. The Panel appreciated that the determination of planning applications requires a tight turn around to ensure the target times for the determination of planning applications can be met. It was agreed that in future the agenda for the Development Control Committee would be published electronically on the Tuesday evening of the week before the Committee's meeting and a hard copy dispatched at the same time. This would satisfy the statutory requirement of publishing the agenda five working days before the Committee meeting.

4.0 **Planning Policy Service**

- 4.1 The principal role of the Planning Policy Service (PPS) is to ensure that MVDC has an up to date Local Plan. This contains MVDC's planning policies against which planning applications are determined. It also establishes how much and where new development should be located. It is through the Local Plan that the land use implications of the Council's corporate priorities for housing, the environment and prosperity can be delivered through the statutory planning process. The two year preparation of the Local Plan and the stages it has to go

⁴ The National Planning Policy Framework (NPPF) makes it clear that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

⁵ The Planning Advisory Service (PAS) is grant funded by the Department for Housing, Communities and Local Government but is part of the Local Government Association. It exists to provide support to local planning authorities to provide efficient and effective planning services to drive improvement in those services and respond to and deliver change in the planning system.

through before it can be adopted were explained to the Panel. The importance of having an up to date Local Plan in place was emphasised to the Panel. Unless meaningful progress on the Plan's preparation can be made, the Department for Housing, Communities and Local Government could step in and take over responsibility. The Panel was advised that the lack of an up to date Local Plan also weakens MVDC's ability to sustain objection to planning applications it has refused and which are subsequently appealed.

- 4.2 The most significant aspect of the work on the Local Plan will be to decide how many new homes and jobs should be provided in the District and where they should be located. In doing so account will need to be taken of the scale of need and the constraints on development including the Green Belt and other policies of restraint, the capacity of the District's infrastructure and the scope to improve it. Resolution of the competing pressures for development and the need to safeguard the environment of the District's towns, villages and countryside will require close engagement between the PPS and Members, local communities and the development industry.
- 4.3 In addition to preparing the Local Plan, the PPS will review the Community Infrastructure Levy; support the preparation of the Ockley Neighbourhood Development Plan; respond to neighbouring local authorities' plans and proposals where they affect the District, including for example the London Plan; monitor and respond to changes in aviation policy and developments at Gatwick Airport.
- 4.4 The Panel received a comprehensive review and presentation on the work of the Planning Conservation Service which is part of the PPS. Specific areas of work include ensuring MVDC's input to the two Countryside Management Projects operating in Mole Valley. These are the Lower Mole Partnership and the Gatwick Greenspace Partnership.
- 4.5 Other work involves close liaison with the Surrey Hills Area of Outstanding Natural Beauty Unit in delivering the statutory management plan; working with specialists to provide advice to the DMS where there are major development proposals with landscape or ecological considerations and participating in the River Mole Catchment Management Partnership to help deliver improvements to the river and its tributaries.
- 4.6 The Conservation Service also works on delivering improvements to public areas, largely focusing on Conservation Areas. Recent schemes have included the improvements to West Street in Dorking and Church Street in Leatherhead. Other work includes preparation of a heritage strategy as part of the Local Plan, organising the programme of events for Heritage Open Days and working with the voluntary sector on conservation projects.
- 4.7 The Panel was very impressed by the extent and quality of the work carried out by the Principal Conservation Officer given the limited resources.
- 5.0 **Planning Support Service**

- 5.1 The service provides the administrative back up for the entire Planning Service. In particular it manages the departmental database, document management system and web pages. It also manages the receipt and validation of planning applications and arranges consultations and neighbour notifications. It delivers a planning information service through the day to day interaction with customers for straight forward planning enquiries. The Planning Support Service also provides the statutory Land Charges service⁶ and administers the collection of the Community Infrastructure Levy⁷. It also works with the Southern Building Control Partnership to ensure the receipt of accurate and timely information about the commencement and completion of new development in Mole Valley to enable completion of Government returns and for monitoring performance indicators.
- 5.2 The service has been streamlining the way it operates by making greater use of technology. It has been able to make efficiency savings over the last year while providing a more focused and effective service for its customers by delivering more information on line.
- 5.3 The service provides the first point of call for many customers some of whom may not have had any previous experience of engaging with the planning system. The team has worked hard to ensure the customer's experience meets or exceeds their expectations and in recognition of the way they are delivering the service have received a Customer Service Excellence award.
- 5.4 The Panel was advised that there continues to be uncertainty about whether and when the Land Registry will assume the statutory responsibility for a digitised Land Charges Plan Register for England and Wales and what this would mean for MVDC, especially in terms of income, which last year was £194,000. Current indications are that the rollout of the transfer will not be completed until 2023/24 but it is not known when MVDC's responsibilities would be transferred. MVDC would however retain responsibility for the Con 29 part of the Land Charges Service⁸.

