



NOTICE OF MEETING

Meeting: Planning Committee
Date and Time: Wednesday 14 October 2020 7.00 pm
Place: Council Chamber
Telephone Enquiries to: Committeeservices@hart.gov.uk
Members: Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Radley, Southern, Wheale and Worlock

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This meeting is being administered under the provisioning of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meeting) (England and Wales) Regulations 2020. The Provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the Council governing the meeting and such prohibition or restriction had no effect.

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website

1 MINUTES OF PREVIOUS MEETING (Pages 4 - 17)

The Minutes of the meeting held on 12 August 2020 to be confirmed and signed as a correct record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

3 CHAIRMAN'S ANNOUNCEMENTS

4 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*.

***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

5 PLANNING WORKING PARTY PEER REVIEW (Pages 18 - 82)

To update Planning Committee following the Planning Committee Working Party's review of those recommendations from the Planning Peer Review that specifically relate to the Planning Committee and to agree to accept the recommendations as detailed below.

RECOMMENDATIONS

1. That the Planning Committee agree to move request for a motion on each planning application after the debate.
2. That the Planning Committee agrees to retain the ability to ask questions of the public speakers.
3. That the Planning Committee continues to use the Major Sites SubCommittee provided that in the case of applications referred to it by the Planning Committee, clear terms of reference, including whether the decision is to be taken by the Sub-Committee, are given.

6 OBJECTION TO ORD/20/00001 "THE LAND NORTH OF WINCHFIELD COURT TREE PRESERVATION ORDER, 2020" (Pages 83 - 89)

To accept updates via the Addendum and to consider the planning report/schedule from the Head of Place as attached.

RECOMMENDATION

That TPO ORD/20/00001 be confirmed with modification as below.
Remove Yew, T2 to be shown by striking through on the schedule.

7 DEVELOPMENT APPLICATIONS (Pages 90 - 104)

To accept updates via the Addendum and to consider the planning report/schedule from the Head of Regulatory Services as attached.

Date of Despatch: Tuesday, 6 October 2020

PLANNING COMMITTEE

Date and Time: Tuesday 18 August 2020 at 7.00 pm

Place: Council Chamber, Civic Offices

Present:

Ambler, Blewett, Cockarill, Delaney, Kennett, Oliver (Chairman), Quarterman, Southern, Wheale and Worlock

In attendance:

Officers: Jaggard, Lee, Martinez, Shared Legal Services, Whittaker and Wood

13 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 8 July 2020 were confirmed and signed as a correct record.

14 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Radley.

15 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Planning Committee working party will take place 26th August to look at actions arising from the peer review. This will start at 6pm and will include training in the form of a presentation entitled Building for Health (Urban Design). A formal invitation will be sent later this week.

16 DECLARATIONS OF INTEREST

None declared.

17 AMENDMENT TO PLANNING SCHEME OF DELEGATION

Members considered an amendment to the Planning Scheme of Delegation from the Planning Committee in relation to applications for 'Modifications to Construction Hours Conditions' and 'Additional Environmental Approval' to ensure that officers are able to make decisions on these applications in a timely manner and before the expiry dates to avoid proposed development becoming lawful by default.

Officer recommendation: To add the following new item:

To determine any application or notification submitted under section 74B, 74C or 74D of the Town and Country Planning Act 1990 (as amended).

To determine any application or notification submitted under Section 93B or 93F of the Town and Country Planning Act 1990 (as amended).

The Committee sought clarification that the Ward Member would continue to be advised before making any decisions and were advised that consulting would continue in the usual way, should the Ward Member wished to discuss.

Members were advised that the Government has set an end date to 31st December 2020. After that date, this Amendment will require new legislation to change permanently.

DECISION

Agreed as recommended in Officer's Report.

18 DEVELOPMENT APPLICATIONS

Updates via the Addendum were accepted and the Committee considered the Planning report from the Head of Place.

Decisions/Recommendations – 12 August 2020

Item No: 101 - 20/01317/TPO

6 Gondreville Gardens, Church Crookham, Fleet GU52 6US

T1: Oak - Reduce in length by approximately 3 metres the lateral limbs extending to the South, South West and South East on the bottom third of the crown tapering reductions into the upper crown. Leaving a retained branch length of approximately 5-6 metres. All pruning cuts to be made to suitable secondary growth.

A short presentation was given by Officers setting out that this tree is owned by Hart District Council and as such, Officers do not have delegated authority to determine it. The purchase of the reduction is to increase light and improve the visual appearance of the tree. It was noted that the Council are reviewing TPOs and will circulate that report to Councillors in due course.

DECISION – GRANT

CONDITIONS

- 1 The work(s) shall be carried out in accordance with BS3998:2010 Tree Work - Recommendations

REASON: In order to ensure the works are carried out to an appropriate standard; in the interests of the health and appearance of the trees.

Item No: 102 - 19/02467/FUL

Rally Field, Wellington Country Park, Odiham Road, Riseley, Reading

Change of use of agricultural land to a dog day care facility (Land use Class Sui-Generis), construction of building, provision of parking, access and fencing.

Officers presented the application setting out the nature of the business and the reason for the change of use. This application is subject to a high level of local interest including the Ward Councillors. Members of the Committee were advised the site falls outside of any settlement boundary and is near the Wellington Country Park Lakes, a Site for Importance for Nature Conservation. The proposed dog care facility would aim at providing a safe controlled and purpose-built environment for the exercise and care of dogs. Its proposed hours of operation are 0730 hrs to 1800 hrs, Monday to Friday only. Bank Holidays are also excluded from the days of operation. No overnight stay of dogs is proposed as part of the development.

Councillors debated on the potential risk of noise coming from barking dogs and the effective management of dog waste. Councillors also raised concerns on the proximity of residential properties and the effect of potentially more traffic created by dropping off and collecting dogs.

Members were reassured that the dogs will be managed and barking is kept to a minimum because of the professional care they will receive. Most of the dogs will be transported by the Centre's 3 vans, reducing traffic movement.

DECISION – GRANT

GRANT planning permission subject to the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be fully implemented in accordance with the following plans/documents (including any mitigation/enhancement recommended therein):

101 Rev. H (Site Plan Proposed), 444527120 Rev. B (Reception Building), 002 Rev. A (Egress Plan), Tree Constraints Plan, 101 Rev. D (Site Plan – Tree Protection Measures), 1900.0011 100 Rev. P2 (Proposed Foul Water Drainage Strategy), 1900.0011 101 Rev. P2 (Proposed Surface Water Drainage Strategy); and Noise Impact Assessment (dated February 2020) produced by Nova Acoustics Ltd, Flood Risk Assessment (dated February 2020) produced by Ground and Water Limited, Proposed Drainage Strategy Statement (dated February 2020) produced by Nola Design, Tree

Survey/Arboricultural Impact Statement/ Preliminary Method Statement (dated October 2019) prepared by Martin Dobson Associates and Transport Statement – BDDC/2019/4966/TS01 (dated 2019) produced by RGP and Management Report (dated February 2020) produced by Bruce's Doggy Day Care and Fencing Types Document , produced by Bruce's Doggy Day Care .

Reason: To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

3. Notwithstanding the information submitted with this application, no development shall commence on site until a detailed surface water drainage strategy for the site (based on the principles contained in the Flood Risk Assessment approved by condition no.2) has been submitted and approved in writing by the Local Planning Authority. The details shall contain but not be limited to:
- Detailed drainage drawings at an identified scale indicating catchment areas, referenced drainage features, manhole covers, invert levels, pipe diameters, lengths and gradients.
 - Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manhole schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. Drainage features should have same reference that the submitted layout.
 - Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
 - Details of the condition of the exiting watercourse /ditch/drain/sewer, which will take surface water from the development site, should be investigated/provided before any connection; if necessary, improvement to its condition in the form of reparation, remediation, restitution and replacement should be undertaken and evidence of this should be submitted for approval.

The details shall be fully implemented as approved before the first occupation of the development hereby approved.

Reason: To minimise the risk of groundwater flooding to the site in accordance with policy NBE5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

4. Notwithstanding the information submitted with this application, no development shall commence on site until a detailed ecology/biodiversity management plan which applies the Natural England Biodiversity Metric

2.0, detailed information of enhancements to achieve a minimum of 10% gain in habitat terms for biodiversity and time table for their implementation, shall be submitted and approved in writing by the Local Planning Authority

The ecology/biodiversity management plan shall be fully implemented in accordance with the details approved.

Reason: To ensure the development contributes to ecology/biodiversity enhancements in accordance with policies NBE4 of the adopted Hart Local Plan - Strategy and Sites 2016-2032 and the NPPF.

5. Details for the long-term maintenance arrangement for the surface water drainage system, shall be submitted to and approved in writing by the Local Planning Authority, the details shall include:

- Maintenance schedule for each drainage feature type and ownership;
- Details of protection measures

The details shall be fully implemented as approved prior to the first occupation of the development and complied with in all respects thereafter.

Reason: To minimise the risk of surface water flooding to the site in accordance with policy NBE5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

6. The development hereby approved shall be implemented in accordance with the external materials proposed for the building, external reception and car parking areas and fully completed prior to first occupation of the development.

Reason: To ensure the external appearance of the development integrates satisfactorily to the locality and to comply with policy NBE9 of the adopted Hart Local Plan – Strategy and Sites 2016-2032, saved local policies GEN1 of the Hart District Local Plan 1996 – 2006 and the NPPF.

7. The close boarded timber fencing hereby approved and shown in approved plan no. 101 Rev. H (Site Plan Proposed) shall be the 12k Acoustic Envirofence manufactured by Jackson's Fencing which shall have a minimum mass density of 10kg/m².

This approved fence shall be fully installed prior to the first occupation of the development and thereafter retained and maintained so its acoustic qualities are not affected.

Reason: To ensure the residential amenity of neighbouring properties is not materially affected and to comply with policies NBE9 and NBE11 of

the adopted Hart Local Plan – Strategy and Sites 2016-2032, saved local policies GEN1 and GEN6 of the Hart District Local Plan 1996 – 2006 and the NPPF.

8. The development hereby approved shall not operate outside Mon-Fri 0730 hrs-1800hrs, no operations shall take place on Saturdays, Sundays and Bank Holidays.

Reason: In the interests of neighbouring amenity in accordance with saved policies GEN1 of the Hart District Local Plan and the NPPF.

9. The internal finished floor levels of the building hereby approved shall be set 150mm above external ground levels surrounding the building.

Reason: To minimise the risk of internal flooding in accordance with policy NBE5 of the adopted Hart Local Plan – Strategy and Sites 2016-2032 and the NPPF.

10. There shall be no more than 130 dogs in the development hereby approved at any one time on any given day.

Reason: To comply with the terms of the application and in the interest of neighbouring occupiers in accordance with NBE11 of the adopted Hart Local Plan – Strategy and Sites 2016-2032, saved local policies GEN1 and GEN6 of the Hart District Local Plan 1996 – 2006 and the NPPF.

INFORMATIVES

The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

NOTE: Mr Bruce Casalis (applicant) and Mr James Vyvyan-Robinson (against) spoke in relation to Item 102 (19/02467/FUL)

Item No: 103 19/02871/FUL

Guidion House, Rye Close, Fleet GU51 2UY

Demolition of an existing office building and erection of new industrial units for flexible uses falling within Research and Development (B1b), light industry (B1c), general industry (B2) and storage and distribution (B8) with ancillary offices.

Officers presented the application to seek 'flexible use' of all of the proposed floorspace for a single large employment building. This is an existing designated employment area. Officers recommendation is a condition to prevent any retail

sales operating out of the units and to take a clear view of vehicle movement/parking.

It was noted that Councillors are concerned about the proximity of residential properties and the effect on those residents from large vehicle movement causing disruption and noise.

Members were advised that in accordance with the travel plan targets will be monitored by HCC for the lifetime of the development.

Members debated that the Government change in legislation has resulted in issues that arise from mixing a business site with residential properties causing reservations over the vehicle movement especially at night.

Members highlighted the need for strong and robust conditions to prevent or greatly reduce the amount of HGV movement during the night and at weekends. Noise and light pollution are also of concern as well as the possibility of vehicles with engines left 'idling' while being loaded or unloaded. Conditions around those issues need to be put in place.

Members were advised that they would have to reach a balanced decision on the conditions they would like to impose and suggested amending the recommendation to include the possibility of a written agreement with HCC, acoustic attenuation and also a condition (8) for idling engines.

Members agreed to change the Decision to reflect their considerations. Condition 8 was amended with additional Conditions 15-18 were added to reflect Member considerations.

DECISION

- A That the Head of Place be authorised to **GRANT** planning permission subject to:
- i The completion of a Planning Obligation (s106 agreement) to secure a Travel Plan and off-site improvements to the Green Infrastructure Network
 - ii That a routing agreement was agreed following Consultation with the Highways Authority

AND subject to the conditions below:

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following plans and documents:

Location Plan P0001 Rev B
Proposed Site Layout P0005 Rev C
Proposed Building Plan P1001 Rev B
Proposed Unit 1a Office Layouts P1002 Rev B
Proposed Unit 1b Office Layouts P1003 Rev B
Unit 1c - Office Layouts P1004 Rev B
Proposed Elevations & Sections P1005 Rev B
Proposed Roof Plan P1006 Rev B
Proposed External Finishes P0006 Rev B
Cycle Shelter and Bin Store Layout/Elevations P0008 Rev B
Proposed View Eye Level CGI F0006[B]
Proposed View Ariel CGI F0008[A]
Illustrated Landscape Strategy Proposals Plan 773-LA-P-01 Rev A
Tree Retention Scheme SK0004 Rev A
Proposed Tracking Layout SK0005 Rev A
Proposed Site Accesses with Visibility Envelopes TPHS/188/DR/001
External Lighting Layout DR-E-600
External Light Spill Luxplot DR-E-601
Drainage Layout 4148/50 P2
Design and Access Statement (umc architects, 20.12.2019)
Landscape Strategy (Bradford -Smith, Dec 2019)
Planning Statement (Brown+Co Planning, Dec 2019)
Transport Assessment (TPHS, Dec 2019)
HGV Trip Generation Review (David Tucker Associates, 13.07.2020)
Servicing & Access Considerations (TPHS)
Flood Risk Assessment (TR Collier, 06.12.2019)
Noise Assessment (AAD, 11.09.2019)
Acoustic Design Note (AAD, 07.04.2020)
Acoustic Design Note (AAD, 14.07.2020)
External Lighting Assessment Report (Silcock Dawson & Partners, Nov 2019)
Aboricultural Planning Report (Tracey Clark Tree Consultancy, Dec 2019)
Letter (Brown+Co Planning, 15.04.2020)

Reason: To ensure that the development is carried out in accordance with the approved plans and particulars.

- 3 No development shall start on site until a Demolition and Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:

- a) A programme of demolition and construction works
- b) Methods and phasing for demolition and construction works
- c) Hours of all works
- d) Contractor parking
- e) Arrangements for deliveries associated with all works

- f) Access and egress arrangements for plant and machinery
- g) Locations of temporary site buildings, compounds, construction material and plant storage areas
- h) Protection of pedestrian routes during construction

All works shall take place in accordance with the approved Demolition and Construction Management Plan.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 4 No construction works shall take place until a detailed Surface Water Drainage Scheme based on the principles with the Flood Risk Assessment (TR Collier, 06.12.2019) has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include details of:

- a) Hydraulic calculations for all rainfall events, including those listed below. The results should include design and simulation criteria, network design and result tables, manhole schedule tables and summary of critical results by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same references as the submitted Drainage Layout 4148/50 P2.
- b) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagrams/plans must show where above ground flooding, might occur and where this would pool and flow.
- c) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer. This should include the pump maintenance and resilience strategy for a pump failure event.

All works shall take place in accordance with the approved Water Drainage Scheme.

Reason: To prevent on-site and off-site flood risk from increasing from the proposed drainage system and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE5 and Fleet Neighbourhood Plan Policy 10.

- 5 Notwithstanding Condition 2, no above ground construction works shall take place until an External Lighting Scheme, including locations, direction, Lux levels, hours of operation and maintenance, has been submitted to, and approved in writing by, the Local Planning Authority. External lighting shall only be installed, operated and maintained in accordance with the approved External Lighting Scheme.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 6 Notwithstanding Condition 2 no above ground construction works shall take place until details of the loading dock curtains have been submitted to, and approved in writing by, the Local Planning Authority. The development shall take place in accordance with the approved loading dock curtain details.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 7 Notwithstanding Condition 2 no above ground construction works shall take place until full details of soft landscape have been submitted to, and approved in writing by, the Local Planning Authority. Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate. Details shall further include a proposed timetable for planting and laying out of hard surfaces and roads. The development shall take place in accordance with the approved soft landscaping details.

Reason: To ensure the provision of amenity afforded by appropriate landscaping and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policies NBE9 and INF2, Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1 and Fleet Neighbourhood Plan Policy 10.

- 8 Notwithstanding Condition 2, prior to occupation of the development hereby approved a Noise Management Plan for the control of noise emanating from the site shall be submitted to and approved, in writing, by the Local Planning Authority. The Plan shall include details of:

- a) White noise reversing sounders;
- b) External fixed plant noise control criterion;
- c) Break out from buildings noise control criterion;
- d) Measures to minimise noise from site employees and visitors;
- e) Measures to require vehicles loading and unloading at the facility to turn off engines and refrigeration units whilst loading and unloading and whilst stationary at the site;
- f) Contact details and procedures for site occupiers for any noise related queries from local residents or businesses.

The operation of the development hereby approved shall take place in accordance with the Noise Management Plan.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 9 Prior to occupation of the development hereby approved, a Refuse Storage and Collection Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure adequate refuse storage areas and management is provided and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policies NBE9 and INF3.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development hereby approved shall only be used for the following uses of the Town and Country Planning (Use Classes) Order 1987 (as amended):

B1(b) business – research and development of products or processes.
B1(c) business – light industrial, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;
B2 general industry, use for the carrying on of an industrial process other than one falling within class B1; and
B8 use for storage or as a distribution centre.

In accordance with Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, development consisting of a change of use of the development hereby approved, or part thereof, to another use to which this permission specifically authorises is not permitted after 10 years from the date of this permission.

Reason: To ensure that the development is carried out in accordance with the assessments and to safeguard the Locally Important Employment Site.

- 11 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on drawing nos. Proposed Elevations & Sections P1005 Rev B and Proposed External Finishes P0006 Rev B.

Reason: To ensure a satisfactory visual relationship of the new development with the existing building and to satisfy Hart Local Plan

(Strategy & Sites) 2032 Policy NBE9, Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1 and Fleet Neighbourhood Plan Policy 10.

- 12 The approved parking facilities for vehicles and cycles as identified on drawing no. Proposed Site Layout P0005 Rev C shall not be used for any purpose other than the parking of vehicles and cycles and access shall be maintained at all times to allow them to be used as such.

Reason: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy INF3, Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1 and Fleet Neighbourhood Plan Policy 10.

- 13 Nothing shall be stacked or stored on the site at any time except within any buildings shown on the approved plans.

Reason: To protect the amenities of the area and to maintain adequate landscaping, parking and turning areas for vehicles and to satisfy Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 14 No sound reproduction equipment, conveying messages, music, or other sound by voice, or otherwise which is audible outside the site shall be installed on the site without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 15 **NO RETAIL SALES**
The Units hereby approved shall not be used for any retail purposes involving the provision of retail sales to visiting members of the public and any retail activity carried out at the site should comprise solely of an ancillary element of trade counter sales.

Reason: In order to control the uses carried out at the site in the interests of limiting traffic movements and ensuring the provision of adequate on-site car parking facilities, in accordance with Policy INF3 of the Hart Local Plan 2032 and saved Policy GEN1 of the Hart Local Plan 2006.

- 16 **NOISE ATTENUATION SCHEME**

Prior to the construction of the building hereby approved full details of the noise attenuation measures to be incorporated into the building envelope of the structure to minimise external noise generation shall be submitted to and approved, in writing, by the Local Planning Authority.

Once approved, the development should be carried fully in accordance with the submitted details.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

17 RESTRICTIONS ON HGV MOVEMENTS

No Heavy Goods Vehicles, i.e. those over 7.5 tonnes Gross Weight, shall operate from the site between the hours of 20:00 and 06:00 hours Monday to Friday and between midnight and 08:00 hours on Saturday and no movements shall take after 12:00 hours on Saturday, nor on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

18 Heavy Goods Vehicles, i.e. those over 7.5 tonnes Gross Weight, shall only access the site from a westerly direction via Ancells Road, Harvest Crescent and Rye Close from the Minley Road roundabout and shall only egress the site in a westerly direction via Ancells Road to the Minley Road roundabout. No HGV's shall enter or leave the site to the east along Ancells Road.

Reason: In the interests of highway safety and neighbouring amenity and to avoid any potential conflict between HGV's and vulnerable users of the Ancells Childrens Playground and surrounding public open space.

B. If by 11.09.2020 the Planning Obligation has not been completed to the satisfaction of the Head of Place then the Head of Place be delegated authority to **REFUSE** planning permission for the following reasons:

1 In the absence of a suitable legal agreement that secures a robust, deliverable and achievable travel plan, the proposed development would not promote the use of sustainable transport modes, prioritise walking and cycling or support the transition to a low carbon future. As such, the proposed development is contrary to Policy INF3 of the Hart Local Plan (Strategy & Sites) 2032 and the National Planning Policy Framework (paras. 102, 108 and 110).

- 2 In the absence of a suitable legal agreement that secures suitable off-site green infrastructure, the proposed development would not protect the green infrastructure network and lead to the loss of trees of significant amenity value without sufficient mitigation. As such, the proposed development is contrary to Policy INF2 of the Hart Local Plan (Strategy & Sites) 2032, Saved Policy CON8 of the Hart Local Plan (Replacement) 1996-2006 and Policy 10(5) of the Fleet Neighbourhood Plan.

INFORMATIVES

The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

NOTE: Mr James Brown spoke on behalf of the applicant and Mr Liam Chiles spoke against Item No 103 (19/02871/FUL)

The meeting closed at 9.22 pm

PLANNING COMMITTEE

DATE OF MEETING: 14 OCTOBER 2020

TITLE OF REPORT: PLANNING WORKING PARTY & PEER REVIEW
CONSIDERATIONS

Report of: Head of PLACE SERVICES

Cabinet member: COUNCILLOR GRAHAM COCKARILL

1 PURPOSE OF REPORT

- 1.1 To update Planning Committee following the Planning Committee Working Party's review of those recommendations from the Planning Peer Review that specifically relate to the Planning Committee.
- 1.2 That the Planning Committee agree to accept the recommendations of the Planning Committee Working Party as detailed below.

2 OFFICER RECOMMENDATION

- 2.1 That the Planning Committee agree to move request for a motion on each planning application after the debate.
- 2.2 That the Planning Committee agrees to retain the ability to ask questions of the public speakers.
- 2.3 That the Planning Committee continues to use the Major Sites Sub-Committee provided that in the case of applications referred to it by the Planning Committee, clear terms of reference, including whether the decision is to be taken by the Sub-Committee, are given.

3 BACKGROUND

- 3.1 Development Management (DM) is one of the Council's principle front-line services provided by the Council in its role as the Local Planning Authority. The functions provided by the service cover a variety of matters including pre-application discussions and advice, the determination of planning applications, dealing with planning appeals, planning enforcement and dealing with a range of heritage matters.
- 3.2 DM is one of the most public facing services that the Council provides often dealing with highly emotive and complex issues that affect a variety of local residents and businesses.
- 3.3 As has been reported previously, the Council performs satisfactorily when measured against national performance indicators. With any service that deals with substantial workloads, it is good practice to have an independent external review of the Service which can critically assess the DM function and make recommendations for improvement.

- 3.4** The Council engaged the Planning Officers' Society Enterprises (POS) to assist the Council in carrying out a Peer Review which took place in November 2019. The Peer Review team met with a number of Councillors, Officers and stakeholders including some representatives from the Parish and Town Councils in order to obtain feedback. In addition to the five days on site, documents and statistics were provided to assist the review.
- 3.5** The review identifies a number of areas which, in the opinion of the Review Team, should be the focus for Authority, recommendations are included for consideration. A draft Action Plan has been prepared that picks up the recommendations made in the Peer Review. Some of those recommendations involve matters that directly relate to the Planning Committee; these elements have been discussed with the Planning Committee Working Party with further recommendations and actions being presented below.

4 CONSIDERATIONS

- 4.1** Whilst there are a number of recommendations that the Council will need to consider in order to turn the DM function from a 'Good to Great' Service, there were several actions that directly affected the Planning Committee. These are detailed below (the numbering corresponds with the numbering of each recommendation as set out in the Peer Review Report):

No.	Recommendation summary
10	Report performance quarterly to Planning Committee and Overview and Scrutiny Committee
24	Review process of ward members being able to request site visits, and review timing of site visits to try to improve attendance by Members
25	Cease the practice at Committee of the Chairman proposing the motion to accept the officer recommendation prior to the debate
26	Introduce a simpler Committee report format with a more consistent and structured approach
27	Allow officers to present their own cases at Committee
28	Reconsider whether it is appropriate for Committee members to ask questions to speakers
29	Review the continued need for an Enforcement Sub-Committee
30	Review the continued need for a Major Sites Sub-Committee
31	Review the content of Member training and consider updates for parish/town councils

- 4.4** The Planning Committee Working Party has met twice to discuss the above recommendations and to consider recommendations from Officers around how to take these actions forwards; there are a number of outcomes that the Planning Committee now needs to consider whether to adopt moving forwards.

4.5 Report Performance Quarterly to Planning Committee (Recommendation No. 10)
The Planning Committee Working Party agreed that Quarterly reports were useful and informative for the Committee as a whole. It was agreed that Officers prepare Quarterly reports covering the following:

- a) DM performance (including number of planning applications received and whether they are determined in time);
- b) Planning Enforcement Update; and
- c) Appeal performance (including key messages from important appeal decisions and Officer/Committee performance, this would also include performance on Committee Overtorns)

There is no formal decision that the Planning Committee needs to take in respect of this action.

4.6 Committee Site Visits (Recommendation No. 24)
The Peer Review team noted that Councillor attendance at the site visit that they observed was poor. At that visit there were only three Councillors and it was noted that the Ward Councillor who requested the site visit was absent. Site visits are an important part of the decision making process. Reasons for site visits should be clearly explained so that all those attending understand the purpose of the visit. A number of options were tentatively explored at the Working Party Meetings and a survey of other Local Authorities across Hampshire has also taken place however it is difficult to find a clear consensus over when it is best to hold Committee Site visits. It was therefore recommended that Officers will carry out some further work and put some options forwards to the Planning Committee with a view to trialling a different day/time.

4.7 Cease the practice at Committee of the Chairman proposing the motion to accept the officer recommendation **prior** to the debate (Recommendation No. 25)

The Review Team observed a Planning Committee and noted in their report that the custom and practice to propose the motion to accept the Officer's recommendation before the debate was an "*anomaly to the decision making process*".

The Council's legal team also share the Peer Review Teams' concerns that by the motion being moved by the Chairman and Vice Chairman prior to hearing the debate it appears that there has been pre-determination of the application. It can also become difficult should the mover of the motion wish to amend the motion to accommodate additional conditions or they simply change their minds having heard the debate.

Discussion on the planning application by members of the Committee does not have to wait for a motion to be proposed. It can be commenced by the Chairman repeating the officer recommendation to start the debate

Officers have surveyed other Authorities within Hampshire and found only one Authority following the same procedure. In all other Authorities the motion to be voted on is moved after the Committee Members have debated the merits of the planning application.

The Planning Working Party therefore recommends to the Planning Committee that the Motion is moved after the debate and immediately prior to the vote.

4.8 Introduce a simpler Committee report format with a more consistent and structured approach (Recommendation No. 26)

Clear and concise reports are important to allow the Planning Committee have a clear and balanced view of the development proposals. The Peer Review suggested that reports could be simplified and more consistent in format. The Working Party also suggested that there could be better use of diagrams and photos within the reports.

It was agreed that Officers would review the report structure and make appropriate changes taking on board the comments made. This is not a matter that the Planning Committee is required to take a decision on.

4.9 Allow officers to present their own cases at Committee (Recommendation No. 27)

It was agreed that Officers should present their own items at Committee subject to receiving appropriate training to ensure that presentations are succinct and highlight the key planning issues. This is not a matter that the Planning Committee is required to take a decision on.

4.10 Reconsider whether it is appropriate for Committee members to ask questions to speakers (Recommendation No. 28)

The Peer Review Team noted that in most Authorities Questions from the Members of the Committee would be answered by the Case Officer. In Hart however, Members can be directed towards the speakers and the Review Team were concerned that this can present the appearance of partiality/familiarity with the speakers even where this is not the case. It could also give rise to the speakers having additional time in which to make their points. It was also felt that it gives the impression that Members seek information and guidance from speakers rather than relying on the professional expertise of their officers.

The Planning Working Committee debated this point and considered that the opportunity to ask questions of the speakers was useful in the decision making process. However it was agreed that any questions should seeking clarification on something that they had raised and not to be used as an opportunity to extend the 3 minute speaking slot. It was also noted that there may be a perception of bias if objectors were asked questions but not the applicant or vice versa.

The Planning Working Party recommended that this practice continues but that Members are reminded of the rules.

4.11 Review the continued need for an Enforcement Sub-Committee (Recommendation No. 29)

It wasn't clear to the Review Team what the role of the Enforcement Sub-Committee was especially as it has met very infrequently over recent years. A

separate review of the Enforcement function is currently underway therefore any decision on the need for a specific Sub-Committee should be taken once that review has concluded.

4.12 Review the continued need for a Major Sites Sub-Committee (Recommendation No. 30)

The Review Team questioned the need for a Major Sites Sub-Committee given the low number of applications currently being decided by the Planning Committee. They also noted that the applications dealt with by the Sub-Committee were normally dealt with by the Planning Committee in other Councils.

Following debate, the Planning Working Party considered that the Sub-Committee did add value to the decision making process and that it was able to scrutinise applications in greater detail that was normally possible at the main Committee. The Working Committee did agree that clear terms of reference need to be set out for the Sub-Committee when the Planning Committee referred applications to it for consideration. This should include reference to who makes the final decision e.g. is the Sub-Committee required to report back with a recommendation to the Planning Committee or is it delegated powers to take the decision?

It was noted that there were already clear terms of reference for set out in the Constitution for those applications that were referred directly to the Sub-Committee. For ease of reference these are:

- 1) *Reserved matters (which would otherwise be required to be determined by Committee) for large sites (whole site is over 100 dwellings or 10,000 sq m commercial floor space);*
- 2) *To determine planning applications (which would have otherwise been required to be determined by Committee) for 100+ dwellings or 10,000 sq m commercial floorspace) and outline planning permission has already been granted for an equivalent or larger scheme (i.e. subsequent or revised applications including S73 applications)*

Plus agreement to vary the terms of a planning obligation and determine any application that the Planning Committee refers to it (in accordance with the terms of reference given when the deferral was made)

The Planning Working Party recommends to the Planning Committee that it retains the Major Sites Sub-Committee. However any application referred to it from Committee must have clear terms of reference including whether or not the Sub-Committee is delegated power to make the decision.

4.13 Review the content of Member training and consider updates for parish/town councils (Recommendation No. 31)

Officers agreed to further consider a program of training for Members and to offer training opportunities to the Town and Parish Councils. Officers also suggested exploring setting up a Parish/Town Council Forum. This is not a matter that the Planning Committee is required to take a decision on

5 FINANCIAL AND RESOURCE IMPLICATIONS

There are no anticipated financial implications although workloads will continue to be monitored.

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APPENDICES

Appendix 1 – Review of the Development Management Service

BACKGROUND PAPERS:

Planning Committee Peer Review Report (31 December 2019)

POS Enterprises

REPORT - FINAL

Hart District Council

Review of the Development Management Service

31 December 2019

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1 Introduction and summary to main findings and recommendations

- 1.1 POS Enterprises, the operational arm of the Planning Officers Society, was appointed by Hart District Council to undertake a review of its Development Management Service.
- 1.2 Throughout the process the staff have been helpful, open and constructive in their comments. The consultants wish to highlight this and thank all involved for their positive attitude to the entire review process.
- 1.3 The review identified a number of areas which, in the opinion of the Review Team, should be the focus for the authority, and recommendations are included for consideration. This summary covers the main findings and recommendations. There are further recommendations in the report where there is room for improvement, but these are not considered to be of the same priority. Following consideration of the report, the authority should prepare an action plan with clear priorities and timescales, in consultation with the staff.

Recommendation 1

An Improvement Action Plan is prepared, in consultation with staff, which identifies the key priorities for improvement, with responsibilities identified and a programme for their implementation.

- 1.4 During the course of the review both positive and negative factors of the Service came to light. Both have been highlighted and recommendations are included throughout the report where there is scope for improvement. Some of the recommendations are specific, some recommend further examination by the authority, and some are dependant on actions from outside the service and outside the authority. An improvement plan that has too many priorities has no priorities, and the authority needs to be realistic in determining actions and timescales.
- 1.5 It is a characteristic of the review process that there is an emphasis on the negatives as these are where the service is not performing to the levels that could be expected. This is always the case and does not indicate a failing service, more that there is scope for improvement. Overall the Review Team found a service with many well motivated and competent officers committed to providing a good service to the public. However, it was clear that there was a lack of strategic direction such that there was little clarity as to what was expected from the service at a political or corporate level. This was reflected in a lack of corporate objectives and performance criteria which at the service level resulted in little or no realistic performance criteria or performance management. The lack of a Head of Service for a prolonged period, may well have been a contributory factor in this respect, but was not the underlying cause.

Recommendation 2

The Authority's priority should be to establish clear service objectives which can then be translated into corporate, departmental and service priorities, with targets and performance indicators that are regularly monitored at the appropriate level and timescale. (See Section 7)

- 1.6 The next priority should be to address the deficit in management capacity within the service. The 2.5 officers at a management level are currently expected to run the service on a day to day basis, manage performance and initiate and deliver service improvement, while at the same time carry their own application caseload and very often respond to customer inquiries of the most basic nature. This not realistic and has inevitably resulted in a service which is at best coping with the everyday service pressures. For the Service to have the prospect for improvement it is essential that there is increased management resource to take forward the action plan and secure its implementation.

Recommendation 3

That the Authority consider measures to increase the management capacity in the DM Service as an urgent priority. (See Section 11)

- 1.7 Elsewhere in the report there are many recommendations. Some of these represent 'quick wins' and could be implemented quickly and easily with immediate results. Examples are at para 8.24 adopting a 3-week consultation period, para 8.25 to stop posting site notices and 8.35 issuing decision notices immediately on sign off. Others need further consideration of options or involve changing processes and procedures with a longer timescale. An action plan is essential to rank the recommendations, identify the work involved and allocate responsibility and resources. As already emphasised, the action plan needs to be clearly prioritised and realistic in timescales and resourcing if it is to be implemented successfully.

2 Background

- 2.1 POS Enterprises, the operational arm of the Planning Officers Society, was appointed by Hart District Council to undertake a review of its planning service in November 2019.
- 2.2 The Council wished to commission an external review of the service which would look across the board at all aspects of the service. It is considered best practice for a service to regularly review:
- Performance
 - structure and resources
 - procedures and processes
 - pre apps engagement
 - use of extensions of time
 - reporting to the Planning Committee and its effectiveness
 - use of conditions and monitoring
 - user satisfaction and alternative models for delivery.

In particular this review would be expected to explore the scope for further streamlining of procedures and working practices as well as identifying existing good practice.

3 Terms of reference

- 3.1 The review has been undertaken at a high-level focusing on what changes are necessary or desirable to make the service fully fit for purpose over the next three to five years. The Review Team has considered the wider strategic and corporate challenges the service will need to address; assessing the suitability of the current structure and organisation and skills required to meet these challenges; and providing advice on necessary adaptations or reinforcement.
- 3.2 Through documentary and other research, including interviews and workshops with elected members, senior officers and planning staff, the report seeks to address the following key questions:
- How the development management service has performed over the past couple of years
 - How the service might be improved
 - The practical implications of any enhancements suggested
- 3.3 The Review Team has remained mindful of the financial pressures upon local authorities, and the need for staff structure and numbers to be economical and efficient as well as the current difficulties in recruitment of good quality planning staff, and the need for pragmatism in any new staffing proposals.

- 3.4 The commission would be informed by a range of discussions with staff and elected members. The functions of the interviews would vary with those involved, but broadly they would provide the means for the consultants to:
- hear perceptions of how the development management service has performed over the past couple of years;
 - elicit the participants' own ideas for how the service might be improved; and
 - explore possible ideas for enhancements and highlight any practical implications they might have
- 3.5 The report would include:
- an overview of the current process and practices and particular strengths which should be retained
 - conclusions on the scale and nature of any weaknesses, deficiencies or inconsistencies in the performance of the service
 - recommendations about performance improvements that might be made to the existing processes
 - conclusions on the effectiveness of the management structure and systems, and any recommendations for enhancement
 - conclusions on the effectiveness of current use of technology and how it might be enhanced, both in terms of exploiting the potential of the new planning application software and more widely to assist streamlined and cost-effective working
 - conclusions on the fit of the staff resources and management structure with the workload and the Council's expectations
 - commentary on alternative models of service delivery and whether they might be of potential value in the circumstances of Hart

4 Methodology

- 4.1 Two POS Enterprises consultants (the Review Team) visited the Fleet offices for five days in November 2019, to meet with members of the department and to undertake documentary research and review performance statistics and data.
- 4.2 The review has been undertaken using four main techniques:
- Interviews and workshops**
- 4.3 A series of interviews were held on a one-to-one basis and workshops were held with small groups of people with related responsibilities.
- 4.4 A full list of those interviewed is contained at Annex A.
- 4.5 Throughout the process all interviewees were completely open and frank about their experience on the basis that no comments or information used within the report would be attributed.
- 4.6 Discussions covered the following areas:
- Performance against Government and local targets;
 - General service delivery

- The team structures within the planning service and operational issues
- Communications – both internal and external
- Progress on the Local Plan
- The current use of the pre-application discussion process
- The use of extensions of time and planning performance agreements
- Planning appeals
- Performance monitoring and statistical analysis
- Committee and member relationships
- Customer satisfaction
- Income and budgetary considerations

Documentation and process review

4.7 During the visit, the Review Team undertook a detailed examination of documentation, reference material, systems and processes currently being used, including:

- Public information material from Hart’s website, particularly that relating to S106 agreements and pre-application engagement
- Planning Committee and delegation arrangements
- Council protocols
- Monitoring reports

Statistical analysis

4.8 Reports were made available relating to the processing of applications from receipt to decision and appeal processes. These provided current case load figures, invalidated applications and pre-application workload, committee call-ins, as well as statistics relating to numbers and types of application received. The Review Team also interrogated the MHCLG planning statistics which are used to assess performance against Government criteria.