6.0 **Building Control**

- 6.1 The Building Control service is a statutory function responsible for the delivery of safe, healthy, accessible and sustainable buildings. The service is in direct competition with private sector Approved Inspectors and operates in a trading environment whereby the costs of the service are recharged to the users. Since June 2017 the building control service in Mole Valley has been provided by the Southern Building Control Partnership (SBCP) a shared service which has been created following an amalgamation of the building control services of MVDC, Reigate and Banstead BC and Tandridge DC.

⁶ Between 1st January and 31 December 2017, 95% of Land Charge Searches were processed within the five day target.

⁷ Since the introduction of the CIL in Mole Valley on 1st January 2017, £339,200 has been collected and £901,500 is liable.

⁸ The Con 29 Form provides prospective property purchasers with information that relates to the property held by the local authority. This can include the property's planning history and development proposed in the area.

- 6.2 There have been considerable challenges with the implementation of the SBCP's new Information and Communications Technologies (ICT). They are now substantially resolved. The customer base of the constituent authorities has held up despite the ICT challenges and the Key Performance Indicators for meeting the deadlines for the passing or rejection of plans have been met and latterly exceeded.
- 6.3 A Joint Partnership Board has been put in place as part of the arrangements for establishing the shared service. The Executive Member for Planning represents MVDC on the Board which oversees and provides advice on the strategic direction of the development, implementation and ongoing operation of the shared service on behalf of the constituent authorities. The Board met on 16th January and considered the performance of the Partnership to date and the risks to its sustainability. The Board will meet again in April to review the operation of the service and to be satisfied that it is maximising opportunities for revenue generation with appropriate establishment costs.

7.0 **Customer Service**

- 7.1 The Panel appreciated that the Planning Service engages with a range of customers who have differing requirements. They can include those who submit planning applications, wish to comment on applications, allege a breach of planning control or wish to respond to a consultation by MVDC, such as the Local Plan. There are also customers who look for general planning advice.
- 7.2 Increasingly, web based facilities are being put in place that allow customers to find the information they require at any time through the MVDC website. For example the whole journey of a planning application can be followed on line from its submission through consultation to final determination. Although the pre-application service for householders is temporarily suspended and will be reintroduced when resources are available, Customers can have a face to face discussions with staff from the Planning Service for basic planning advice and request pre-application advice, for which a fee is charged, in the case of larger development proposals. Feedback is invited from customers to help improve service delivery. A survey of customers between August 2016 and June 2017 recorded a high level of satisfaction with the service. Annex 6.
- 7.3 The Panel noted that the Planning Support Team and the Planning Policy Team had both received Customer Service Excellence recognition for their work to ensure the planning service is open, transparent and accessible to all.
- 7.4 It was explained to the Panel that the Planning Service is committed to develop and improve the ways it engages with local residents, organisations and partners. For example, a project is underway to digitise all the historic planning application files which are currently held on microfiche. Once these data are uploaded to the MVDC website, customers will be able to check the planning history of sites on line instead of having to visit MVDC's offices and search for the information on microfiche. The Panel were fully supportive of this initiative and felt it represented as significant step change in the way that customers can access information.

- 7.5 The Panel also looked the way the Planning Service interacts with Members and noted that the consideration and determination of planning applications and planning enforcement are the areas of the Planning Service's work that generate the most interaction between officers and members. This reaches its peak during the lead up to and during the debate at the Development Control Committee. Engagement with the Planning Policy Service tends to be more cyclical when a new Local Plan is being prepared or a Neighbourhood Development Plan is being drawn up by the local community.
- 7.6 There were two areas that the Panel reflected on in particular. The first relates to whether it is acceptable for Members to discuss planning applications with the case officer prior to the application's determination, especially if this is to be by the Development Control Committee. The Panel recognised this is something that arose during training sessions. The Panel were advised that if a Member requires further information about a planning application or wished to talk through an application in advance of its determination, it is open for members to speak to the case officer. In doing so, the Panel were reminded that Members need to avoid putting themselves in a position where their actions might be considered to amount to predetermination or prejudgment but it is quite acceptable for members to discuss their thoughts on an application with the case officer and test their thinking about it in advance of the application's determination.
- 7.7 Related to this, is the issue of seeking clarification about the content of reports to the Development Control Committee in advance of the meeting. The panel appreciated that questions will come to mind during debates that might not have occurred in advance, but recognised that raising questions before the Committee meeting not only saves time at the meeting but also ensures members can be given accurate answers.
- 7.8 The Panel appreciated that it is not always possible to give out detailed operational information about the progress of a planning enforcement case because much of the work has to remain confidential until all the facts about the alleged breach of planning control are known. It also recognised that increasing the capacity of the Enforcement Team will help will help its ability to respond to questions from those alleging breaches of planning control and Members. This is something the Panel supported.
- 7.9 Interaction with the Planning Policy Service is currently focused on the preparation of the new Local Plan. The Planning Policy Working Group has been the main channel for information exchange and debate. Attendance at the Working Group has now been widened so that all members can participate in its discussions. In addition a series of workshops, seminars and briefings that will be open to all members will be delivered as part of the Member engagement programme that the Executive has recently agreed should be put in place.
- 8.0 **Conclusions**
- 8.1 Of all the services provided by MVDC, the Planning Service is one of the most high profile and for many people can be the most important point of contact with MVDC. The Panel recognises it is important to ensure that the service is delivered effectively, efficiently and with an understanding of the needs of the