Observation

4.9 The Review Team observed the meeting of the Planning Committee held on Wednesday 13 November as well as the Chair’s briefing held earlier that week. The Review Team also attended a Committee site visit on the day before the Planning Committee met.

5 Initial appraisal

Strengths and weaknesses

5.1 The Review Team has undertaken a SWOT analysis of the planning service and its operation and has identified the following:

5.2 Strengths

- Local Plan approaching adoption
- Land supply of 9+ years
- Scheme of Delegation working well
- Officer teams supportive of each other and managers
- Staff generally competent and engaged
- Enthusiastic enforcement team
- General willingness to improve

Weaknesses

- IT software and hardware require improvement
- Lack of clarity of vision or direction at member/corporate or officer level
- Performance management lacking at corporate/service level
- Void created by Head of Place vacancy
- Problems with validation
- Inconsistent induction/uniform training
- Corporate staff policies and procedures poor/lacking
- Customer care issues - eg Duty Planner and phones
- Some communication issues
- Poor pre-application engagement process
- Lack of capacity at management level
- SPG/SPD out of date and/or non-existent
- Support from Legal services

Opportunities for the future

- New Planning Service structure bringing planning together under Head of Place from December 2019 offers the chance to re-evaluate working relationships between the different elements of the process
- Enthusiastic Business Support team can provide improved service with training
- Parish Councils willing to provide local input/knowledge
- Garden Settlement initiative would provide a positive focus for the planning service if it proceeds
- Readiness amongst members to review consultation time
- Simpler householder reports would improve timeliness/efficiency
- PPAs to manage large applications
- Opportunity to introduce Community Infrastructure Levy (CIL)
- New validation checklist
- Stop posting site notices

Threats

- Likely future Govt restrictions on Extensions of Time (EoTs)
- Budget – decline in application fees
- Potential political/public concern at lack of applications going to Committee
- Perception among some members/parishes that planners not listening
- Shared services (ie. legal and HR) not responsive to service demands
- Unresponsive County Council
- Balance of heritage issues in development management decision making

6 What does good look like?

6.1 The Terms of Reference call for the Review Team to consider what would constitute a 'fit for purpose' planning function in the light of challenges over the foreseeable future. This can never be an exact science if only because of the recent pace of change in legislative changes and new guidance coming from the government, something which shows no signs of abating.

6.2 Nevertheless, the Review Team would suggest the “blueprint” for good practice in any English authority should include the following:

- an up to date fully NPPF compliant local plan, locally specific, reflecting corporate objectives, in place at the earliest opportunity;
- Clear corporate objectives for the service, endorsed by members;
- evidence of at least a 5-year housing land supply to meet the standard methodology
- a comprehensive Infrastructure Delivery Plan signed off by all relevant partners;
- A clearly expressed policy regarding the use of S106 obligations setting out when they will be required, for what purpose and the necessary mechanisms to ensure delivery as well as a clear approach to CIL;
- a pre-applications service including PPAs and charges, a protocol for involving Councillors on significant cases and MOUs with key consultees;
- an efficient proactive development management service that meets all statutory and local targets and offers good customer care and consistent planning advice, using up to date technology and delivering, enabling, monitoring and enforcing quality outcomes;
- a proactive approach to implementation including masterplans and/or development briefs for significant sites, regeneration schemes and proactive care for the historic environment;
- a strong approach to design;
- a valued, motivated and skilled team of officers, working as an integrated planning service with appropriate performance management systems and training opportunities;
- an effective scheme of delegation, mandatory training for Councillors especially those sitting on the Development Management Committee, clear and transparent Committee procedures with clear co-ordinated professional planning advice available to Members.;
- adequate resources to deliver all of the above, including a fit for purpose IT system and hardware.

7 Performance issues

7.1 An authority's performance in determining planning applications remains an important focus for measuring the 'success' of the service. The criteria for judging DM performance have been reviewed by successive Governments, as have incentives and penalties. What has remained is a measurement of speed in decision-making which is easily measured and recorded in government statistics. Finding a measure for assessing the quality of decision making has proved more difficult and the current government has settled on the proportion of a local planning authority's decisions overturned on appeal against the number of decisions made. This may not be perfect but there is no indication that this is likely to change. The current designation criteria and procedures are set out in MHCLG 'Improving Planning Performance – Criteria for Designation@ (revised 2018) published November 2018.

7.2 Speed of decision making cannot and does not reveal a complete picture of an authority's development management function but as the principal criteria used in external judgement it must be recognised as a key performance indicator. There is a continuing debate amongst planners about the balance between speed and quality and this was raised in group discussion. In a well-managed and resourced planning service there is no reason why speed should be at the expense of poor decision-making and an effective pre-application process can have a significant impact in this respect. There are many examples of authorities achieving speed and making good decisions. What is essential for a planning service to improve its development management performance in respect of speed of decision making is a knowledge and understanding of current performance and a commitment to improvement. There were mixed messages from both staff and managers in this respect.

Current Government 'Designation' Regime

7.3 The Government currently uses 2 measures of speed and 2 measures of quality in determining whether an authority should be 'designated' as underperforming with the consequent threat of Government intervention.

7.4 **Speed:** For major applications the measure is the percentage of decisions on major applications made within the statutory determination period (13 weeks, or 16 weeks where an EIA is required) or within such extended period as may be agreed between the LPA and applicant through an Extension of Time (EoT) or Planning Performance Agreement (PPA). The threshold for designation is 60% over a rolling 2-year period up to the most recent quarter for which MHCLG data is available (June 2019 at the time of writing this report). While there has been no formal indication of any change in the threshold, it was increased by 10% from 50% to 60% in 2016 and further increases are possible.

7.5 For non-major applications the measure is on the same basis but the threshold is 70%.

Major development

Development involving any one or more of the following:

- (a) The winning and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwellinghouses where:
 - i. The number of dwelling houses to be provided is 10 or more; or
 - ii. The development is to be carried out at a site having an area of 0.5 hectares or more it is not known whether the development falls within sub-paragraph (c)(i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more.

TCPA DM Order 2015

7.6 **Quality:** For major applications the quality criteria is the number of a local authority's decisions overturned at appeal against the number of major applications determined. This again operates over a rolling 2-year period, but because of the timescales for appeals the latest available period is to March 2018. The threshold for designation is 10%.

7.7 For non-major applications the criteria and threshold are the same.

7.8 The penalty for an authority that is designated for major applications (speed or quality) is that applicants have the option of submitting applications directly to the Planning Inspectorate (PINS) therefore taking the decision out of the Local Authority's hands. This would also apply to authorities designated for failure on non-major applications except for householder applications which would be the subject of a government monitored improvement plan. Apart from the potential loss of local decision making, designation would also represent a reputational failure with the attendant risks this brings of attracting staff (or losing existing quality staff) and threatening investment. It is therefore of paramount importance that development management performance does not pose a risk of designation.

Current Performance against designation criteria

7.9 **Major applications:** In terms of speed, Hart's performance for the latest 2 year rolling period was 82.1% against the designation criteria of 60%. Whilst this is significantly above the designation threshold it is well below the national average (88.4%) and is heavily reliant on the use of Extensions of Time (EoT). 46 of the 67 applications determined during the period were the subject of EoTs, and if these were excluded the performance figure would drop to less than 30%. For major applications the use of EoTs is common practice within LPAs and reflects the often complex nature of major applications. For England as a whole 64.6% of major applications were the subject of EoTs or PPAs and of these 91.1% were determined within the agreed extended period. The comparative figures for Hart were 68.7% and 88.2%, ie. more applications subject to EoTs and fewer determined within the timescale. However not all of the applications involved were of a complex nature

and the authority should be monitoring the use of EoTs to ensure they are not being used to mask unsatisfactory performance. A further factor to be aware of is that the number of major applications is relatively small (67 over 2 years) and because of the rolling nature of the criteria a poor quarter can have a significant effect on the headline figure, particularly if it replaces a good quarter. For this reason, it is essential that the figures are regularly monitored.

- 7.10 In respect of the quality indicator the current performance of 2.8% of major appeals overturned against the total number of major decisions gives no immediate cause for concern, although it is in the lower quartile nationally (see below). The very small numbers involved can lead to significant fluctuations so monitoring and understanding the future impact of appeals remains important. (Hart lost 2 of the 7 appeals decided over the qualifying period)
- 7.11 **Non-major applications:** Performance for non-major decisions for the relevant 2-year period was 88.1% against a threshold of 70%. This looks reasonably comfortable particularly as the absolute numbers are far higher than for major applications and therefore less likely to sudden change. Some 19% of non-major applications were subject to EoTs which is not excessive in comparison with other authorities (see below para 7.16). However, there have been clear indications that MCHLG will be tightening up the use of EoTs.
- 7.12 The appeals quality indicator for non-major decisions was at 1.0% against the threshold of 10%. This indicator is far less of a risk as currently calculated and few authorities nationally are close to the threshold.

Overall DM Performance

- 7.13 Performance against nationally set criteria is an important factor for the planning service. Apart from the risk of designation it provides the means for comparison with other LPAs nationally and locally and is one consistent measure against which the reputation and quality of the service is judged, internally and externally. It is for each authority to determine where it wishes to position itself in terms of its development management performance, and to set its own objectives and criteria.
- 7.14 However, if the service has aspirations to be a 'good' or 'very good' service its comparative performance nationally and within its peer groupings should also be of concern. A reputation as an authority that consistently performs at a high level assists in attracting quality staff and can be a source of pride to members, officers and the local community.
- 7.15 Tables A and B below illustrate how Hart is performing nationally and locally, ranked against both Hampshire authorities and the Blackwater Valley group.
- 7.16 **Speed of decision-making for major applications: (tables A and B)** With 82.1% of major applications determined within 13 weeks (or to a timetable agreed by EoT or PPA) Hart ranks 272 out of 339 LPAs nationally (bottom quartile). It places Hart 10th of the 11 Hampshire Districts and 7th of the 7 Blackwater Valley Districts. The upper quartile threshold is currently 96.1%. All of the authorities make extensive use of EoTs or PPAs, and Hart is around the average for both groups at 69%. It should be of concern therefore that Hart's comparatively low level of performance is being achieved with the same level of EoTs as authorities performing much better.

Major development decisions performance - Speed July 2017 – June 2019

Table A: Hampshire Authorities

<i>Nat rank</i>	<i>Hants</i>	<i>Authority</i>	<i>No decisions</i>	<i>With PPA EoT</i>	<i>Within time</i>	<i>%</i>
74	1	Havant	32	22	31	96.9
107	2	Gosport	18	13	17	94.4
132	3	Rushmoor	44	19	41	93.2
147	4	E Hants	38	24	35	92.1
165	5	Winchester	67	56	61	91.0
172	6	Test Valley	76	44	69	90.8
195	7	Fareham	46	26	41	89.1
217	8	Eastleigh	71	49	62	87.3
265	9	New Forest	53	31	44	83.0
272	10	Hart	67	46	55	82.1
299	11	Basingstoke	87	67	69	79.3

Table B: Blackwater Valley Authorities

<i>Nat rank</i>	<i>BIV</i>	<i>Authority</i>	<i>No Decisions</i>	<i>With PPA EoT</i>	<i>Within Time</i>	<i>%</i>
72	1	Guildford	103	64	100	97.1
124	2	Waverley	143	114	140	93.7
131	3	Wokingham	118	73	110	93.2
132	4	Rushmoor	44	19	41	93.2
168	5	Surrey Heath	77	48	70	90.9
239	6	Bracknell Forest	97	73	83	85.6
272	7	Hart	67	46	55	82.1

National Average 88.4%

MHCLG Live planning statistics Table 151A Planning Performance Speed of Decisions July 2017-June 2019

- 7.17 **Quality of Decision making for major applications: (Tables C and D)** While Hart's performance ranks only 229th nationally, it gives little cause for concern at the present time. However, as previously mentioned the number of appeals over a 2-year qualifying period is very small and therefore a spate of appeals could have a major impact. The 2 appeals which the authority lost were in the 5th and 6th quarters of the series and therefore will remain on the record for a further 4 and 5 quarters respectively. Further losses over the next 4 quarters could therefore impact negatively on the figures. This should be regularly monitored. Many of the problems that authorities are running in to on major appeals relate to housing developments where the authority cannot demonstrate a 5-year land supply which is not the case in Hart. (NB All the figures quoted, and the tables C and D relate to the period to the end of March 2019. Since that time Hart has received several more 'major' appeal decisions including 2 overturns (total overturns 4 out of 75 major decisions over the period) resulting in an upward trajectory raising the percentage figure to 5%. While this is still well below the 10% threshold it gives some cause for concern and needs careful monitoring. On the plus side this period covered a time when the

combination of lack of both an adopted local plan and a 5-year land supply put the authority in a weak position, which is now considerably strengthened).

Quality of Decisions performance April 2016 – March 2018

Table C: Hampshire Authorities

<i>Nat rank</i>	<i>Hants</i>	<i>Authority</i>	<i>No decisions</i>	<i>Appeal decisions</i>	<i>Overturns</i>	<i>%</i>
10	1=	Basingstoke	93	1	0	0
33	1=	E Hants	57	4	0	0
43	1=	Gosport	16	1	0	0
49	1=	Havant	48	0	0	0
78	1=	Rushmoor	53	1	0	0
103	1=	Winchester	64	3	0	0
206	7	Eastleigh	84	5	2	2.4
216	8	Fareham	39	3	1	2.6
229	9	Hart	70	7	2	2.8
246	10	Test Valley	98	7	3	3.1
261	11	New Forest	59	5	2	3.4

Table D: Blackwater Valley Authorities

<i>Nat rank</i>	<i>BLV</i>	<i>Authority</i>	<i>No Decisions</i>	<i>Appeal Decisions</i>	<i>Overturns</i>	<i>%</i>
1=	1	Rushmoor	53	1	0	0
208	2	Surrey Heath	84	3	2	2.4
229	3	Hart	72	7	2	2.8
251	4	Bracknell Forest	90	6	3	3.3
293	5	Wokingham	152	10	6	4.5
309	6	Waverley	139	16	7	5.0
328	7	Guildford	121	16	8	6.6

National Average 2.2%

MHCLG Live Planning Statistics Table 152

NOTE: Hart number of decisions includes 2 appeals against non-determination.

- 7.18 **Speed of decision making on non-major applications: (Tables E and F)** With 88.1 % of non-major applications determined within 8 weeks Hart is performing at just below the national average (88.8%). It ranks 214th out of 339 authorities nationally, which is within the 3rd Quartile, 8th within Hampshire and bottom of the Blackwater Valley comparator group. The upper quartile figure nationally is currently 95%. Hart's use of extensions of time for non-major applications over the period was 19%, which is around the national average and lower than many comparator authorities. It is a concern however that of the 341 EoT cases 65 missed the extended deadline which suggests that these are not being effectively managed.

Non-Major decisions performance – Speed July 2017 – June 2019

Table E: Hampshire Authorities

<i>Rank Nat</i>	<i>Hants</i>	<i>authority</i>	<i>No decisions</i>	<i>Within 8 weeks</i>	<i>EoT</i>	<i>Within EoT</i>	<i>%</i>
45	1	Fareham	1709	1475	198	189	97.4
101	2	Rushmoor	807	703	75	54	93.8
123	3	Winchester	2327	1216	1015	939	92.6
141	4=	E Hants	1494	866	546	507	91.9
142	4=	Havant	1321	941	320	273	91.9
147	6	New Forest	2176	1609	432	384	91.6
159	7	Test valley	2391	1744	518	431	91.0
214	8	Hart	1793	1304	341	276	88.1
223	9	Basingstoke	2498	1755	552	431	87.5
234	10	Gosport	551	356	139	124	87.1
318	11	Eastleigh	1506	993	253	209	79.8

Table F: Blackwater Valley Authorities

<i>Nat rank</i>	<i>BLV</i>	<i>authority</i>	<i>No decisions</i>	<i>Within 8 weeks</i>	<i>EoT</i>	<i>Within EoT</i>	<i>%</i>
62	1	Waverley	3142	1767	1299	1255	96.2
74	2	Wokingham	3013	2211	705	663	95.4
89	3	Bracknell Forest	1504	984	465	440	94.7
101	4	Rushmoor	807	703	75	54	93.8
167	6	Guildford	3384	2674	410	391	90.6
169	6	Surrey Heath	1540	1038	383	355	90.5
214	7	Hart	1793	1304	341	276	88.1

National Average 88.8%

MHCLG Live Planning Statistics Table 153

- 7.19 **Quality of decision making on non-major applications: (Tables G and H)** In terms of the designation criteria the risk of designation against this quality indicator is very low at the present time. The figures for this indicator generally are so low that comparisons are not very useful. However, looking at the absolute figures for Hart 20 out of 51 non-major appeal decisions went against the Council, nearly 40%, which is considerably above the national average of 31.3%, and this should be of some concern to the Council.

Non-major development decisions performance April 2016 – March 2018 – quality

Table G: Hampshire Authorities

<i>Hants Rank</i>	<i>Authority</i>	<i>decisions</i>	<i>Appeal decisions</i>	<i>overturns</i>	<i>%</i>
1	Rushmoor	904	7	0	0
2	Havant	1343	27	4	0.3

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3=	Basingstoke	2634	69	16	0.6
3=	Fareham	1892	29	11	0.6
5	Gosport	600	14	4	0.7
6=	Test Valley	2309	62	20	0.9
6=	Winchester	2427	65	22	0.9
8=	E Hants	1615	65	32	1.0
8=	Hart	1961	51	20	1.0
10	Eastleigh	1510	69	20	1.3
11	New Forest	2265	135	45	2.0

Table H: Blackwater valley Authorities

<i>BLV</i>	<i>Authority</i>	<i>Decisions</i>	<i>Appeal Decisions</i>	<i>Overtuns</i>	<i>%</i>
1	Rushmoor	904	7	0	0
2	Hart	1961	51	20	1.0
3=	Surrey Heath	1574	64	18	1.1
3=	Wokingham	3321	146	37	1.1
5	Bracknell Forest	1580	49	19	1.2
6	Waverley	3480	151	49	1.4
7	Guildford	3542	203	65	1.8

National Average 1.2%

Intervention Threshold 10% April 2017-March 2019

MHCLG Live Planning Statistics Table 154

Extensions of time – speed v quality

- 7.20 Extensions of Time are now commonly used across the country to varying degrees and for varying purposes. Their use in Hart is broadly around the national average. What is important for authorities is to understand how they are being used and to have a policy or protocol in place to manage their usage. EoTs can be used to disguise poor practice, both among officers who don't manage their caseload efficiently or, for example, to allow for otherwise unacceptable delays in responses from applicants or consultees. EoTs should be used where they will facilitate an acceptable outcome for an application not merely to extend the timescale and artificially improve performance figures. The practice in Hart is for the need for EoTs to be agreed by Team Leaders, which is good practice, but there appears to be scope for a more rigorous protocol to ensure there is no abuse of the system. As mentioned above there are clear indications from Government that they are unhappy with excessive use of EoTs and will be introducing measures to reduce dependency on them. Hart needs to be in a position to deal with any moves in this direction. It should be a concern to the authority that even with the use of EoTs the performance figures are towards the bottom of any comparative assessment.
- 7.21 One concern identified by the Review Team was the large number of EoT applications which still were not determined within the extended timescale. This can happen as a result of factors beyond the control of the authority, but this would not account for the high percentage of cases where this has occurred. The authority should also be monitoring the average length of time taken to determine applications. This is a measure of the service provided to applicants and the public

and enables improvement targets to be set which require EoTs to be effectively managed.

Table J: Average Length of time taken to determine applications

	2017/8		2018/9		Stat time	
	<i>Apps determined</i>	<i>Ave days</i>	<i>Apps Determined</i>	<i>Ave days</i>	<i>Days</i>	<i>Days over</i>
<i>Major</i>	35	236.6	41	221.6	91	130.6
<i>Non- Major</i>	1034	63.2	1011	68.2	56	12.2

As can be seen from a comparison with tables A and E above (speed of determining applications) the percentages determined within the statutory 13- or 8-week deadlines do not tell the whole story. While Hart determined 82.1% of major applications within 13 weeks or such extended period allowed by EoT, the average length of time taken was well over double the 13 weeks. Similarly, 88.1 % of non-major applications met the statutory 8-week deadline, but the average time taken was nearly 10 weeks in 2018/2019. Part of the apparent anomaly is the use of EoTs, particularly for major applications, which, as already highlighted, is a cause of concern for MHCLG and likely to be addressed in the future. Hart should be looking to manage down the average length of time to determine both major and non-major cases and using EoTs much more sparingly. Effective pre-application engagement can be very beneficial in ensuring that the critical issues have been dealt with prior to submission and enabling the determination process to run much more efficiently.

Performance Monitoring and Management

- 7.22 The Review Team saw little evidence of any meaningful service level performance monitoring and management on any systematic basis. At the individual level there were regular one-to-one meetings and group meetings, but performance against national or local targets was not routinely discussed. At the corporate level 3 KPIs were reported on a quarterly basis to the Overview and Scrutiny Committee. The choice of KPIs and the targets set are out of date and largely meaningless.
- 7.23 For major applications the Council’s target is set at 60% determined within 13 weeks or agreed extended period when this level is being achieved by 342 out of 343 LPAs. (The only authority not achieving 60% is a National Park which only dealt with 3 major applications over the 2 year period). It would appear that Hart’s target is to be bottom of the table. The national average is 88.1%, upper quartile is 96.1% and Hart is performing at 82.1%. An immediate target of hitting the national average with an aspirational target of upper quartile would seem more appropriate.
- 7.24 The targets for non-major applications and other applications no longer relate to government criteria which includes both categories. Hart’s current performance at 82.1% for the combined category is well below the national average of 88.2% and the upper quartile figure of 95%. Local KPIs should again reflect these national comparators. for the combined category. The KPIs should also include monitoring of the 2 national ‘Quality’ criteria. The approach to performance management was consistent with the lack of clear objectives for the service at either member or

corporate level. The Review Team formed the impression that this was considered to be a matter for the incoming Head of Service and that there was little pressure from corporate management to drive these issues.

- 7.25 The authority urgently needs to decide what its objectives for the service are in terms of absolute and comparative performance and set targets accordingly. The starting point should be the MHCLG designation criteria and where the authority wants to place itself in the national and comparator rankings. In the opinion of the Review Team a realistic target should be achieving national upper quartile performance within 3 years in speed of determination of both Major and Non-major applications. These can then be cascaded down to Comparator Group monitoring and annual improvement and internal process targets. (eg. validation, team or individual targets). The quality measures are more volatile and while these should be monitored to ensure intervention is avoided, the ranking is less significant. Local indicators could include improved performance at appeal and reducing the average length of time to determine applications.
- 7.26 Monitoring performance against KPIs should form a regular item for the Head of Place's Management Team meetings and cascaded to staff. Current practice of discussion at Forum meetings and posting performance figures on notice boards would be more useful if it was being measured against realistic targets.
- 7.27 It is important that elected members 'own' the objectives for the service and take responsibility for performance. This is not possible in the current situation where they have not been involved in establishing the authority's aspirations for the service and are not informed about performance. Members should be a part of the debate in setting objectives and targets and then informed of performance on a regular basis. Reports should be submitted to both the Planning Committee and Overview and Scrutiny on a quarterly basis.

SECTION 7 RECOMMENDATIONS

Recommendation 4 - Para 7.25

Establish objectives and targets for the Planning Service agreed by Members and corporately which will form the basis for performance management framework

Recommendation 5 - Para 7.25

Set performance criteria to align with the MHCLG criteria for designating underperforming authorities

Recommendation 6 - Para 7.25

Establish local targets which are ambitious but realistic, with the intention to reach national upper quartile performance within 3 years

Recommendation 7 - Paras 7.20-21

Set targets for reducing the average length of time taken to determine applications (and reduce reliance on Extensions of Time)

Recommendation 8 - Para 7.20

Introduce a protocol for the use of extensions of time

Recommendation 9 - Para 7.26

Report performance monthly to the Service Management Team

Recommendation 10 - Para 7.27

Report performance on a quarterly basis to the Planning Committee and Overview and Scrutiny Committee

8 Development Management processes

Development management from development control

- 8.1 The whole thrust of planning in England is to be proactive rather than reactive, creative rather than regulatory and this applies equally in respect of dealing with planning applications as with policy. In best practice authorities, Development Control has been replaced by Development Management, but this is much more than just a change of name and requires a major change in culture and practice. Whilst Hart has gone some way down this road there is still more to do.

Excerpt from the National Planning Policy Framework, Feb 2019

“7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

- 8.2 In the Review Team’s experience what constitutes development management as opposed to development control is not concisely and precisely set out anywhere although the excerpt from the NPPF shown above provides an overview. It is

helpfully summed up in the phrase ‘right development, right time and right place’ and can perhaps best be expressed by the term “place shaping”.

Excerpt from the National Planning Policy Framework, Feb 2019

“127. Planning policies and decisions should ensure that developments:

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”

As far as development management is concerned this means focussing on, and managing, the whole development from pre-application through processing and decision to delivery and monitoring.

- 8.3 It follows that as much effort should go into pre-application as to processing applications. It is at this stage that there is the most opportunity to shape places and influence what an applicant will formally propose. On average 9 out of 10 applications will be approved and, in addition, a third of appeals are allowed. It follows that development management is therefore not just a ‘yes’ or ‘no’ – it is more often a ‘yes’ but the question is – how good can it be made so that the development fits in with what the District needs? How can value be added? It is likely that greater change can be achieved at pre-application stage rather than after applicants have firmed up their proposals to be included in the formal submission of an application.
- 8.4 Such a pro-active approach to case management would enable officers to spend more time on pre-application work in partnership with others in a formalised and systematic ‘whole development team approach’ which would mean that many issues would be resolved before a formal application was submitted. Such a team could involve other disciplines such as conservation, highways, education, etc. In other good practice examples (see Croydon example at Annex C) a slightly different approach has also proved effective. However, it is vital that a clear internal view is carried forward into the application stage. It is also the case, especially on the larger schemes, that proactive policy work sits alongside development management negotiation.
- 8.5 It is also appropriate to find an effective way to involve Elected Members in pre-application work so that they have an awareness of developments in the pipeline and an early opportunity to understand the issues and the possibilities involved, particularly for the larger, more complex and politically sensitive sites. To understand the parameters of the members’ role, and the opportunities and pitfalls of such an approach, and to avoid any question of pre-determination and issues of confidentiality, extensive training is essential. Any involvement of elected members’ must be set out in clear protocols, alongside the standard of service that applicants should expect. In this way early member involvement can be achieved without prejudicing future decision making.

Pre-application advice

- 8.6 Hart charge for pre-application advice and have clear guidance and a fee rates schedule prominently displayed on their website. The options for type of advice provided, either in the form of a written response or meetings for all types of pre-application advice are clearly explained in the notes relating to fee rates. It is noted that the website warns that there may be some delays in response to these requests, although it does say that applicants will be advised if this is the case. There is an indicative 4 weeks target for responding to pre-application requests but the Review Team heard these cases are not currently prioritised. Despite this it appears that there is a consistent demand for this service, providing a steady income to the development management service.
- 8.7 The authority also offers a free duty planner system to deal with householder enquiries and applications in the first instance, relating to general advice on alterations to existing dwellings. The role of the duty planner is discussed in Section 12 of this report.
- 8.8 Pre applications advice requests are currently registered onto Uniform by the Planning Admin Assistant, rather than through the Business Support Unit and are then allocated directly to a case officer by the Planning Manager. The allocation takes in account any previous contact that an officer may have had with the site involved as well as the nature and complexity of the proposal.
- 8.9 Pre application advice normally consists of written advice, an office meeting or a site meeting. The case officer must make notes of any meeting and formal advice must be agreed by a team leader before it is sent to the applicant. It is understood that the checking of advice was introduced following some previous issues with a change in direction of travel between meetings or the written advice provided.
- 8.10 The authority currently does not request consultee responses for pre-application queries in respect of major proposals; this has been tried in the past but does not appear to have been very successful in eliciting responses from consultees, particularly where the consultees offer their own (paid for) pre-application advice to applicants and do not share their responses with the authority. Similarly, Hart does not currently publish the response to pre-application consultations in some sensitive cases, so that parish/town councils may have no way of knowing what guidance has been given or which direction the pre-application consultation has taken. With the exception of a few good local developers the Review Team heard that the first time most parish/town councils are aware of a proposal is when they receive the weekly list of registered cases. It was clear to the Review Team that a great deal of the frustration, directed at the development management function and discussed elsewhere in this report, is exacerbated by interested parties not being made aware at the earliest possible stage of proposals in their area.
- 8.11 It is suggested that the authority should review the way in which pre-application advice is handled for major developments that will have a significant effect on local areas. It may be that a development team approach at pre application stage would be more effective in negotiating the best possible application and that involving local ward councillors and parish representatives at this stage would also assist but must be handled carefully to avoid issues of prejudice or pre-determination and under an agreed protocol. The Review Team also acknowledges that there is often an issue

of confidentiality, particularly in early discussions which might preclude such a team approach. Finally, the Review Team is also aware that the services of the Hampshire Architects Design Panel could be available to advise on design elements of such schemes.

Validation

- 8.12 The registration and validation of all planning applications is currently dealt with by members of the Business Support Unit. The role and function of this Unit is considered in Section 11 of this report.
- 8.13 The Review Team heard that there have been issues around understanding and interpreting the local validation checklist which have led to an estimated 10% of applications being wrongly invalidated. This has meant that, in conjunction with the extension to the length of time allowed for parish consultee responses, there has been an increase in applications going over the eight and thirteen week time limits.
- 8.14 In addition, the Review Team was told that some validated applications have been found to be missing crucial documents and having to ask for the withdrawal of the application at that stage has caused embarrassment and criticism from applicants/agents. Concerns about validation were centred on the accuracy rather than timeliness. At the time that the Review Team were on site applications were being validated on the day of receipt, although this was exceptional. There was not a formal performance indicator for validation but informally the team were working to a 5-day deadline. A formal indicator and monitoring system is imperative.
- 8.15 There is general agreement that the local validation checklist needs to be refreshed and produced in a more user-friendly format. It is understood that work on this is underway and will shortly be published for consultation and that the revision has included examining the checklists from other authorities to identify and incorporate good practice.
- 8.16 It was, however, clear to the Review Team that the officers of the Business Support Unit who are dealing with validation need more detailed training to give them more confidence going forward. The Team saw examples of over cautious decisions being made, sometimes as a result of not understanding technical language. As an example, an application was made invalid for several reasons but one of those given was because the applicant had titled a document a "Conservation Statement" rather than a "Heritage Statement". Support on individual cases is available from Team Leaders but Business Support Unit members should be positively encouraged to seek such advice at an early stage in the event of queries.
- 8.17 Since the review it is understood that additional training has taken place but it is suggested that future training for Business Support Unit members should be provided in short "bite size" elements on a much more regular basis than previously and that such training should include immediate briefings about changes to the planning system. The Review Team is also aware that an electronic archive of responses to queries is being built up by the Business Support Unit, albeit in a haphazard fashion, and it is suggested that this should be formalised into a single "living document" guidance manual for the team, which is updated as and when new information is received.

Allocation of cases

- 8.18 At the moment all applications are allocated once applications have been validated by one or other of the Team Leaders. The Planning Manager also allocates, particularly as only one Team Leader works full time. The Review Team heard that the allocation process can lead to delays in case files being passed to case officers.
- 8.19 As would be expected cases tend to be passed to the original case officer where previous pre-application contact or applications has been undertaken on a site. In deciding who the case should be allocated to the Team Leader will obviously consider the nature of the application and form an overview of the case. The Review Team refer to such an overview as the “triage” and would expect that at this stage it would be helpful for thoughts to be communicated to the case officer. This does not appear to be the case currently and the Review Team would recommend that the very least that should happen is for the file sheet to be initialled by the allocating officer.
- 8.20 To guard against any unnecessary delays the Review Team would suggest that the current system of relying on the Team Leaders should be amended and that consideration be given to a self-allocation system for householder applications (ie. case officers take the next case off a pile). It is considered that shifting allocation downwards to the Principal Planners would only move the problem from one pressure point to another.

Consultee responses

- 8.21 The Review Team heard that there were significant delays in receiving responses from many of the major consultees and that there seems to be little proactive chasing for responses to ensure that timely decisions can be made. It is to be hoped that the introduction of Uniform Enterprise tasks may assist in reminding case officers that they are still awaiting information and will encourage them to chase missing material, but Team Leaders also need to reinforce such a proactive approach to owning their own case load, during “121s” and case reviews.
- 8.22 There have also been difficulties in receiving responses from the policy team. It is understood that in the past this may well have been because of a lack of staff and it is expected that a much better working relationship will develop under a single Head of Service and with the recent co-location of the team. A closer working relationship between the Policy and Development Management teams should be encouraged and is discussed further in Section 9.

Parish/Town council consultations

- 8.23 Hart has a significant number of parish and town councils; all of which are fairly active and respond regularly to consultations regarding applications. Currently Hart allows parishes 28 days to respond to consultations. This is seven days longer than is the case elsewhere in England and has apparently been driven to allow comments from a few smaller parishes who do not meet more than once a month. In practice the number of applications in these parishes is very small yet catering for them has a direct impact on the authority’s overall ability to process all its applications expeditiously. It effectively reduces the post consultation time to determine all applications within the 8-week statutory deadline from 5 weeks to 4.

- 8.24 This is not a sensible arrangement. The authority should adopt a 3-week consultation, in line with every other LPA, and allow flexibility for those few applications in Parishes where the situation occurs.

Site Notices

- 8.25 The Review Team heard that site notices are now posted by the Case Officer for all applications. This arrangement was introduced when the Authority stopped the practice of issuing neighbour notification letters. This resulted in complaints to the Council, and neighbour notification letters were re-instated, but the practice of posting site notices was continued. Applications are also advertised in local papers and posted on the website. The Review Team considered that using case officers to post site notices is not an effective use of their time and bearing in mind even without them the Council would be exceeding its statutory responsibilities in this respect, the practice should be terminated.

The use of Planning Performance Agreements

- 8.26 Planning Performance Agreements (PPAs) are formal agreements which set out a programme for determination of an application which both the authority and the applicant should comply with, and usually involves the applicant paying for any additional resources the authority might need. They are usually used for larger scale major developments which require additional skills/expertise or just more officer time to deal with them in a timely and efficient manner. They should provide for an active programme of pre-application engagement with the authority and the local community. Hart does not have an agreed policy or protocol for the use of PPAs.

- 8.27 In the experience of the Review Team PPAs are now used extensively by many authorities. They build on pre-application engagement with developers, applicants, consultees, the community and elected members. This can be very effective in communicating with all parties at an early stage, identifying issues and potential remedies where possible, and coming forward with proposals which have accommodated concerns without prejudicing the Council's position as the LPA.

- 8.28 The use of such an approach can also strengthen communications with the parties involved (eg Highways and Education) which is of benefit for other developments. PPAs are not appropriate for most applications but, having an established process in place, enables the authority to deal with them efficiently and transparently when the opportunity arises. It does not have to be a complicated process, and an example from Cotswold Council is attached at Annex D.

Conditions

- 8.29 It is good practice to keep the number of conditions to a minimum. It was acknowledged that too many conditions were often imposed, which involved bespoke conditions in many cases. The Review Team heard that the addition of conditions to some applications was recognised as being a way of making an application more acceptable to the Planning Committee, some of which were unenforceable. While this may be politically acceptable it is not consistent with the legal basis for conditions or Government advice. The Review Team did not see any specific evidence of this in the committee papers that they reviewed but it may be worthwhile undertaking a more comprehensive analysis of conditioning as and when time permits, including a comprehensive index in Uniform.

8.30 In the meantime, officers should check conditions against the 6 tests that:

- they are necessary,
- relevant to planning,
- relevant to the development,
- enforceable,
- precise and
- reasonable in all other respects.

(NPPF Para 55). The Government has been particularly concerned about imposing pre-commencement conditions which slow down development and these should be avoided.

S106 agreements

8.31 Hart does not make extensive use of S106 agreements. They mainly relate to affordable housing, highways and education contributions on larger sites, the number of which has reduced since the surge of major applications and appeals in the period up to 2017/8. The Review Team saw little evidence that they had caused any significant delays but this may be as a result of EoTs for the relevant applications.

8.32 The Review Team heard concerns from Parish representatives that their involvement in S106 negotiations on large scale developments had proved beneficial in some cases in delivering local benefits, but this had not happened as a matter of course. This could be achieved through more use of pre-application engagement and PPAs.

8.33 The most recent amendments to the CIL Regulations will require all LPAs to report annually on S106 agreements in an Infrastructure Funding Statement (IFS), setting out historic commitments as yet not delivered as well as new agreements and future intentions. The initial reporting year is April 2019-March 2020, for which the IFS will be required by December 2020. Systems need to be in place for the monitoring and preparation of the IFS.

CIL

8.34 The Review Team was told that a report is being drafted for the Council to consider whether to move forward with the introduction of the Community Infrastructure Levy. This can be a valuable source of funding for infrastructure for the authority and as a contribution to parishes where development is taking place. It can also pick up on those smaller development which are below S106 thresholds. If the Council does proceed it will need to decide where the administration for CIL will sit. It has close links with DM as it is application driven, but also needs a policy basis for making decisions on expenditure in the light of infrastructure needs. There will be set-up costs for staffing and any necessary systems upgrades, which can be offset against future income. Charging CIL may also have implications for negotiating S106 agreements with developers who will have to pay the additional CIL charges. It is likely that this will lead to negotiations around viability which may well need external valuation expertise.

Decision notices

8.35 The current procedure for issuing decision notices is that following the application being signed off a draft decision notice is produced which then goes back to a

manager for checking and instructing admin to issue the notice. This seems unnecessary and time wasting, as it can be combined with the signing off process and issued immediately. It is important that the decision notice is correct, but this should be checked as part of the signing off process. The Review Team has been made aware that this process may vary from that which is supposed to operate and would recommend that a single process is agreed and that all staff should operate to it in future.