wide range of customers. This is particularly the case with the Development Management Service which has to manage opposing but often strongly held opinions about planning applications and alleged breaches of planning control.

- 8.2 The Panel identified several challenges facing the Planning Service. The first is to ensure the Development Management Service can continue to meet and exceed key performance indicators in the face of the difficulties of staff recruitment and retention. The Panel noted that work is in hand to ensure the composition of the service is aligned with the scale and nature of the work that has to be done.
- 8.3 The second challenge identified by the Panel is to continue the process of driving improvements to the planning enforcement service to ensure alleged breaches of planning control are investigated efficiently and effectively and that complainants are kept informed of progress. The Panel did however recognise the difficulties of recruiting staff to undertake enforcement work and that there are significant legacy issues to address. The Panel was encouraged by the recognition that the service needs improvement and felt this should be taken into consideration in the reshaping of the DMS to deliver a more efficient planning enforcement service. While the backlog of casework will not be cleared overnight, the Panel felt progress is being made towards a more efficient and sustainable service.
- 8.4 The Panel concluded that the third significant challenge facing the Planning Service is the preparation of the new Local Plan. The challenge of meeting the demands for development in an area heavily constrained by national designations which restrict development⁹ at a time when the national agenda is promoting the need to increase the delivery of new homes, is going to be contentious. The Panel noted the Planning Policy Service will be working hard to make sure there is robust and credible evidence on which MVDC can make informed and defensible decisions about the policies and proposals in the Local Plan which can withstand independent scrutiny by the Planning Inspectorate.
- 8.5 It was also accepted by the Panel that Members of MVDC have an important role to play in helping ensure the planning service operates efficiently and effectively. It was recognised that the Development Control Committee has a high profile and its Members need to have the skills and knowledge to discharge their important decision making role which is coming under increasing scrutiny by applicants and objectors.

8.0 Recommendations.

8.1 The Planning Panel has made the following recommendations:

- Ensure the resources of the Development Management Service are deployed to improve the delivery of the planning enforcement function.
- Review and update the Local Enforcement Plan

⁹ For example those policies relating to Sites of Special Scientific Interest; land designated as Green Belt and Areas of Outstanding natural Beauty

- Improve the content of the initial acknowledgement to reported alleged breaches of planning control to manage expectations of a resolution.
- Establish a training programme for Members of the Development Control Committee
- Commission a peer review of the work of the Development Control Committee.
- Encourage officers in the Planning Service and Members to work collaboratively wherever possible on planning applications and in the preparation of the new Local Plan for the benefit of Mole Valley's residents and businesses.

9.0 **Financial Implications** – The cost of Member training events and a peer review can be covered by existing budget provision.

10.0 **Legal Implications** – None

CORPORATE IMPLICATIONS

Monitoring Officer Commentary - The Monitoring Officer is satisfied that all relevant legal implications have been taken into account.

S151 Officer Commentary – The s151 officer confirms that all relevant financial implications and risks have been taken into account in this report.

Risk Implications – The recommendations of the Planning Panel propose actions that are intended to improve the delivery of the Planning Service for the benefits of Mole Valley's residents and businesses.

Equalities Implications – The delivery of the planning service must be accessible to all.

Employment Issues – None directly as a result of this report.

Sustainability Issues – None directly as a result of this report,

Consultation – None

Communications – None.