Appeals

- 8.36 In the time period reviewed, Hart is 1= of Hampshire authorities for the number of appeals (10% of decisions are appealed) and 2 out of 7 decisions were overturned equating to 28.6%. Hart has suffered from a number of major appeals which were a direct result of developers knowing that the authority was in a weak position with a lack of a 5-year land supply and not having an up to date adopted plan. This resulted in more applications for unallocated sites, more refusals, and more lost appeals. The Council's position with regard to major appeals has now strengthened considerably and it can be anticipated with some confidence that past trends will not continue. The spate of major appeals has been a high profile issue for the Council and local community, particularly as several have been contested at public inquiry.
- 8.37 Concern about the cost of appeals must clearly distinguish between the costs of fighting the Council's case and costs awarded against the Council. Public inquiries are expensive, with developers employing QCs and many expert witnesses and the Council having to respond accordingly. When a Council has a number of inquiries in a short period, as has been the case, costs will soon accumulate. There is little the Council can do in such circumstances if it intends to defend its decision robustly. Indeed, the Review Team heard the view expressed that the Council had not employed sufficiently senior barristers and had suffered accordingly. These costs must be separated from those instances where costs have been awarded against the Council as a result of the Inspector concluding that the authority had acted unreasonably. This has only occurred once in recent years where a parking reason for refusal added by the Committee could not be defended with any substantive evidence.
- 8.38 The Review Team heard that staff had been asked to provide evidence at appeal with little experience or knowledge of the appeal process, particularly public inquiries. This can be difficult to deal with effectively, as inquiries are rare events. However, there is normally sufficient notice of an inquiry for some individual training, and there should be a general training provision for appropriate staff in dealing with all aspects of appeals including writing evidence and acting as witness at hearings and appeals. This could also be extended to Members and Parish Councillors.

Monitoring of quality

- 8.39 Both Government and individual local authorities have made attempts at establishing quality indicators to evaluate the outcomes of planning services. None have proved satisfactory. The latest Government attempt at a quality indicator is the losses at appeal as set out in Section 7 above. Many authorities have structured visits to completed developments, for officers, members or both. These can be productive and certainly help in appreciating how plans translate into built form.

They can also be associated with local design award schemes. Hart has previously had similar schemes but they have been discontinued.

- 8.40 It can also be instructive for both officers and members to be briefed on appeals decisions. This can be in the form of a report or a presentation on interesting cases, with assessments of the critical factors and how this can be taken forward in assisting the authority in its future decision making. Resourcing either tours or reporting appeals can be seen as another burden on hard pressed staff. The report discusses staff resources elsewhere and highlights the need for increased capacity at a management level which would help in taking on this type of initiative. They can also be valuable training exercises for staff at a more junior level with sufficient guidance.

SECTION 8 RECOMMENDATIONS

Recommendation 11 - Paras 8.6-8.11

Review pre-application advice process for major applications to include consultees, local community and members

Recommendation 12 - Paras 8.16-8.17

Provide more detailed and regular validation training for BSU staff

Recommendation 13 – Para 8.17

The existing electronic archive of responses to queries which has been built up by the Business Support Unit, should be formalised into a single “living document” guidance manual for the team, which is updated as and when new information is received.

Recommendation 14 - Paras 8.19-8.20

Review allocation procedure to consider a ‘triage’ approach and the possibility of self allocation for householder cases

Recommendation 15 - Para 8.24

Adopt a 3-week consultation period with flexibility for parishes unable to meet this deadline

Recommendation 16 - Para 8.25

Stop the posting of site notices except where required by statute

Recommendation 17 - Para 8.35

Immediate steps are taken to confirm a single process for signing off decision notices and that all staff should operate to it in future

Recommendation 18 - Para 8.38

Additional training on planning appeals for officers, elected members and parish/town councils

Recommendation 19 - Para 8.39

Consider introducing annual tour of completed developments when resources permit

Recommendation 20 - Para 8.40

Report appeal decisions on a regular basis to officers and elected members

9 Specialist services

Overview

9.1 The new Place service is the opportunity for the authority to bring together all of the plan making and implementation functions. Neighbourhood Plans and the new settlement initiative are currently within the Corporate Services area, but are an integral part of shaping the future of Hart and should be part of an integrated Place Service.

Policy team

9.2 Until very recently the Policy Team were not part of the Place Directorate and partly as a result of this, but also because of a lack of staff and the demands of the local plan, they currently have little day to day involvement in the development management process.

9.3 As a result, the Policy Team see their current involvement as:

- Supporting planning appeals
- Responding to occasional queries on pre application requests
- Sometimes attending the monthly Planning Forum meeting

9.4 Having had such limited resources they have not been able to provide briefings on recent government legislation (ie. the revised NPPF), which the Review Team would normally expect to be part of the Policy Team's role.

9.5 In the future the Review Team would also expect the Policy Team to support the development management service by:

- providing supplementary guidance with the potential introduction of CIL
- greater involvement at an earlier stage in the appeals process
- providing briefings around the 5-year land supply, and other elements of the local plan
- attending planning committee where members may at times require additional information in respect of policy matters

9.6 Finally, the Review Team would expect the Development Management service to proactively comment, at an early stage, on the drafts of policy documents and guidance so that there is a cross-departmental buy-in to policy.

Enforcement

9.7 Hart's enforcement team of three staff report to the part-time Team Leader; two of the team are very experienced in enforcement matters having been with the authority for many years and there have been some major successes in taking enforcement action. As mentioned in Section 11 below, the Team Manager's input into enforcement has been compromised by taking on responsibility for the Householder Team.

9.8 At the time of the Review, the enforcement caseloads were standing at:

<i>Post</i>	<i>Caseload</i>	<i>Notes</i>
Enforcement Officer	50 cases	Full time officer

Enforcement Officer	50 cases	0.8 fte
Planning Assistant	20 cases	Full time but in first month of working with the team

- 9.9 The Review Team heard that “there is no appetite to take cases on” internally. It seems that the team used to be more proactive, particularly with commencements, etc. and there is a level of frustration that they cannot get back to that stage again. The sense of frustration has been exacerbated, since it was agreed that the legal team (which is a shared service with Basingstoke & Deane Borough Council) must be involved directly on the drafting of Enforcement Notices, which has resulted in significant delays.
- 9.10 The Review Team learned that Legal Services assess the cases brought to them for prosecution against their own checklist first to ensure that all preparatory work has been completed in a satisfactory manner. There was an admission that this does result in a longer process than perhaps would be wished for but that such delay ensures that any action taken can be full justified and is sound. Such delays however compound the impression of a very risk averse legal team which is even more frustrating for an experienced and pro-active enforcement team.
- 9.11 It is clear that the enforcement and legal teams need to build a relationship of respect and trust in each others’ abilities and experience, and casework management should be more rigorous across departments. If this can be managed, and the Team Leader’s full-time role re-instated then Hart’s enforcement service could become a good practice exemplar.

Conservation and listed buildings

- 9.12 Hart has 32 conservation areas and over 1,000 listed buildings within its boundaries and the development management service includes a team of two Conservation Officers (1 full time and 1 part time) who are conservation professionals rather than chartered town planners.
- 9.13 At the moment both of them are carrying a full caseload of applications relating to listed buildings or buildings in conservation areas and they also comment on all other applications in conservation areas.
- 9.14 In 2018-19 they dealt with a total of 99 applications of which 57 were granted and 42 were refused permission. This compares against the ‘normal’ average of granting around 90% of applications. The Review Team understands that there were a series of ‘difficult’ applications during the course of the year, but this level of refusals needs careful monitoring. These figures illustrate why it is inadvisable to use specialist staff of this type as case officers. Conservation officers should be providing clear guidance to planning case officers who can then make a balanced judgement of all the views expressed. As conservation specialists they inevitably place a very high importance on conserving and retaining heritage assets, sometimes to the exclusion of other relevant considerations. In the context of their expertise this is a professional position, but it does not always lead to the best outcome in planning terms where they are also the decision maker.
- 9.15 In addition the Review Team heard that because of the caseloads they are carrying, the Conservation team have been unable to respond as consultee for all

applications and they have been unable to prepare public information material, heritage policy documents or spend time updating the local list of buildings.

Opportunities for shared services

- 9.16 Many smaller local authorities today are looking to benefit from economies of scale either through combining authorities or sharing services. There are many different models from complete amalgamation to sharing specialist services. Authority wide solutions are a matter for political and corporate leaders to examine and beyond the scope of this exercise. Sharing whole services such as planning is also happening elsewhere and it is probably too early to judge the long-term results of these initiatives. A major consideration for planning is how to retain political oversight.
- 9.17 Many authorities have looked to retain their teams of specialist officers by offering neighbouring authorities assistance on an agency basis. Hart already participate in such arrangements in respect of legal services and building control where shared service provisions with other Hampshire authorities are in place. Sharing such services can provide significant budgetary savings but mean that the available staff time to an authority is halved and it can, on occasion, lead to less than engaged team members where the service is being managed by another authority.
- 9.18 In an authority, such as Hart, where a high level of importance is placed on place-shaping, conservation and heritage it is considered unlikely that the authority would significantly benefit from entering into further shared service models. In the Review Team's view seeking an arrangement to share the planning enforcement function would be even less desirable to the authority's residents.

SECTION 9 RECOMMENDATIONS

Recommendation 21 - Para 9.5

Improve policy support for development management

Recommendation 22 - Paras 9.10-9.11

Improve liaison between the Legal Team and enforcement with set timescales with milestones for processing enforcement cases

Recommendation 23 - Para 9.13-15

Review the roles of the Conservation Team with the intention to move towards a pro-active policy driven approach to conservation, including acting as consultee for development management

10. Planning Committee

- 10.1 Hart has a single Planning Committee which has a scheduled monthly meeting. There is also an Enforcement Sub Committee which has scheduled quarterly meetings and an additional Major Sites Sub Committee which meets on an ad hoc basis.

Committee applications

- 10.2 At the moment a Committee application is triggered by one of the following:

- there are more than five objections to an application that is recommended for approval
- the request of a ward councillor
- officer or member involvement in the application

- 10.3 The Chair of the Planning Committee has the responsibility under the delegation arrangements to consider whether requests for applications to go to Committee raise valid planning issues and therefore acts as “gatekeeper” for agenda items and reviews the requests received from Ward Councillors.

- 10.4 Several of the scheduled meetings have recently been cancelled because there have been no applications for decision. The Review Team heard the view expressed that too few applications were going before the Planning Committee. However, the delegation scheme operated in Hart is in line with many other authorities known to and visited by the Review Team and in their view the lack of items for decision may stem more from the reduction in the number of major applications being received and the rigorous approach taken by the Chairman. The delegation scheme is considered to be fit for purpose and consistent with best practice. Any discussion or decision to amend the scheme of delegation should not be taken simply to increase the number of items brought to committee.

Committee site visits

- 10.5 Site visits are currently triggered by Planning Committee members or Ward members (where they have personally requested an item should go to Committee). The Review Team understands that because over half of the Planning Committee work full-time it is difficult to schedule site visits so that they can attend. As a result, site visits are very poorly attended; the one observed by the Review Team was only attended by 3 members, plus the case officer and the Planning Manager. The ward councillor who had requested the site visit was also absent.

- 10.6 The site meeting was well handled by both members and officers and proved a useful opportunity to appreciate changes of ground levels that might not have been immediately apparent to members who were unable to attend. In the Review Team’s view site visits can be an important part of the decision-making process but they should to be undertaken at a time when the majority of the committee can be present. This is not easy to achieve and any review to encourage better attendance may well result in weekend site visits with the associated disruption to case officers and members alike. It would be better to ensure that site visits are undertaken only when necessary and then given greater priority.

Committee meetings

- 10.7 The Committee observed by the Review Team on 13 November was well run by the Chairman. A Chairman's briefing held earlier in the day had rehearsed actions that the Chairman must follow in the event of an overturn of an officer recommendation (ie. reasons for overturn must be clearly articulated by committee members).
- 10.8 The Review Team observed one anomaly to the decision-making process in that it is custom and practice at Hart to propose the motion to accept the officer's recommendation before the debate on the item takes place. This can give the impression that there is a presumption in favour of the recommendation before members had heard the debate. In every other authority visited by the Review Team, the committee have debated items and only after this has the motion to accept (or reject) the recommendation been proposed.
- 10.9 The Review Team was referred to Page 300, Appendix B, Section E of the Constitution for the reasoning behind this order of proceedings. In the Review Team's opinion, it is not clear exactly what this sentence means, and it doesn't seem to have a direct bearing on the order in which the committee propose motions and debate.

Officer reports

- 10.10 The Review Team looked at a number of officer reports being presented to committee and had several discussions regarding format and content. It is considered that there is room to simplify these and to ensure a consistency between the approach of different case officers. A lack of consistency is always a danger when different managers have final oversight; the need for a consistent approach between the team leaders is essential and is something that the Planning Manager needs to review on a regular basis.
- 10.11 The Review Team also became aware during a meeting with case officers that very few of them were aware that standard committee report templates are actually held on Uniform and that many of them have been producing separate reports through Word and then importing the finished documents to Uniform.
- 10.12 It was also noted that the Conservation Officers respond in the 1st person when providing consultation responses. The Review Team would recommend that the standard for reports should ensure that all consultation responses should be written in the 3rd person in future.

Presentations at committee

- 10.13 Currently only the Planning Manager and the Team Leader present cases at the Planning Committee, despite the fact that the case officer is always present. The Review Team would suggest that introducing case officers to the rigors of presenting at Committee is an important part of career development for any planner and that not allowing case officers to present is now the exception rather than the rule in local authorities. Of course, there will always be instances where individuals will not wish to make such presentations, but the Review Team consider that such participation and ownership of their cases would enhance the role of many case officers and should be encouraged.

- 10.14 In many other authorities, questions from Committee members on representations made to the committee would be addressed solely to the case officer but in Hart the Review Team noted that they were addressed directly to the speaker. This can present the appearance of partiality/familiarity with the speakers even where this is not the case and can also provide an additional opportunity for speakers to make their case. It gives the impression that members are seeking information and guidance from speakers rather than relying on the professional expertise of their officers. It is recommended that Hart should consider amending their protocol in this respect.

Enforcement sub committee

- 10.15 The Review Team understand that in the last year there have been two meetings of the Enforcement Sub Committee although there is provision for a quarterly meeting in the authority's meetings calendar. These meetings are used to take decisions about whether to take enforcement action in sensitive cases or where there has been previous elected member involvement.
- 10.16 It is not immediately clear why Hart requires a committee to take decisions that in other authorities are taken by the enforcement team, the Planning Manager and the legal team with political support as and when necessary. It may well be that the Sub Committee was originally been set up as a response to a particular historic situation/issue but the Review Team's view is that this is an unnecessary step which could easily cause a delay in taking enforcement action.

Major Sites sub committee

- 10.17 The Major Sites Sub Committee has not met since January 2019 when it considered one item. Its terms of references indicate that it should deal with the following:
- 1) *Reserved matters (which would otherwise be required to be determined by Committee) for large sites (whole site is over 100 dwellings or 10,000 sq m commercial floorspace);*
 - 2) *To determine planning applications (which would have otherwise been required to be determined by Committee) for 100+ dwellings or 10,000 sq m+ commercial floorspace*
And outline p/p has already been granted for an equivalent or larger scheme (ie. subsequent or revised applications including S73 applications)
- Plus agreement to vary the terms of a planning obligation and determine any application that the Planning Committee refers to it (in accordance with the terms of reference given when the deferral was made).*

- 10.18 In the Review Team's experience of other authorities, these are matters which would normally go to the main Planning Committee and given the low number of applications currently being decided by Hart's Planning Committee it would seem that there may no longer be a need for such a sub-committee to exist.

Elected Member training

- 10.19 The Planning Committee members and substitute members all receive annual training before being allowed to sit on the committee but it was suggested to the

Review Team that some further specialist training with example exercises which concentrated on material planning considerations would be helpful.

- 10.20 The Review Team would also recommend that the Committee members and substitutes receive detailed briefings on the Local Plan as soon as possible, and also on CIL if/when it is introduced.
- 10.21 The Review Team consider it would also be helpful to provide parish/town council members with briefings upon the adoption of the local plan and that they would also benefit from some form of regular update regarding national changes to the planning system.

SECTION 10 RECOMMENDATIONS

Recommendation 24 - Para 10.5

Reconsider whether it is appropriate for ward members to be able to request site visits and review timing of site visits to try and improve attendance by members of the Planning Committee

Recommendation 25 - Para 10.8

Stop the practice of the Chairman proposing the motion to accept the officer recommendation prior to debate

Recommendation 26 - Para 10.10

Introduce a simpler report format with a more consistent and structured approach

Recommendation 27 - Para 10.13

Allow case officers to introduce their own cases at Committee

Recommendation 28 - Para 10.14

Reconsider whether it is appropriate for Committee members to ask questions to speakers

Recommendation 29 - Para 10.15

Review the need for an Enforcement Sub-Committee

Recommendation 30 - Para 10.18

Review the need for a Major Sites Sub Committee

Recommendation 31 - Paras 10.19-10.21

Review the content of member training and consider updates for parish and town councillors

11. Management, organisation and staffing

Development management structure and organisation

- 11.1 Development Management is structured into two main teams, the Planning Team which deals primarily with the larger and more complex applications, and the Enforcement Team which deals with enforcement and mainly householder applications. (see Annex B for organisation chart) The two conservation officers report directly to the Planning Manager. The Enforcement Team Leader does not work a recognised full-time week; it was described to the Review Team as “full time working on condensed hours”.
- 11.2 The Review Team heard from a number of sources that there was a clear feeling amongst DM officers that the Service did not have the full confidence of either senior management or members. There were various suggestions as to why this was; the Harlington Centre/Gurkha Square proposal was mentioned on a number of occasions as an example of where development management was seen as hindering rather than helping, conservation issues were raised and a general impression that the approach to customers could be more helpful and pro-active. The service had not fully embraced the 'Hart Values' of being **Helpful**, **Approachable**, **Responsive** and **Taking ownership**. Planning and development management always find themselves in the situation where they have a statutory function to perform which results in winners and losers, but the impression given was that the negative perception of the planning service in Hart was more significant than is the norm elsewhere. As a result, the planning team was rather defensive and cautious in its approach.
- 11.3 This situation was not helped by the absence of a Service Manager over a prolonged period, although this was probably a contributory rather than causal factor. The arrival of the Head of Place in early December with a focussed responsibility for all aspects of planning should provide the catalyst to improve the perception of the service. Changing the culture of an organisation is never straightforward. Establishing a positive development management approach to facilitating the right development in the right place, engaging stakeholders at the right time, comprehensive, consistent pre-application engagement and overhauling the basics of customer care are some of the building blocks towards creating a more positive image and giving staff greater confidence, but these will not happen overnight.

Team structure and management capacity

- 11.4 The Review Team identified a number of issues for the Authority to consider:
- The workload split between the two development management teams;
 - The role of Enforcement and Householder Team manager;
 - The split between casework and management of the Team Managers;
 - The role and reporting line for conservation;
 - The capacity of the managers to deal with service improvement, performance and corporate issues.
- 11.5 **Workload split:** In terms of planning application casework, the division of responsibilities between the two teams was not clear. While the Planning Team

dealt with the major cases the workload had declined and they also dealt with a wide variety of householder and minor applications. In terms of use of resources this was understandable and demonstrated the flexibility needed to respond to a changing workload. It does however raise the issue of whether the structure and role of the teams should be reviewed.