BACKGROUND PAPERS

None

TERMS OF REFERENCE FOR THE PLANNING SCRUTINY PANEL

Name of Panel	Planning
Members	<ul style="list-style-type: none"> • Rosemary Dickson • Mary Huggins • Malcolm Ladell • Margaret Cooksey • David Hawksworth
Lead Strategic Management Team Officer	Jack Straw
Scrutiny Support Officer	Beth Nixon
Panel Purpose and Scope	<p>To identify recommendations that could contribute to the improved delivery of the Planning Service for the benefit of Mole Valley residents and businesses.</p> <p>Scope of work to include:</p> <ol style="list-style-type: none"> 1. Consider and review the role of the Planning Service in delivering MVDC's Corporate Strategy 2015-19. 2. Review the performance data on the time taken to process planning applications when measured against national and local targets. 3. Review the performance data on the quality of planning application decisions as measured against the national criteria of major application appeal decisions. 4. Receive updates on the work of the Enforcement Team in the light of the review carried out by the Planning Enforcement Panel in 2016. 5. Review the progress of work on the preparation of the Future Mole Valley Local Plan against the provisions of the Local Development Scheme. 6. Consider the interaction between the Planning Service and its customers and identify areas for improvement. 7. Review the work of the Planning Conservation Service.
Timescale	Panel to meet as soon as possible and to conclude with a report to the Scrutiny Committee in March 2018

ANNEX 2

Planning Scrutiny Panel

Key performance Indicators.

(a) Local Indicators - Time taken to determine planning applications between 1st April and 31 January 2108 and Appeals performance.

(b) National Indicators – Percentage of planning applications determined within statutory time limits during period 1/10/16 to 30/9/18

Local KPIs	Number of applications/appeals received from 1 st April 2017	Performance target for determining applications within time limits (%)	Performance
Major Applications	21	60%	94.74%
Minor applications	297	65%	89.78%
Other applications	745	80%	96.44%
Appeals dismissed against MVDC's refusal of planning permission	43 Appeals Started	N/A	28 appeals dismissed
National KPIs		Performance target	Performance
Percentage of major applications processed in 13 weeks for period 1/10/16 to 30/9/18	Up until 31 January 2018, 29 applications out of 31 processed within time limit	At least 63%	93.55%
Percentage of non major applications within 8 weeks for period 1/10/16 to 30/9/18	Up until 31 January 2018, 1392 applications out of 1502 determined within time limit	At least 75%	92.68%
Quality of decisions for major developments during period from 1/4/16 to 31/3/18 (<i>Cumulative figure of applications that are overturned on appeal against total received</i>)	Up until 31 January 2018, 0 appeals overturned out of 40 applications.	8%	0%
Quality of decisions for non-major developments during period 1/4/16 to 31/3/18. (<i>Cumulative figure of applications that are overturned on appeal against total received</i>)	Up until 31 January 2018, 31 appeals overturned out of 2081 applications	8%	0.05%

ANALYSIS OF APPEAL DECISIONS/ COMMITTEE OVERTURNS 2010 – 2017
(includes some late 2009 overturns due to length of time to determine appeals)

Appeal Location and Date	Officer Recommendation	Decision	Appeal Decision	Proposal
Tesco Stores Former Esso Service Station, 53-57 The Street, Ashted MO/2009/1322	Permit	Committee Refused OVERTURN 3 February 2010	Appeal Allowed 24.08.10	<i>Tesco store (the small scheme) 1,499 square metres etc. Erection of supermarket on ground floor, 2x1 bedroom, 4x2 bedroom and 3x3 bedroom flats on first and second floors. Enlarged parking and repositioning of recycling centre.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
81, 83, 85 Lower Road, Fetcham MO/2009/0896	Permit	Committee Refused OVERTURN 7 October 2009	Allowed 27.05.10	<i>Erection of 4 detached dwellings & parking</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Rear of 4/6 Gilmais, Bookham MO/2009/1182	Permit	Committee Refused OVERTURN 2 December 2009	Allowed 18.08.10	<i>Detached 2 bed bungalow</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Marley Rise, Ridgeway Road, Dorking MO/2010/1010	Permit	Committee Refused OVERTURN 6 October 2010 Committee	Allowed 04.03.11	<i>Erection of 38 dwellings (including affordable housing) together with associated parking, landscaping and open space with access from Marley Mead.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
The Red House Nursing Home Ashted	Permit	Committee Refused OVERTURN 2 February 2011	Appeal Allowed & Award in Part of Costs of £21,160	<i>Erection of extensions to provide 8 new bedrooms, ancillary facilities, new fire escape and additional parking following demolition of 'Questers'</i>

MO/2010/1269 Costs Awarded Against the Council £21,160			17/2/12	<u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Broome Cottage Old Road Reigate Betchworth MO/2011/0442/RM	Permit	Committee Refused OVERTURN 6 July 2011	Appeal Allowed 5/7/2012	<i>Details of appearance, landscaping, layout and scale following outline permission MO/2007/1208 for the erection of 2 dwellings.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Pineacre House The Ballands South Fetcham MO/2011/0628	Permit	Committee Refused OVERTURN 3 August 2011	Appeal Dismissed 8/11/11	<i>Construction of 2 detached dwellings and one pair of semi-detached dwellings following demolition of existing.</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Henfold Henfold Lane Beare Green MO/2011/0736 Costs Awarded Against the Council £2,000	Permit	Committee Refused OVERTURN 3 August 2011	Appeal Allowed and Costs of £2,000 4/5/2012	<i>Change of use of part of outbuilding attached to barn to ancillary residential accommodation.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
The Glade River Lane, Leatherhead MO/2011/0512	Permit	Committee Refused OVERTURN 7 December 2011	Appeal Dismissed Costs Claim Dismissed 10/4/2013	<i>River Lane Leatherhead gypsy caravan site Overtorn upheld and permission granted for 3 years</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Oakview River Lane Leatherhead MO/2011/0520	Permit	Committee Refused OVERTURN 7 December 2011	Appeal Dismissed Costs Claim Dismissed 10/4/2013	<i>River Lane, Leatherhead gypsy caravan site Overtorn upheld and permission granted for 3 years</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Yew Tree River Lane Leatherhead	Permit	Committee Refused OVERTURN 7 December 2011	Appeal Dismissed Costs Dismissed 10/4/2013	<i>River Lane, Leatherhead gypsy caravan site Overtorn upheld and permission granted for 3 years</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>

(Lidl Store) Vincent Works Vincent Lane Dorking MO/2011/1307	Refuse	Committee Approved OVERTURN 4 January 2012	Appeal Allowed MO/2013/1236 (But MO/2011/1307 not appealed)	<i>Erection of supermarket – Lidl</i> <i>Went to appeal on MO/2013/1236 and it was appeal allowed on 25 March 2014</i>
4 Ralliwood Road Ashtead MO/2011/1729	Permit	Committee Refused OVERTURN 1 February 2011	Appeal Allowed 7/8/2012	<i>Erection of two storey dwelling with integral garage following demolition of existing bungalow and detached garage.</i> <i>Note: MO/2011/1615 – allowed</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Vincent Works Vincent Lane Dorking (Dwellings) MO/2011/1420	Permit	Committee Refused OVERTURN 2 May 2012	Appeal Allowed 22/1/2013	<i>Erection of 30 dwellings with associated access, landscaping and parking, following demolition of existing buildings.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Land at St Josephs Priory, Harrow Road West Dorking MO/2012/0688	Permit	Committee Refused OVERTURN 5 September 2012	Appeal Dismissed 29 July 2013	<i>Demolition of existing building and erection of two pairs of semi-detached houses (4 dwellings in total) with associated garaging, parking, landscaping and associated works.</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Maybury Farm Boxhill Road Box Hill MO/2013/0275	Permit	Committee Refused OVERTURN 15 May 2013	No appeal lodged	<i>Conversion of existing swimming pool building in to one residential dwelling.</i>
Land at Tanners Meadow, Strood Green MO/2013/0055	Permit	Committee Refused OVERTURN 5 June 2013	Appeal by Inquiry 7/8/9 May 2014 Appeal Dismissed 25 June 2014	<i>Erection of 30 residential dwellings with associated open space, meadow land, access, landscaping and 75 car parking spaces.</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Shardeloes Ashtead Woods Road, Ashtead MO/2013/0813	Permit	Committee Refused OVERTURN 7 August 2013	Appeal Allowed 25 March 2014	<i>Variation of Condition 3 of approved planning permission MO/2003/1860 to allow the premises to be occupied by no more than 9 people.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>