- 11.6 **Enforcement and Householder Team Leader role:** This post has two areas of managerial responsibility, but is exercised on a part-time basis. The Review Team question whether this provides sufficient management capacity to deal with the duties effectively, particularly as the Team Leader has also been carrying a personal caseload. On the days when the current Enforcement Team Leader is not in the office, for example, there is only one team leader available to sign off applications, making no allowance for leave or sickness. The situation also needs to be considered in the light of the lack of management capacity generally (see paras 11.8 and 11.9 below).
- 11.7 **Conservation:** The Review Team had a number of concerns around the conservation function. Reporting directly to the Planning Manager has an impact on the Manager's capacity to manage the service as a whole, and this is exacerbated by the conservation officers carrying an application caseload. This is not unheard of but is not commonplace. In most authorities the conservation officers have a consultative role on applications rather as a case officer. This is dealt with more fully in Section 9 above.
- 11.8 **Management capacity:** Hart has a small team of managers for the development management function – 2.5 staff. They all also carry an application caseload. The Planning Manager does not carry a regular planning caseload but will take on applications on occasions. The two Team Leaders carry a planning application/enforcement caseload and also deal with pre apps and appeals. The Review Team heard that one of the Team Leaders was carrying a caseload of 30 applications. As managers, they are also under considerable pressure and are constantly drawn into 'firefighting' to deal with the immediate needs of keeping the service running – allocating and signing off applications, preparing for Committee, responding to members, dealing with complaints and intervening on the most difficult cases. As a result, many of the more strategic management issues and decisions have not been properly dealt with. Performance management is the most obvious example, but service improvement initiatives, systematic communications within and outside of the department, mentoring and training, and developing proactive pre-application processes are further examples. With the very limited capacity available it is not surprising that the service focus has been to keep it running rather than improvement.
- 11.9 The Review Team are of the opinion that there is a compelling case for the Enforcement and Householder Team Leader to revert to solely enforcement work. It is not possible to carry out both aspects of the current position on a 2.5 days a week basis. At the same time there is also the need to supplement the capacity to deal with the managerial functions outlined above. Appointing a second development management team leader would greatly assist in this respect. Whether this is an additional post or upgrading an existing post will depend on resources and the authority's response to other issues outlined in the report. Merely

transferring all development management officers into one team with one team leader would not resolve the problems identified.

11.10 Assuming the authority moves to two development management teams there are a number of options available in allocating roles and responsibilities:

- There are efficiency arguments for splitting development management teams to deal with major and other applications, and there are also arguments for having mixed caseloads. A team specialising in majors will have the experience and expertise to deal with the more complex cases without the pressures of meeting targets on smaller applications, and a team set up to deal with the minor and other applications can concentrate on performance without the unpredictable workload often arising with the larger schemes. On the other hand, having a mix of cases offers greater variety and training opportunities and avoids the perception of one team having seniority over the other. What is best may well vary over time and a 'major' and 'other' split often works best where improving performance is a priority.
- An alternative is to split on an area basis. This is very common and has advantages of officers becoming familiar with their 'patch' and the local issues and community. It will also depend on the balance of the workload between areas, both in terms of numbers and complexity. An area split makes the allocation process much more straightforward, and lines of communication with members, parish councillors and the local communities are readily identifiable.
- The third option is to divide simply on the basis of two equal teams, both dealing with the same range of applications across the authority and allocated on the basis of equalising workload and familiarity with site histories. This is broadly the current situation, although the breakdown of staff and cases is uneven.

11.11 There are pros and cons for all of these options and what is appropriate will depend on local circumstances at the time. Whichever is the favoured structure it should 'do what it says on the can'. This is not the case at present. With the need to improve performance (and reduce the reliance on EoTs) there are efficiency arguments for establishing a Majors Team which really does deal with major applications with the second team concentrating on processing smaller applications. This approach will be dependent on the expected workload mix and will be less effective if the number of major applications is expected to continue to decline. Whatever option is chosen there will be a continuing need for flexibility to deal with variations in the workload including, for example, major appeals.

Management and staffing issues

11.12 The Review Team identified both strengths and weaknesses in the way the teams were managed. The Team Leaders are responsible for allocations, which is appropriate, but because already identified lack of capacity this could result in delays when managers were not available. A back-up system for allocation is needed. Using Team managers time to allocate cases can also be more effective if

a 'triage' system is used as described in para 8.19 This is particularly useful in identifying which cases are likely to be straightforward and can be fast tracked for early decision unless other factors come to light. There were also concerns about signing-off decisions. This function can take 10-15 hours a week or the equivalent of one day for each of the two team leaders, or about 27% of their time available. There is a strong case for a more effective signing-off process. Staff mentioned the lack of a structured approach to staff security for site visits as a management issue. There is a system in place but it is not rigorously enforced. This is both a staff and management responsibility and needs to be addressed.

- 11.13 Monthly Forum meetings provide an opportunity for communicating with all DM officers. These are held regularly, with only occasional cancellations which are inevitable. Performance is discussed but this is only a verbal briefing. Monthly statistics are posted on a notice board but without comparative performance and improvement targets there is little context for their significance. The Forums would be more effective with a published agenda and presentations around current corporate and service priorities.
- 11.14 Within the service there are weekly meetings in the Householder Team. Within the Major Team these have been less frequent, largely because of the recent number of appeals and public inquiries. The meetings tend to focus on current applications. The Major Team have fortnightly One-to-One meetings which review caseloads and progress is checked through weekly printouts. This is good practice but needs to be more focussed and performance managed against agreed targets and objectives. One-to-Ones also need to address training and personal wellbeing. These should be the subject of Personal Development Reviews on 6 monthly cycle which should be a formal (but confidential) record, but One-to-Ones offer the opportunity to discuss matters between the formal meetings. There was a consistent view among staff that PDRs had not been followed through in any consistent way.

Staffing and resources

- 11.15 There is no official indicator of an appropriate caseload for development management staff and the only benchmark widely quoted is the Planning Advisory Service's figure of 150 applications per year which was published at least 15 years ago. This takes no account of the mix of applications, what other duties are expected (pre-applications, appeals prior notifications, appeals, duty planning, etc) and what technology is available, and therefore provides only a very rough guide. More recent unpublished work undertaken by PAS based on benchmarking studies over a number of years suggests a more realistic figure might be 80-90 cases, but this includes both case officers and support staff (but not managers).
- 11.16 The number of applications determined at Hart has averaged 1052 for the last two complete years to June 2019. The number of case officers in DM is currently eight, but all managers and the two conservation officers also carry a caseload, roughly equivalent to one additional case officer. For the two years this therefore works out at the equivalent of 117 applications per officer. If support staff are also included this reduces to approx. 88 cases per officer over that period. This level of workload is well within the range that the Review Team has found in reviews undertaken across the country, and indeed compares favourably with many local authorities. This is a comparative rather than an absolute assessment and does not imply that staffing levels are generous. Staffing levels across planning authorities have been

under pressure in recent years while the expectations on the service have increased. Local factors are also relevant (eg. case officers posting site notices. See Section 8).

- 11.17 If recommendations elsewhere in the report are adopted it would result in both managers and conservation officers not dealing with applications which would increase the caseload per officer. On the basis of the past two years the caseload per case officer would increase to 131 excluding support staff and 92 including them. These figures would still be within an acceptable range and officers would benefit from an improved management regime reducing some of the pressures they currently experience.

Recruitment and retention

- 11.18 Recruiting and retaining planning staff in the public sector is an acknowledged problem nationally. Hart has experienced difficulties in recruiting staff at all levels, although it is encouraging that there are currently no contract planners in DM, which is not the case in many authorities. Salaries are a factor in both recruitment and retention, but many other factors also have an impact. Training opportunities, career progression, variety of work, levels of responsibility can all play a major part professionally, while flexibility of working arrangements, working environment and the quality of the area also have a part to play. As a relatively small district council, Hart is restricted in the levels of salaries it can afford and from the information provided these are comparable with other district authorities the Review Team has benchmarked. Establishing Hart as a 'good place to work' is probably going to be a more effective and practical option in the future than financial incentives.
- 11.19 In discussions with staff, salaries were not often mentioned as a significant factor. Many staff lived locally or were attracted by the location and this was more important to them with the convenience, flexibility and environment it provides. Salaries should not be ignored, but the authority should be working towards a recruitment and retention policy based on a reputation as a 'good' planning authority, local recruitment with opportunities for school leavers, graduates and 'returners', policies for training and progression including mentoring, and more flexible working arrangements, Training is dealt with in more detail in paras 11.24-11.27 below.
- 11.20 Hart is still some way behind in the way it uses IT and working practices. This is explored further in Section 12 of the report. Many other authorities have now implemented remote and home working with the necessary hardware and systems to facilitate it and there is an inevitability that Hart will move in this direction in the future. How quickly will depend on financial and corporate imperatives and the political will of the Council.
- 11.21 **Funding issues** - Planning application fees are now on a downward trend and much will depend on the national economy as to whether this continues. The reduction in Government grant to local authorities is another matter over which the Planning Service has no control. To relieve any future funding pressures the Council may wish to consider a more rigorous approach to charging for pre-application advice and the potential for introducing CIL and making better use of S106 obligations (see Section 8 above)

Business Support Unit (BSU)

- 11.22 As outlined in Section 8 above the validation process is currently undertaken by the Business Support Unit which sits under the Head of Place as a centralised support unit for the whole Place Service. As a result, a degree of disconnect and mistrust between BSU staff and case officers has built up and where mistakes have occurred in validation this has developed further.
- 11.23 This is particularly unnecessary given the locational proximity of the teams and needs to be dealt with through team building and by clarifying the members of the BSU who are actually trained to deal with validation. There is an ambition within the BSU to have four members of staff who are currently able to deal with all elements of the validation process. However, currently only two staff are full trained and three others can do individual elements of the process. The Review Team consider that the full training of four staff to undertake the whole validation process should be prioritised; it is always a much smoother process if one person has been responsible for a case throughout the entire validation process, providing them with a sense of “ownership” for their work. It also ensures that there is a much clearer line of communication at later stages of the process between the case officer and the validator.

Training

- 11.24 Training was a concern throughout the Review. As mentioned previously staff were concerned that PDRs were not followed through and training needs were neglected. Professional planners need to maintain their expertise and experience through a documented Continuing Professional Development programme and this should be based on identified needs. Staff working towards RTPI membership need to demonstrate that they are meeting their training needs. For both qualified and unqualified staff this may involve some external courses, but much can be done internally through mentoring, updates and presentations from officers and service wide essential training. Training needs raised by staff ranged from viability and legislative updates through to Committee presentations, appeals, LP policy and progress and the Uniform and Enterprise IT systems.
- 11.25 Professional and support staff identified service and corporate induction training as a major issue. Lack of systematic training on the systems which officers were expected to use in their daily work is an issue that needs to be addressed as a matter of urgency. This applies to both the Business Support Unit and the professional staff.
- 11.26 The Business Support Unit would also benefit from the preparation of a full procedures manual which should be available electronically to all team members. This should be a “living document” updated as and when individual members of the team encounter new processes. It appears that the BSU have been added information to a centrally held file on an ad hoc basis but this needs to be formalised for the benefit of the whole team.
- 11.27 It is suggested that there will need to be regular updates provided about the local plan and how this will affect both validation and decision-making. Similarly, formal update sessions for all staff should be provided as and when the Government amends the system or introduces new ideas.

SECTION 11 RECOMMENDATIONS

Recommendation 32 - Para 11.9

Re-instate the Enforcement and Householder Team Leader as solely responsible for enforcement

Recommendation 33 - Paras 11.9-11.10

Introduce an additional Team Leader role in development management and review the functions of the two development management teams

Recommendation 34 - Para 11.12

Consider further delegation of signing off applications

Recommendation 35 - Para 11.13

Improve communications within the service through a more formalised approach to Forum meetings, an increased emphasis on performance management and following through on PDR actions

Recommendation 36 - Para 11.17

Review the location and reporting lines for the conservation team

Recommendation 37 - Para 11.20

Establish an officer group to review service training needs and opportunities

Recommendation 38 - Para 11.21

Ensure all new staff are trained on the DM systems immediately they take up their posts

Recommendation 39 - Paras 11.23

Review the current split of functions and processes of validation within the Business Support Unit to deliver a more streamlined “nose to tail” process

Recommendation 40 - Para 11.24

Regularly review training and development requirements and arrange training and other CPD opportunities through the PDR process.

12 Communications and IT

- 12.1 While the Review Team had no evidence of the authority's objectives for planning, they heard informally that members would like the planning service to be recognised as being in the top half of English authorities, while embodying "Hart Values". There were clear concerns expressed during the Review about failures in communication at all levels of the service. One of the phrases used most commonly during discussions was of "planners working in silos", although it was almost impossible to get a clear explanation of what this phrase meant. The incident that was often reported to the review team as an example was a misunderstanding and lack of communication between development management and a consultee from another department which led to significant issues with one of the Council's own major developments.
- 12.2 In the Review Team's experience such errors do occasionally occur and make a clear case for a multi-disciplinary team approach to major applications at an early stage (as outlined in para 8.4 above) even more important. Where the Council is actively involved as developer and/or landowner there is no excuse for not adopting a corporate approach, identifying all issues including planning matters early in the process.

Customer experience

- 12.3 In the time available for the Review it was not possible to examine the level and nature of complaints received over the last couple of years to identify any common causes or areas of concern to be addressed and it is suggested that such a review be undertaken internally at the earliest opportunity.
- 12.4 However, the Review Team heard throughout the Review that customer service did not appear to be a priority. It is suggested that a culture of customer care should be encouraged throughout the department at all levels, using discussions at Forum and team meetings to resolve issues and provide positive encouragement.

Communications

- 12.5 To ensure efficient use of resources, a "one stop shop" approach has been introduced to deal with all telephone calls, emails and personal callers which are not directed to a named case officer. This system means that all contacts are initially triaged by members of the Business Support Unit who can assist if the enquiry requires simple directional assistance about where to find information on the website. The BSU can also respond to queries about the validation process for individual applications and take messages about cases where the case officer is not available. BSU staff members can also forward calls to the Duty Planner for response.
- 12.6 However, it became clear during the Review that the system is not working as well as it should. The Review Team heard of instances where phones are on continuous divert back to the BSU, even though calls can be forwarded to mobiles to allow for home working. This has led to frustration on behalf of both the customer/caller and members of the BSU who are unable to deal adequately with the technical queries being raised and where the Duty Planner is unable or unwilling to assist (see para 12.9-12.10 below for more on this issue).

12.7 It is suggested that in the first instance a “hunt” group should be set up for the case officers, in the same way that one has been set up for the enforcement team. This may ease the pressure on the BSU and may result in peer pressure enforcing a change of behaviour on repeat offenders.

12.8 It is also suggested that the telephone answering statistics are analysed and that Team Leaders should use the information obtained to inform 121 discussions as appropriate.

The role of the Duty Planner

12.9 The Duty Planner system operates on a rotational basis, that currently includes both Team Leaders and the Planning Admin Assistant. The guidance for residents provided on the website states:

“We offer a free duty planner system for householder enquiries and applications. If you would like general advice on alterations to your home, you can contact our duty planner on 01252 774419, by emailing planningadmin@hart.gov.uk or visiting the council during offices hours. This service does not apply to commercial advice or new dwellings.”

12.10 It is quite clear to the Review Team that this wording is meant to discourage applicants and agents from using a Duty Planner to receive free pre-application advice. However, it appears that this has been interpreted to mean that Duty Planners will not assist with general queries of a technical nature, but these are outside the technical expertise of the BSU. This has resulted in members of the public being passed between officers with no one accepting responsibility for dealing with their questions. The review Team heard examples where this has meant that calls have eventually been directed to the Planning Manager to deal with a general inquiry. It is suggested that the current duty planner arrangements are reviewed and re-stated internally to facilitate customer satisfaction.

Information technology

12.11 When the Review took place in November the authority had been about to introduce new Planning Applications software which was under development elsewhere at local authorities in England. Concerns about the level of customisation still required and its proven effectiveness have now led to its introduction being stalled, possibly on a permanent basis.

12.12 In the meantime the staff use the Uniform system to a greater or lesser extent depending on their ability/training level. As mentioned elsewhere in this report there doesn't appear to be any formalised introductory training on Uniform provided to new staff and this has led to very different levels of usage and understanding of the system.

12.13 The Enterprise module is also available for tasks and to assist with performance management, but this is currently only used by the Planning Manager and the Business Support Unit. The enforcement team are keen to use Enterprise to manage their tasks but until training is provided to explain how they can use the system to assist their work and case management it is unavailable to them or to the case officers.

- 12.14 The Uniform system is hosted on IDOX servers which the Review Team heard were not particularly reliable and indeed, during the observation section of the Review the entire Uniform system crashed and left the entire staff without access to the case files. In addition, it appeared there were major issues regarding a lack of available RAM and constant buffering on individual machines when staff were trying to open large documents. The Review Team heard that the system works significantly faster and better from Case Officers' home hardware than it does from the office equipment. It is recommended that, once the future use of Uniform and Enterprise is confirmed, there should be urgent discussions with both the Corporate IT team and with IDOX to ensure that the IT hardware is upgraded to ensure fast and efficient access to the system and that customisation of tasks on the Enterprise module is prioritised to enable use by all team members.
- 12.15 Rather surprisingly there seems to have been no corporate drive to implement formalised remote and home working at Hart and staff have not, in the main, been provided the necessary hardware (laptops, tablets, etc) to facilitate such working. It is considered inevitable that Hart will move in this direction and any investment in corporate hardware (servers, etc) and development of the Uniform/Enterprise software needs to factor in such new working practices when budgeting and procurement takes place.

SECTION 12 RECOMMENDATIONS

Recommendation 41 - Para 12.3

At the earliest opportunity, examine the level and nature of complaints received over the last couple of years to identify any common causes or areas of concern to be addressed

Recommendation 42 - Para 12.4

A culture of customer care should be encouraged throughout the department at all levels, using discussions at Forum and team meetings to resolve issues and provide positive encouragement

Recommendation 43 - Para 12.7

A "hunt" group should be set up for the case officers, in the same way that one has been set up for the enforcement team.

Recommendation 44 - Para 12.8

Obtain and analyse the telephone answering statistics so that Team Leaders can use the information obtained to inform 121 discussions as appropriate.

Recommendation 45 - Para 12.10

Review the current duty planner arrangements and re-state internally to facilitate customer satisfaction.

Recommendation 46 - Para 12.13

Once the future use of Enterprise is confirmed a training programme should be commenced to allow both case officers and the enforcement team to use the programme

Recommendation 47 - Para 12.14

Once the future use of Uniform and Enterprise is confirmed, there should be urgent discussions with both the Corporate IT team and with IDOX to ensure that the IT hardware is upgraded to ensure fast and efficient access to the system and that customisation of tasks and training on the Enterprise module is prioritised to enable use by all team members.

Recommendation 48 - Para 12.15

Any investment in corporate hardware (servers, etc) and development of the Uniform/Enterprise software needs to factor in new working practices when budgeting and procurement takes place.