Garages 46-48 Lincoln Road Dorking MO/2013/0914	Permit	Committee Refused OVERTURN 12 September 2014	Appeal Dismissed plus Appeal for Costs Dismissed 18/6/2014	<i>Refused by the Committee 1) Policy DT11 regarding lack of marketing and 2) Design and appearance Application for Change of Use to residential, and for erection of one building containing 9 flats with external staircase and covered off-street ground floor parking, following removal of existing garage building.</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Lidl Food Store, Vincent Lane Dorking MO/2013/1236 (Variation of Condition 12 of MO/2011/1307)	Permit	Committee Refused OVERTURN 6 November 2013	Appeal Allowed 25 March 2014	<i>Variation of Condition 12 of planning permission MO/2011/1307 to allow deliveries from 10 a.m. to 4 p.m. on Sundays and Bank/Public Holidays. Committee overturned on amenity grounds.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
Bury Hill Fisheries Old Bury Hill Westcott MO/2013/0241	Permit	Committee Refused OVERTURN 4 December 2013	Lodged on Appeal 15 April 2014 Hearing 22 July 2014 Appeal Dismissed 22 Sept 2014	<i>Reduction in angling business, closure of ancillary café and shop, reduction and remodelling of car park, change of use of part of car park to residential garden, spreading of existing silt stockpiles and storage of future siltings on site, demolition of existing 8 berth boat house building and other buildings, landscaping, erection of new restricted occupancy dwelling, erection of replacement of 2 berth boat house and toilet, and removal of occupancy condition on Milton House.</i> <u>OVERTURN IN FAVOUR COMMITTEE DECISION</u>
Greenlea Fir Tree Road Leatherhead MO/2013/1233	Permit	Committee Refused OVERTURN 4 December 2013	Appeal Allowed 9 April 2014	<i>Extension of existing terrace and roof above and replacement of existing corrugated plastic terrace roof with solid roof.</i> <i>The Inspector agreed with the Planning Officer in allowing this development, notwithstanding the neighbour objections to which the Committee responded in refusing the application at their meeting on 4 December 2013.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2013/1345	Permit	Committee Refused	Appeal Lodged	<i>Erection of two pairs of semi-detached chalet bungalows</i>

Gwennap Lodge Ottways Lane Ashtead		OVERTURN 7 May 2014	11/01/14 Appeal Allowed 12/11/14	<i>(4 units in total) with garages, parking, landscaping and new access from the A24 following demolition of existing dwelling.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2014/0061 Land at Mynthurst Farm, Mynthurst, Leigh	Permit	Committee Refused OVERTURN 4 June 2014	Written Reps Appeal Started 10 December 2014 Inspector Site Visit 14 May 2015 CALLED IN 14 August 2015	<i>Construction of a 32.5 hectare solar park, to include the installation of solar panels to generate electricity, with control room, fencing, landscaping and associated works.</i> <i>CALLED IN TO THE SECRETARY OF STATE 14 AUGUST 2015 – DISMISSED 24 NOV. 2015</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
Winstanley The Marld, Ashtead MO/2014/1038	Permit	Committee Refused OVERTURN 1 October 2014	Appeal Allowed 12 Feb 2015 Appeal for Costs Dismissed	<i>Demolition of dwelling and garage and erection of two dwellings with integral garages. Overturned by Committee – overdevelopment and cramped.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2014/1395 Land at Partridge Lane, Newdigate (Gypsy Site)	Permit	Committee REFUSED OVERTURN 4 February 2015	Appeal by Hearing DISMISSED 22 April 2016	<i>Change of Use of land to four traveller pitches and associated works including four mobile homes, four touring caravans, four day rooms and four septic tanks and hard standing.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2014/1902 Campsite at Polesden Lacey, Polesden Road, Bookham	Permit	Committee REFUSED OVERTURN 4 March 2015	Appeal Lodged 6 May 2015 Appeal ALLOWED 18.01.2016	<i>Change of use of land to campsite and erection of two amenity blocks following the removal of existing buildings.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2015/0393 Highfields, Ashtead	Permit	Committee REFUSED	No appeal lodged	<i>Creation of a pinch point at the mid-point of Highfields by installation of 2 planters and collapsible bollards to</i>