List of interviews and group meetings undertaken

The following interviews were undertaken by the Review Team:

Cllr David Neighbour, Leader
Cllr Ken Crookes, Chairman, Overview & Scrutiny Committee
Cllr Alan Oliver, Chairman of Planning Committee
Daryl Phillips, Joint Chief Executive
Mark Jaggard, Incoming Director of Place Services
Emma Whittaker, Planning Manager
Daniel Hawes, Planning Policy Manager
Peter Lee, Team Leader, DM
Maxine Lewis, Team Leader, Enforcement
Matt Saunders, Head, Business Support Unit
Rachel Poulter, Planning Administrative Assistant
Fehintola Otudeko, Legal Officer

The Review Team held group meetings with the following:

Parish/Town Council representatives

Cllr Julia Ambler, Crookham Village PC
Cllr David Jackson, Crookham Village PC
Marilyn Robson, Elvetham Heath PC
Cllr Gareth Saunders, Church Crookham PC
Cllr Bob Schofield, Fleet TC

Development Management team

Stephanie Baker
Jo Baxter
Emily Fitzpatrick
Aimee Harris
Miguel Martinez
Robert Moorhouse
Julia Taylor

Business Support Unit

Suzie Beckford
Sharon Embleton
Ellie Fortune
Ash Sundas

Enforcement Team

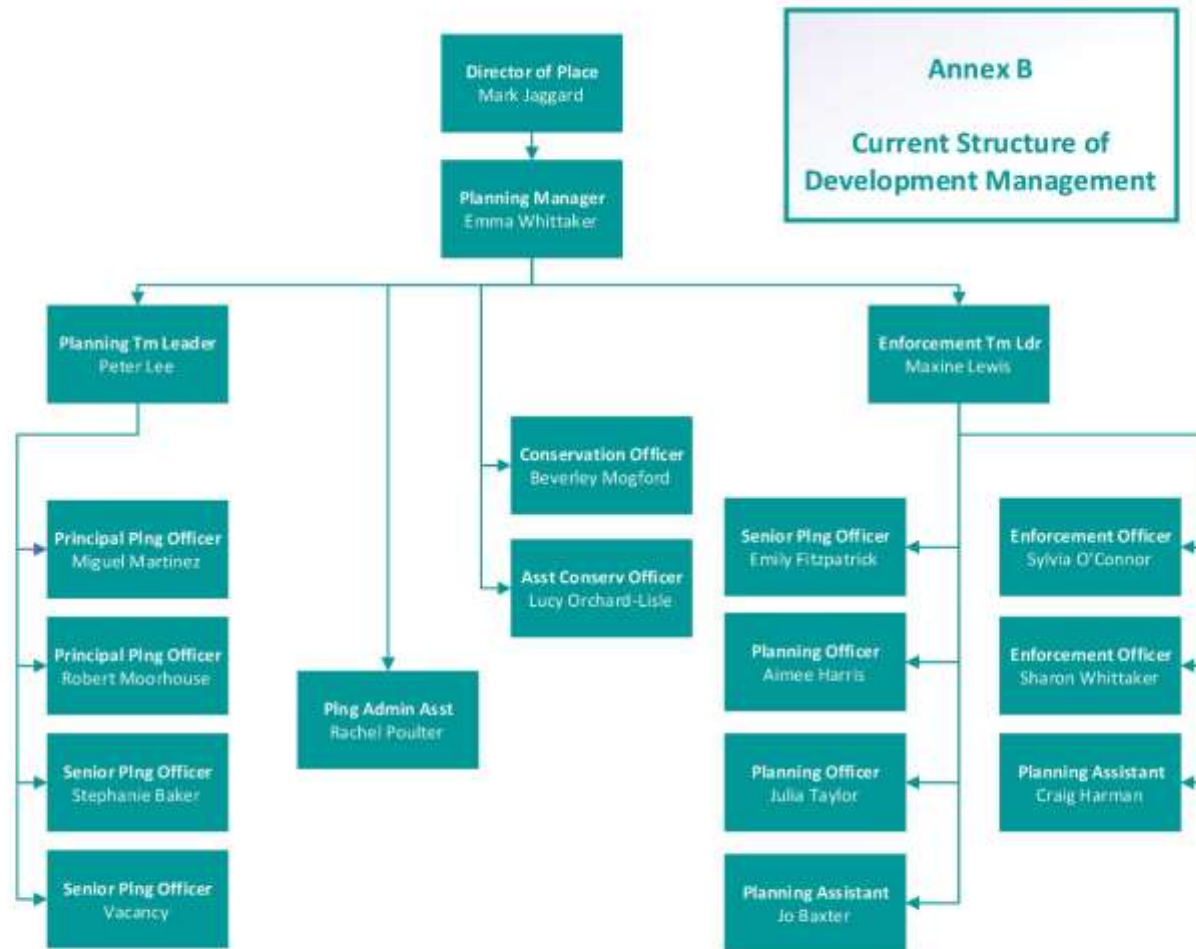
Craig Harman
Sylvia O'Connor
Sharon Whittaker

Conservation and Listed Buildings Officers

Beverley Mogford
Lucy Orchard-Lisle

The Review Team also observed:

- the site visit held on Tuesday 12 November;
- Chairman's Briefing held on Tuesday 12 November
- Planning Committee meeting held on Wednesday 13 November



Example case study from “Planning performance and improvement - the changing landscape”, PAS June 2013

Delivering large scale developments in Croydon

Croydon is a London Borough with sustained and significant levels of projected growth. Mike Kiely, Director of Planning & Building Control, admits that the Borough has, historically, not always handled large-scale developments well. The challenge was to ensure that Croydon could provide an efficient and timely service to its residents, businesses and investors whilst at the same time making it clear that they would only accept good quality development.

Political control within the borough is subject to change and the areas with most potential development are those that are most vulnerable to changes of control. So, to achieve this goal Croydon have made a number of changes to the way it deals with strategic planning issues.

The “virtual team” approach

Mike says that the challenge with major applications is that they need a different approach, but as pieces of work they are a bit like buses; they do not come along evenly. It’s a challenge to maintain and manage the necessary skills and resources, even in a large borough like Croydon. Mike’s solution involves setting up a Strategic Applications Team that acts as a “virtual team”. In practice, any officer in Development Management can deal with a major application but when they do, they report to the Strategic Applications Team Leader rather than their area based team leader.

This means that the approach Croydon takes major applications is maintained and developed effectively.

The design team approach

All large applications are seen as discrete projects with a single lead officer, and a team of planners, urban designers, highway engineers, etc. is formed as required to effectively progress the scheme. Mike describes this as a ‘design team’ rather than the usual development team, because the emphasis is on working with the developer at the earliest possible stage to influence the scheme’s design. This helps the project progress in a logical way and to the satisfaction of all parties. The key inputs of urban design and development management are deployed as required throughout the process. In practice, the balance of inputs changes through the life of the application as the emphasis shifts from strategic planning to development management.



Fig 5: Croydon's "design team" approach

overcome and members welcome the opportunity to be involved at an early stage. A bonus has been that if politicians have not raised issues during the early stages it has proved possible to deal with some of these major applications as delegated decisions.

Involving elected members in the vision

In addition to developer presentations, Croydon's planners also hold a series of workshops over the year to develop the "vision" for 16 key places within the borough. Mike involves junior officers in this work to develop skills within his team, especially among junior members of staff who regularly present items and their own ideas to the Member Liaison Forum (MLF). The MLF is a cross-party group that meets to develop planning policy for the Borough. It is made up of two elected representatives from each quarter of the Borough, together with the Portfolio Holder and the Chair of Planning. The deliberations of this group are not binding but go a long way towards informing the policy decisions taken by Cabinet.

Croydon has now adopted masterplans for five key development areas. These have been developed through Boards that have been set up to include landowners, developers and local authority representatives. Working in this way means that all parties have agreed and taken ownership of the masterplan and are then happy to deliver on that basis. Mike comments that this consensus means the planners can move forward confidently, knowing that they have political "buy in" to schemes, although he warns that it can still take a frustratingly long time to get development going on the ground.

A Strategic Applications Committee

Mike decided that the improvement programme must be whole-heartedly embraced by the politicians, and so a separate Strategic Applications Committee has been set up to run alongside the Planning Committee. The Strategic Applications Committee deals with only two types of item:

- applications requiring a developer presentation
- major applications for determination.

The developer presentations are held in public but there is no public speaking allowed. Mike says that, initially, the tricky thing was getting members to understand that they must not be seen to pre-determine applications. Worries about this were quickly



PLANNING PERFORMANCE AGREEMENTS: GUIDANCE NOTE FOR APPLICANTS JANUARY 2013

1. Introduction

- 1.1 Planning Performance Agreements (PPAs) were formally introduced into the planning system in April 2008 with the aim of improving the quality of planning applications and the decision making process through collaboration. They bring together the Local Planning Authority (LPA), developer and key stakeholders, preferably at an early stage, to work together in partnership throughout the planning process to provide greater certainty and transparency to the development of scheme proposals, the planning application assessment and decision making. This approach accords with Cotswold District Council's own adopted objectives for the delivery of the Development Management Service.
- 1.2 The important role of PPAs, to help guide positive collaborative working, has also been recognised by the National Planning Policy Framework of which paragraph 195 states the following:-

“Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.”

2. What is in a PPA?

- 2.1 A PPA does not have to be a complex legal agreement between the applicant and the Local Planning Authority. Instead it can be a concise document that includes a number of the core components recommended as a minimum by Communities and Local Government (CLG). These include:
 - Objectives of the planning proposal and the PPA;
 - Main issues to be addressed and a tasks plan;
 - Establishment of a Project team and decision making framework;

- Project programme.

An example PPA is provided on the [Council's web-site](#).

3. When to Use a PPA

- 3.1 A PPA can be used for all Major applications and it is strongly advised that it is implemented at the pre-application stage to maximise the benefits and give you the best chance of submitting a formal planning application that addresses all the relevant issues. Examples of Major applications include proposals for 10 or more dwellings or for the erection of buildings with a floor area of 1000sqm or more.

4. The Benefits of a Planning Performance Agreement

- 4.1 Entering into a Planning Performance Agreement does not guarantee that your planning application will be permitted. However, there are a number of significant advantages that you will benefit from. These include the following:

- better overall project management at pre-application, application and post-application stages (eg. when dealing with conditions);
- Early identification of critical issues and improved quality of development;
- improved collaboration between all parties;
- more realistic and stricter timetables being agreed and met as a result of removal from the statutory deadlines; and
- greater accountability and transparency.
- Collaborative flexibility in partnership, if it is agreed that the quality of the decision beyond 13 weeks would be improved.

- 4.2 In conjunction with the Council's [pre-application service](#), we will also provide you with the following help and advice;

- Agreed dates for when the application will be determined together with other key milestones such as the submission of the application and, if applicable, when it will be presented to Planning Committee.
- Nomination of a project lead for both parties who will take responsibility for ensuring the PPA progresses in accordance with the agreed timetable.
- Detailed advice on current national, regional and local planning policy that is relevant to your proposal.
- Advice on how and who to consult within the local community to ensure that the relevant parties are involved in the process thereby enabling early consideration of all the fundamental issues they may raise relating to your proposal.

- A detailed Planning Advice Note setting out the issues, the likelihood of planning permission being granted and what steps you should take to improve the likelihood of permission being granted. This will help address any concerns early on and, if permission is granted, reduce the number of conditions attached to the decision thereby saving time post-decision to enable a quicker start to the development.
- Relevant Council Members will be kept informed of your proposal.
- Input from the Council's Building Control team to ensure your proposal will also comply with the Building Regulations.
- Advice on likely S106 requirements at an early stage in the process so that any legal agreement required can be prepared and completed quickly to reduce delays later in the process.
- Advice on what information the planning application must contain to help ensure that it can be validated quickly.

5. What We Need From You

5.1 To enable you to make the most of the PPA, we also ask that you contribute the following:-

- Provide good quality information and plans, up front, to enable us to provide considered feedback to you.
- Engage in meaningful pre-application discussions/consultations with the local community, allowing enough time for community feedback and for plans and documents to be drawn up/amended that take into account their views.
- Respond positively and in a timely manner to requests for further information.
- Keep the Council informed of progress at all key stages of the project.
- Submit a complete and valid planning application with all the relevant information as agreed with the Council, including a draft S106 where appropriate with solicitor details and evidence of title.

6. Cost

6.1 The Council is able to charge for services provided in the pre-application phase of a PPA, under Section 93 of the Local Government Act 2003. Charges are on a not-for-profit basis and the income from charges for such services must not exceed the cost for providing them. The charging of such a fee enables the Council to provide you with a more responsive and effective service than would normally be possible for Major development proposals.

6.2 The exact fee to be charged for entering into a PPA will therefore be negotiated on an individual basis as it will depend upon the size and complexity of the proposal and the level of expenditure that is likely to be incurred by the Council.

6.3 However, please note that we are currently offering this element of the service for no additional charge when taken up as part of our [pre-application service](#).

7. Interested?

7.1 If you are interested in taking advantage of the many benefits of a PPA you should contact one of our Development Management Team Leaders, Mike Napper or Deborah Smith, by telephone (01285 623000) or e-mail (planning@cotswold.gov.uk) to discuss the following:-

- i) Whether it is appropriate to use a PPA for your proposal;
- ii) Identify the likely make up of the teams from the LPA and the applicant teams and other key parties that should be included;
- iii) Agree to prepare for an inception process to develop the structure and content of the PPA
- iv) Agree a date for the inception meeting and invite relevant parties.

7.2 You should then complete and submit the form provided on the [Council's web-site](#) to enable us to assess how best to deal with your proposal.

E-mails should be clearly marked in the subject field as 'PPA enquiry'



COTSWOLD DISTRICT COUNCIL

PLANNING PERFORMANCE AGREEMENT
SITE LOCATION [...]
DESCRIPTION OF PROPOSED DEVELOPMENT: [...]
DEVELOPERS TEAM: Main Point of Contact: [...]
COUNCIL TEAM Main Point of Contact [...]
This agreement is made the [...] day of [...] between; (1) Cotswold District Council, Trinity Road, Cirencester, GL7 1PX ("CDC") (2) [...] ("Developer")

PROJECT TIMETABLE (PROCESSING OF APPLICATION)

The following is only an example of what might be included – please delete and overtype as appropriate

	Action/ Task	Responsibility	Target Date	
1.	Consultation with Community	Agent	Prior to submission of application	
2.	Submission of Valid Application with completed draft S.106	Agent	[insert date]	
3.	Application validated and Consultations carried out	CDC	Within 1 week of receipt of valid application	
4.	Agent advised of Consultation Responses and initial assessment of proposal and recommended amendments and/or additional information required, if any.	CDC/ Agent	Within 5 weeks (subject to all consultation responses received).	
5.	Submission of any required amended plans/ additional information (go back to 3 if consultation required).	Agent	Within 6 weeks	
6.	Discussion of Draft Committee Report (including conditions if applicable) and identification of any outstanding issues	Agent/CDC	Within 8 weeks	
7.	Committee Meeting	CDC	Within 13 weeks	
8.	Completion of S.106 Agreement (if applicable)	Agent/CDC	Within 2 weeks of Committee	
8.	Decision Notice Issued	CDC	Within 1 week of completion of S.106	

Notes

1. This agreement is entered into on the basis that formal pre-application discussions have already taken place between the Council and the applicant/ agent.

PLANNING COMMITTEE

DATE OF MEETING 14 OCTOBER 2020

TITLE OF REPORT OBJECTION TO ORD/20/00001 “THE LAND NORTH OF WINCHFIELD COURT TREE PRESERVATION ORDER, 2020”

REPORT OF HEAD OF PLACE

1.0 Introduction

1.1 The Committee is asked to consider one email objection which relates to this Tree Preservation Order (TPO). The TPO protects a number of trees within an area of open space adjacent to Pale Lane and to the north of Winchfield Court. The issue of this TPO was considered expedient as there was an immediate threat to trees at this site. It was thought that an older TPO ref: ORD/14/00071 provided protection but no evidence could be found that this TPO had ever been confirmed. As, such that TPO would lack effect.

Refer to Appendix 1 for the TPO plan showing the position of trees, Appendix 2 for the Schedule and Appendix 3 for photographs.

1.2 The objection to this Order were made by:

- Ms D Spencer, stated to be owner of 3 plots at this site.

2.0 Recommendation

That TPO ORD/20/00001 be confirmed with modification as below:

- Remove Yew, T2. To be shown by striking through on Schedule.

3.0 The Trees

3.1 The subject trees comprised of English oak, sycamore and yew. T1 (oak), T2 (yew) and G3 (2 x oak) were growing adjacent to the western boundary by Pale Lane. G1 and G2 (sycamore) form an irregular line growing across the site roughly north-west to south-east. All were mature trees, clearly visible to the public from Pale Lane. All trees had been noted to be in at least reasonable condition and with long life expectancies. This meant that they could provide long term amenity in the area.

3.2 Since making this TPO, the yew, T2 has been unlawfully felled and is the subject of a separate enforcement case ref: 20/00081/TREE1. A Tree Replacement Notice has been served. This Notice was not appealed. Following compliance with this Notice, and, subject to confirmation of this TPO, the TPO could be varied to protect the replacement tree.

4.0 Summary of objections

4.1 Sycamore seeds are poisonous to horses.

Refer to Appendix 4 for a copy of the objection

5.0 Observations

5.1 It is acknowledged that on ingestion, that sycamore seeds and seedlings can cause Atypical Myopathy in horses. This is understood to be a debilitating condition which causes rapid destruction of skeletal muscle, the heart and diaphragm. The British Horse Society (BHS) states that it has a mortality rate of around 70%.

Seeds from sycamore are dispersed by the wind. They can travel considerable distance from the tree. Seed production can be prolific and germination rates high in comparison with other species. As such, sycamore has gained a reputation, particularly amongst gardeners, as a 'weed tree'. The seeds and seedlings contain varying levels of Hypoglycin-A (HGA), the toxin that can cause Atypical Myopathy.

The BHS and the Arboricultural Association prepared a joint policy on the management of sycamore in such circumstances. They advise that horse owners undertake preventative measures as follows:

- Where horses have poor grazing, ensure supplementary forage/feed is provided
- Ensure the pasture is not over-stocked
- Maintain good pasture management to prevent weeds taking over grass growth
- If moving horses is not an option, fence off areas around the sycamore trees
- Removal of sycamore seeds and seedlings from the paddock
- Where possible, consider stabling the horses overnight to prevent over-grazing of pasture.

The Policy states that tests can be made to confirm the concentration of HGA within seeds and seedlings. It is thought that there can be considerable variation in the concentration of HGA therefore felling of trees should not be the first course of action. The Policy may be viewed, here: <https://www.trees.org.uk/Help-Advice/Public/Atypical-Myopathy-Joint-Position-Statement>.

The land in question is an area of open land directly north of the Winchfield Court residences. The area is located in countryside and its use as open space is also controlled by virtue of a S52 Legal Agreement in relation to the redevelopment of the former hospital site when the residential development was undertaken. No planning permission has been sought or obtained for a change of use of the land from open space to land used for the keeping of horses. It would in some circumstances

be possible for horses to use the land for grazing. This might be an agricultural use if the horses were kept elsewhere, however, to date no evidence has been provided that the land has recently been used for grazing horses, nor other livestock. The land has been subject to an ongoing enforcement enquiry and officers confirm that no horses or other livestock have been present on the land.

The trees subject to this TPO were present at the time the land was acquired by the objector. The original tree preservation order (ORD/14/00071) was registered as a Land Charge therefore should have been a consideration for prospective buyers.

In these circumstances whilst the potential conflict between the keeping of horses on land and the presence of the sycamore trees is recognised, the keeping of horses on this land would require planning permission and has not taken place, as such the objection is insubstantial.

6.0 Conclusion

6.1 By the trees within the Order affording public amenity, the Council considers that it should be protected indefinitely by means of a Tree Preservation Order.

6.2 The Order has been properly made in the interest of securing the contribution that the trees makes to public amenity value in the area. The trees in question are an important element in the local landscape and contribute to the local environment. Given the above, the objection is not considered to outweigh the amenity value that the trees provide. It is therefore expedient and in the interests of amenity to make provision for the preservation of these trees. As a result, the tree preservation order should be confirmed.