		OVERTURN 6 May 2015		<i>enable through traffic to be blocked at peak times. Installation of white picket fences on grass verges at both ends of road</i>
MO/2015/0546 39 Oakfield Road Ashtead	Permit	Committee REFUSED OVERTURN 3 June 2015	Appeal Lodged 12 Aug. 2015 Appeal DISMISSED 3 Feb. 2016	<i>2 detached dwellings following demolition of existing property.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2015/0607 73 Keswick Road and land rear of 69-77 Keswick Road, Bookham	Permit	Committee REFUSED OVERTURN 1 July 2015	Appeal Lodged 24.11.15 Written Reps. ALLOWED 14.04.16	<i>Erection of 6 new dwellings with associated garaging (for Plot 1) and parking, and creation of a new access drive, following demolition of existing building.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2015/0475 Land rear of 63 and 65 Keswick Road Bookham	Permit	Committee REFUSED OVERTURN 1 July 2015	Appeal Lodged 23.12.15 Written Reps. Appeal DISMISSED 14 June 2016	<i>Outline application for the consideration of access appearance, layout and scale in respect of the erection of 2 detached bungalows with associated access, parking and amenity space.</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
MO/2015/0555 Devonshire House 66 Church Street Leatherhead	Permit	Committee REFUSED OVERTURN 5 August 2015	Appeal Lodged 30.11.15 Written Reps. Appeal ALLOWED 3 March 2016	<i>Change of use fro office (Use Class B1) to residential (Use Class C3). Creation of 7 flats via reconfiguration of existing building and the creation of two new flats in an extension to the rear wing.</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2015/0958 The Muslim Community Centre, Hart Road, Dorking	Permit	Committee REFUSED OVERTURN 7 October 2015	Appeal DISMISSED 12 May 2016	<i>Erection of ground floor front/side extension. Raise roof ridge height and create first floor.</i> <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
MO/2015/1601 Land at Farthings and between Randalls Road and Cleeve	Permit	Committee REFUSED OVERTURN 3 February 2016	Written Reps Appeal Lodged 1.4.16 Appeal Dismissed	<i>Erection of 64 bed care home, 35 assisted living units, 30 family houses and 20 affordable dwellings together with access, parking and landscaping following the demolition of Farthings.</i>

Road, Leatherhead			22.07.16 Partial Costs	(PARTIAL COSTS AWARDED) <u>OVERTURN IN FAVOUR OF COMMITTEE DECISION</u>
MO/2015/1437 The Props Barn Kingsland Farm Kingsland Newdigate	Permit	Committee REFUSED Overtun' 6 April 2016	Appeal Lodged by Written Reps on 16 May 2016 Appeal Allowed October 2016	<i>Conversion of barn to form one dwelling with associated parking and amenity space.</i> <u>OVERTURN IN FAVOUR OF THE OFFICER RECOMMENDATION</u>
MO/2016/1691 Velgrad Mill Lane, Brockahm	Permit	Committee decision to REFUSE 5 April 2017	Appeal Lodged 09/06/2017 Written Reps. ALLOWED 02/11/2017	<i>Erection of six dwellings following demolition of existing buildings.</i> <u>OVERTURN IN FAVOUR OF THE OFFICER RECOMMENDATION</u>
MO/2016/1908 Clears Yard, Vincent Walk, Dorking	Permit	Committee decision to refuse	Appeal lodged 2/1/18	<i>Erection of 26 dwellings ,access parking., landscaping</i>
MO/2016/2071 168 Barnett Wood Lane, Ashtead	Permit	Committee Decision to REFUSE 3 May 2017	Appeal ALLOWED 12/12/2017	<i>Erection of three houses with associated facilities.</i> <u>OVERTURN IN FAVOUR OF THE OFFICER RECOMMENDATION</u>
MO/2017/0308 11 Upper Rose Hill Dorking	Permit	Committee Decision to REFUSE 7 June 2017	Appeal DISMISSED 9/11/2017	<i>Removal of existing house, garages and outbuildings and erection of 4 semi-detached dwellings with associated parking, cycle parking, landscaping and associated works.</i> <u>OVERTURN IN FAVOUR OF THE COMMITTEE'S DECISION.</u>
MO/2017/0428 Land to the rear of 31-37 Lower Road Fetcham	Permit	Committee Recommendation to REFUSE 7 June 2017	Appeal ALLOWED 02/11/2017	<i>Erection of 4 detached dwellings with associated garages and access road.</i> <u>OVERTURN IN FAVOUR OF THE OFFICER'</u>

				<u>RECOMMENDATION</u>
MO/2017/0472 Land to rear of 10 Stag Leys, Ashted	Permit	Committee Refusal	Appeal lodged	
MO/2017/0629 Westbourne House, 13 Horsham Road, Dorking	Permit	Committee Refuse	Appeal ALLOWED	<i>Erection of 1 dwelling to rear and associated parking</i> <u>OVERTURN IN FAVOUR OF OFFICER RECOMMENDATION</u>
MO/2017/0755 4 St Pauls Road East, Dorking	Permit	Committee decision to refuse	Appeal lodged	<i>Erection of two storey side/rear extension.</i>
MO/2017/1448 Land rear of 1 Keswick Road, Fetcham	Permit	Committee decision to refuse		<i>Erection of single dwelling</i>
MO/2017/1477 167 Cobham Road, Fetcham	Permit	Committee decision to refuse		<i>Three storey mixed use building.</i>

Overturns - Committee Overturns from 1 January 2010

ANNEX 4

PAS > PAS Support > Planning committee support

Planning Committee peer review

Do you think you've got the best planning committee you could have, in terms of the way it functions and the quality of the decisions made? If you think there may be room for improvement then we can do a peer review of how your committee works.

An officer and a councillor peer with planning experience will work with you to review good practice and areas for improvement.

The project

Context for the authority and what is driving this request

The peers

The peers should review the aspects listed below and based on their own experience and knowledge of good practice, report back on these aspects and make some recommendations for improvement.

Scope of the Review

The review should look at the following:

Purpose

- Whether members of the committee fully understand their purpose (what are they there for?)
- The delegated agreement, including process of call-ins, and whether Committee are making the best use of their time to look at the right applications.

1. Format and process

- How the application is debated, including the voting (including use of the Chair's casting vote)
- The current membership and size of the Committee, and whether substitute members should be introduced.
- Room layout (including seating positions of Members) and facilities for the Committee.
- Standard of, clarity and layout of Committee Reports.
- Presentation of Committee Reports by Planning Officers.
- Process of Member site visits, how recorded, what is reported at subsequent committee meeting.

2. The 'customer' experience

- How public engagement is managed at the Committee (and the possible reintroduction of webcasting)
- How to increase public understanding of the role of and limitations of planning committee (eg a short video before the start of planning committee meetings or text on the agenda front page and in planning notification letters).
- Handling deputations for and against planning applications (time allowed, particularly with regards deferred items and flexibility to alter the time given to deputees, the role of Councillors in the deputation process).

3. Roles and responsibilities

- Role of committee members and the relationship of planning committee to other advisory groups
- The role at Planning Committee of the Cabinet Member for Regeneration.
- Support from officers (planners, legal, committee services, other expertise)

4. Quality and improvement

- Member training – frequency, in-house, external
- Monitoring and review – how does the committee know it is doing a good job?

The review process

The peers will need to:

- review some existing materials and compare against their own experience and good practice.
- Attend, as observers, at least one, preferably two planning committees
- Interview a sample of committee members (including Chair and 3 others) and attending officers (Head of DM, legal officer or democratic services officer, one presenting planner)
- Write a concise report responding to the above points, including references to good practice from elsewhere where possible, and recommendations.

If you are interested in this, please contact pas@local.gov.uk.

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Planning Application Process

Annex 5




Week	What's happening
One	<p><u>Application Received</u>: information checked for accuracy, fee received, identify constraints, decide who to consult, validate, register, carry out neighbour notification, and add to Running List</p>
One-Three	<p data-bbox="719 719 1435 794">Neighbours have three weeks to make representations</p> <p data-bbox="719 935 2036 1011">Members have four weeks from the date of the Running List to decide whether to 'Call in to Committee'</p>
One – Four	
Five	Officers assess responses and negotiate amendments
Six	Officers write report/ Managers check reports
Seven	Agenda preparation: statutory duty to publish agenda five working days before meeting. Decision made at Committee
Eight	Decision to be issued following meeting (must be done by Day 56 to meet Government targets)

Annex 6

Planning Reception Survey

Since August 2016 until the present time a total of 32 Planning customers have completed a feed back survey in reception following a meeting with a Planning Officer.

The results show the level of service provided is overwhelmingly positive:

			
Was the person at reception:			
Helpful	30		2
Professional and knowledgeable	30		2
Friendly and polite	30		2
Able to explain things clearly to you	30		2
Was the reception Area clean and tidy	30		2
Was the person who dealt with your enquiry:			
Helpful	32		
Professional and knowledgeable	32		
Friendly and polite	32		
Able to explain things clearly to you	31	1	
Did he/she resolve your query?	29	2	1
If unable to solve query were advice/options provided	30	1	1
Overall were you satisfied with how we helped you today	30		2

Comments:

Pleasant people and surroundings.

Amazing, patient, totally on board – thank you

Very helpful and friendly

The reception team were excellent, extremely helpful, both ladies were friendly

[Person who dealt with enquiry] was brilliant

Saddened but appreciate difficulty at this amount of time

Helpful as always

I have been treated in the most helpful, respectful, considerate manner and my queries were dealt with extremely promptly. I would compare the staff of Pippbrook very favourably in relation to other businesses I have dealt with recently.

A big thank you to the receptionist who listened so patiently to all problems over the building work in [Location] and checked the building regulations on the computer.

Reception could not find an existing planning application.

Very helpful. Thank you.

Helpful and informative

Much more enjoyable than expected

Too hot in reception

Could have better microfiche machines

Would have liked to have been able to build but was advised an extension would be possible