Appendix 1 – TPO Plan



Appendix 2: Schedule

SCHEDULE SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Map	Description	Situation
T1	English Oak	Located near northern corner of site, adjacent to Pale Lane
T2	English Yew	Located on western boundary of site, adjacent to Pale Lane

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on Map	Description	Situation
NONE		

Groups of trees
(within a broken black line on the map)

Reference on Map	Description	Situation
G1	2 x Sycamores	Two sycamores, located as per plan
G2	3 x Sycamores	Three sycamores, located as per plan
G3	2 x English Oaks	Two oaks, located on western boundary, adjacent to Pale Lane

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

Appendix 3: Photograph



G1 and G2 (sycamores) as viewed from Pale Lane (April 2020)

Appendix 4: Copy of the objection

TPO objection

denise spencer [REDACTED]

Thu 28/05/2020 19:26

To: Adam Maskill <adam.maskill@hart.gov.uk>

Dear Adam,

Thank you for your email.

I do strongly object to the TPOs that have recently been put on these 5 Sycamores trees. We brought 3 parcels of land on the North side of Winchfield Court, Pall Lane because there were no TPOs on the trees, this made it very attractive to us because we were hoping to have horses sometime in the near future.

I'm sure you know that Sycamore seeds are poisonous to horses causing muscle damage that makes it hard for them to stand and breathe. And around 50 seedlings will kill a horse.

The other thing I wanted to object to, was the underhanded way that Kevin Wale came into our land saying that the 5 trees in question already had TPOs on them. I did ask him for proof of this but he couldn't provide any, only telling us that it would be an offence to take them down or prune them.

I was very confused at this and went onto your website to try and find the TPOs that he said was on them, but I couldn't find any. Can you please supply me with a copy of the TPOs on these trees that is dated before 22nd April 2020 when Kevin put a provisional order on them.

We feel we have been treated very poorly with the underhanded way Kevin Wale has gone about this matter.

With the above in mind we are asking you to please reconsider putting TPOs on the 5 sycamore trees in question.

Regards
D Spencer



HEAD OF PLACE SERVICES
REPORT TO THE PLANNING COMMITTEE OF
14th October 2020

1. INTRODUCTION

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination

2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

3. THE DEBATE AT THE MEETING

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

4. SITE VISITS

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The development plan is the starting point for decision making. Proposals that accord with the development plan will be approved without delay. Development that conflicts with the development plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- A completely new design would be needed to overcome objections; or
- Clear pre-application advice has been given, but the applicant has not followed that advice; or
- No pre-application advice has been sought.

6. PLANNING POLICY

The relevant development plans are, The Hart Local Plan (Strategy and Sites) 2032, the Saved policies Hart District Council Local Plan Replacement and First Alterations 1996 – 2006, Policy NRM6 South East Plan, Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013, Dogmersfield Neighbourhood Plan, Odiham and North Warnborough Neighbourhood Plan, Rotherwick Neighbourhood Plan, Winchfield Neighbourhood Plan, Fleet Neighbourhood Plan, Hartley Wintney Neighbourhood Plan.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again these comments, where applicable, are a material consideration which need to be given due weight.

8. OTHER MATERIAL CONSIDERATIONS

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

- loss of property value
- land and boundary disputes
- the impact of construction work
- need for development (save in certain defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may
- loss of view
- matters covered by leases or covenants
- property maintenance issues
- the identity or personal characteristics of the applicant
- moral objections to development like public houses or betting shops
- competition between firms,

conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

9. PLANNING CONDITIONS AND OBLIGATIONS

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. 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.”

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

10. PLANNING APPEALS

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal
- Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable

- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

11. PROPRIETY

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

12. PRIVATE INTERESTS

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/ protection of private property are therefore not material planning consideration.

13. OTHER LEGISLATION

Non-planning legislation may place statutory requirements on planning authorities, or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,
- The Equality Act 2010.

14. PUBLIC SPEAKING

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

15. LATE REPRESENTATIONS

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

16. INSPECTION OF DRAWINGS

All drawings are available for inspection on the internet at www.hart.gov.uk

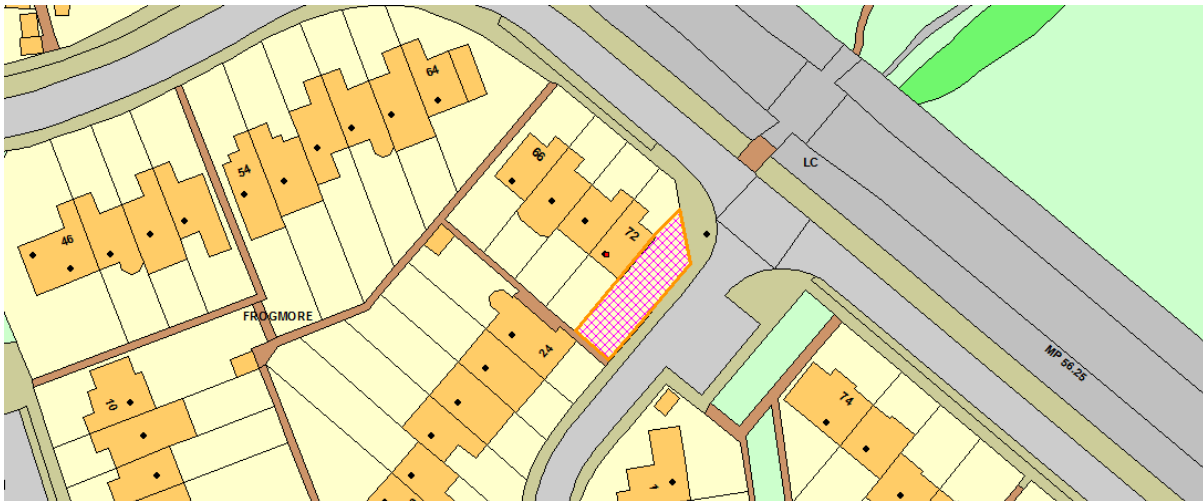
72 Christchurch Drive Blackwater Camberley GU17 0HH

Erection of a two storey side extension to form separate dwelling within curtilage. Proposed dropped kerb

COMMITTEE REPORT

ITEM NUMBER: 101

APPLICATION NO.	20/01602/FUL
LOCATION	72 Christchurch Drive Blackwater Camberley GU17 0HH
PROPOSAL	Erection of a two storey side extension to form separate dwelling within curtilage. Proposed dropped kerb
APPLICANT	Mr Christopher Hammersley
CONSULTATIONS EXPIRY	15 September 2020
APPLICATION EXPIRY	23 September 2020
WARD	Blackwater And Hawley
RECOMMENDATION	Refuse



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BACKGROUND

This application is brought before the Planning Committee in accordance with Part 1e of the Council's Scheme of Delegation for Planning Applications as the applicant's agent is a District Councillor.

THE SITE

The application site consists of part of the rear/side garden serving 72 Christchurch Drive, Blackwater. The site is partly enclosed by a brick wall to the rear and timber fence to the side and front. It contains a number of garden structures. 72 Christchurch Drive (including the subject site) occupies a corner plot at the junction of Christchurch Drive and Binsted Drive. The site also includes a section of pavement on Binsted Drive.

72 Christchurch Drive is a semi-detached residential property with an integrated single garage and driveway fronting Christchurch Drive. It is of brick and tile construction and typical of properties in the locality. A pedestrian access runs to the rear of the property and its neighbours, accessed from Binsted Drive.

The site is within a residential area. To the south across Binsted Drive is a small parking area and to the north east, across Christchurch Drive, is a railway line and 'Shepherd Meadows' open space around the Blackwater River. The site lies approximately 750m from Blackwater Station and Blackwater Town Centre.

PROPOSAL

Full planning permission is sought for an extension to 72 Christchurch Drive to form a new three-bedroom semi-detached residential dwelling. The proposed new dwelling would be on the left-hand side of 72 Christchurch Drive (as viewed from Christchurch Drive), with its flank elevation to Binsted Drive. The dwelling would measure 8.8m in depth and 5.5m in width, with an eave's height of 5.2m and ridge height of 8m. The heights and depth would match that of the adjacent property.

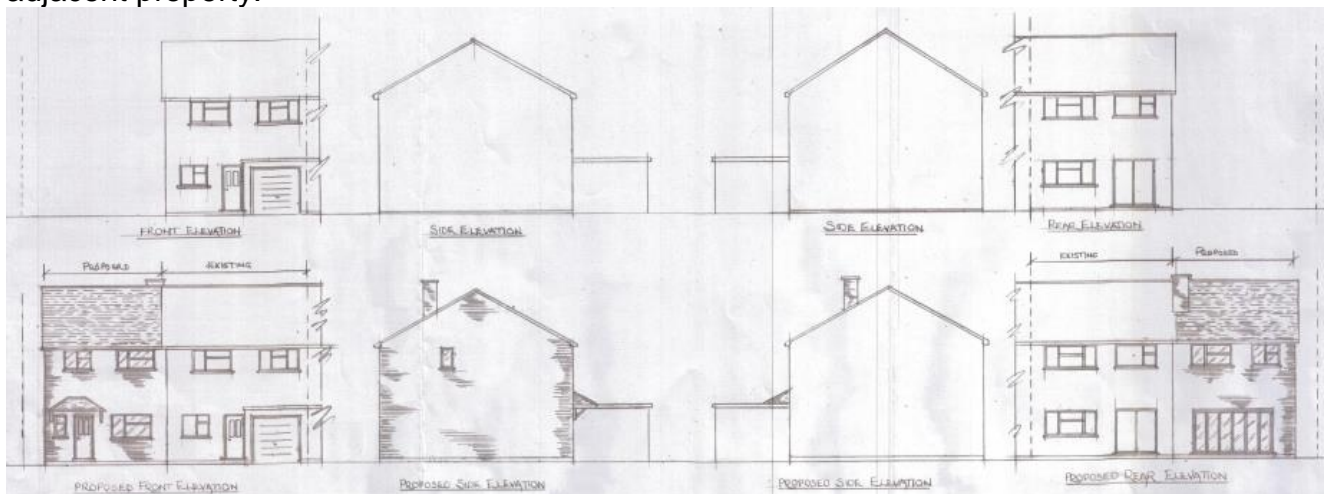
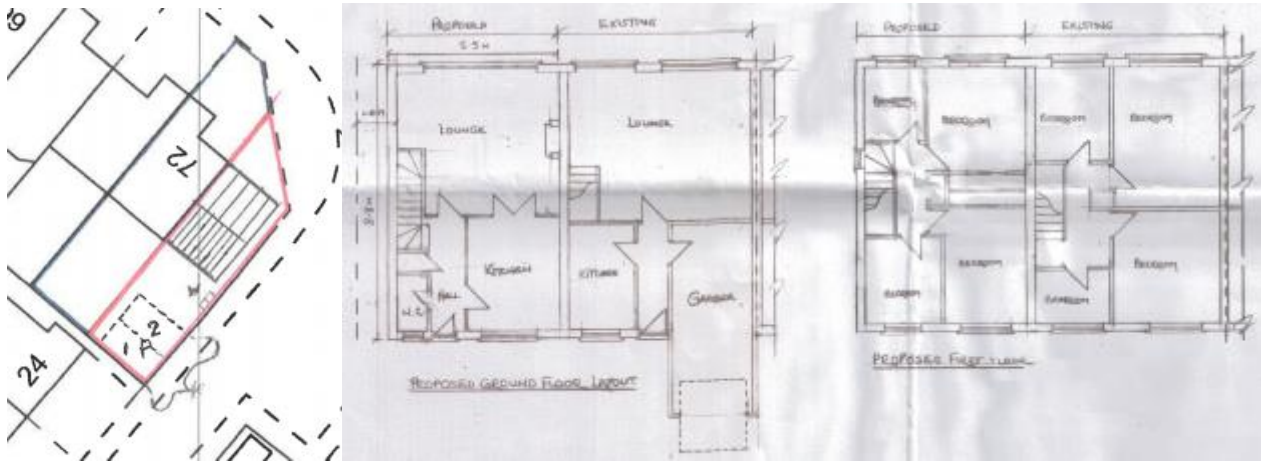


Figure 1: Existing and Proposed Elevations

Materials would match those of neighbouring properties, consisting of facing bricks and interlocking grey roof tiles. The proposal would include the front door and four windows to the front of the property facing Christchurch Drive and a French window at ground floor and two bedroom windows at first floor to the rear. There would be a single first floor landing window on the flank elevation to Binsted Drive.

The proposed dwelling would be served by a rear garden enclosed by a treated feather board fence and the existing rear wall. Two parking spaces are proposed to the rear of the property, accessed from Binsted Drive and an area for two wheeled bins would be provided. The application site incorporates a section of Binsted Drive adjacent to the proposed parking spaces where a dropped kerb is proposed to facilitate vehicular access.



Figures 2: Proposed Site Plan and 3: Proposed Floor Plans

The proposed development would have the effect of making the existing dwelling at 72 Christchurch Drive a terrace property and reducing the garden area to it. The single garage and drive to 72 Christchurch Drive would be retained.

SUMMARY OF CONSULTATION RESPONSES

Consultee Comments

Yateley Town Council

No objection.

Local Highway Authority

No objection. Conditions requiring the proposed parking to be provided and retained and for the vehicle crossover to be provided recommended. The requirement for a separate agreement from the Local Highway Authority for the vehicle crossover is also noted.

Joint Client Waste Team

No objection. Containers must be left adjacent to the nearest adopted highway for collection on the specified waste collection day.

Neighbour Comments

One neighbour comment has been received. This neither supports nor objects but requests the construction hours and practices are controlled.

Hampshire Swifts

Recommend the use of 'swift bricks' in the development.

PLANNING HISTORY

There is limited recent planning history relevant to this proposal. The available planning history indicates that the existing property benefits from a late 1960's permission.

Application 18/01992/FUL for the same form of development now proposed was withdrawn on 03.01.2019.

PLANNING POLICY AND GUIDANCE

The development plan for the site and relevant development plan policies are as follows:

Saved Policies from the South East Plan:

- NRM6 Thames Basin Heaths Special Protection Area

Hart Local Plan (Strategy and Sites) 2032 (HLP32):

- SD1 Sustainable Development
- SS1 Spatial Strategy and Distribution of Growth
- H6 Internal Space Standards for New Homes
- NBE3 Thames Basin Heaths Special Protection Area
- NBE9 Design
- NBE11 Pollution
- INF3 Transport

Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (HLP06):

- GEN1 General Policy for Development

The following guidance has also informed the LPAs assessment:

- National Planning Policy Framework (NPPF, 2019)
- Planning Practice Guidance (PPG)
- Hart District Council Parking Provision Interim Guidance (PPIG, 2008)

The HLP32 identifies the site to fall within the Blackwater and Hawley Settlement Boundary. The site is not within a conservation area and there are no protected trees on site.

The site is within the Thames Basin Heaths Special Protection Area 5km Zone of Influence.

Shepard Meadows to the north east forms part of the Blackwater Valley Site of Special Scientific Interest and a Riverine Environment.

PLANNING ASSESSMENT

The main planning consideration for the application assessed in this report are:

- Principle of development
- Design
- Residential amenity
- Highway safety and parking
- Impact on the Thames Basin Heaths Special Protection Area
- Planning balance

Principle of Development

The application site is with the Blackwater & Hawley Settlement Boundary and approximately

750m from Blackwater Town Centre and Station. The overriding character of the area is residential.

HLP32 Policy SS1 seeks to direct and focus growth within settlements. Section 5 of the NPPF references the Government's objective of significantly boosting the supply of homes.

The principle of an additional dwelling on this site is therefore acceptable.

Design

The design and character of the proposed dwelling would be sympathetic to the neighbouring properties (and 72 Christchurch Drive in particular) and the street scene, by virtue of the matching eave and ridge heights, its depth and facing materials. The general positioning and horizontal rhythms of the proposed fenestration would also reflect the neighbouring dwellings in the street scene.

Whilst the width of the proposed dwelling would be narrower than its immediate neighbours (5.5m compared with approximately 6.3m), this is not uncommon in the surrounding area and would not be out of character.

The proposal would extend the built form closer to Binsted Drive. However, the wider corner pavement is retained and such a relationship is not uncommon in the locality, for example, at the nearby junction of Christchurch Drive and Fyfield Close. The siting of the proposed dwelling is therefore acceptable in this instance.

The inclusion of a parking area to the rear of the proposed dwelling would reduce its usable rear garden. However, an area of approximately 30sqm would be provided and this is sufficient to serve the proposed dwelling.

The floorspace of the proposed dwelling would measure 96.8sqm, above the 93sqm requirement for a three-bedroom, five person, two storey dwelling in the Government's Technical housing standards - nationally described space standard.

The proposal would be in keeping with the character of the area by reflecting and incorporating design features of its surroundings.

For the above reasons, the application meets the requirements of HLP32 Policies H6 and NBE9, HLP06 Saved Policy GEN1(i) and the objectives of Section 12: Achieving well-designed places of the NPPF.

Residential Amenity

There would be a separation of approximately 20m and 24m between the proposed dwelling and the nearest properties to the south (1 Binsted Drive) and south east (74 Christchurch Drive) respectively and these would be 'flank to flank' relationships. The siting of the proposed dwelling and first floor flank window should not therefore result in any material loss of amenity to these neighbours.

The proposed dwelling will effectively extend the existing terrace at 66-72 Christchurch Drive by a further dwelling. Due to the consistency of the proposed building line and fenestration positioning and size, the proposed dwelling would replicate these existing relationships that are common to this urban environment. It would not therefore result in the any material loss of

amenity to these neighbours.

The rear façade of the proposed dwelling would be located approximately 11m from the corner of 24 Binsted Drive, which is positioned at a perpendicular angle. There would be no direct window to window relationships between these properties. Two parking spaces are proposed at the rear of the subject property at its nearest point to 24 Binsted Drive, adjacent to the existing driveway serving 24 Binsted Drive. Whilst there would be some overlooking of the rear external area serving the proposed new dwelling from the front of 24 Binsted Drive, this would predominantly be over the parking area and would not lead to a material loss of amenity.

There is potential for temporary adverse impacts on neighbours during the construction period. Such impacts could be adequately addressed through planning conditions requiring a construction management plan and restricting construction hours.

The siting and design of the proposed dwelling would be such that there would be no material loss of amenity to adjoining neighbours and conditions can be imposed to minimise any temporary construction impacts. Subject to these, the proposal meets the requirements of HLP32 Policy NBE11, HLP06 Saved Policy GEN1(iii) and the NPPF (para. 127f).

Highway Safety and Parking

The proposal would not result in traffic generation which would have an impact upon the wider highway network and the Local Highway Authority (Hampshire County Council) has no objection to the development subject to conditions relating the provision and retention of parking and provision of the vehicle crossover.

The PPIG identifies the site as located in Zone 2 where 3.25 spaces are sought for three-bedroom dwellings. Three spaces would be retained for the existing three-bedroom dwelling at 72 Christchurch Drive but only two would be provided for the proposed dwelling, which would also have three bedrooms. The proposed parking would be within 15m of the property entrance and the spaces would measure 2.4m x 4.8m, as sought in the PPIG.

There would therefore be a shortfall of parking against the Council's prevailing standards. However, the site is in a relatively sustainable urban location. There are bus stops approximately 200m from the site on Rosemary Lane (bus route to Blackwater Town Centre) and convenience retail provision catering for day to day needs approximately 500m from the site at Bell Lane. The site is approximately 750m from Blackwater Town Centre and Station. There is also a parking area on Binsted Road adjacent to the site and on-street parking in the locality which should not be relied upon but would provide opportunities for visitor parking.

Given the above site circumstances, the shortfall against the Council's vehicular parking standards is acceptable in this instance. This is subject to a planning condition requiring the proposed parking to be provided prior to occupation of the development and retained thereafter.

No dedicated cycle parking is identified but there would be space for cycle storage within external areas. Details of cycle parking for the single dwelling proposed could be secured by condition in this instance. This should provide for two spaces in accordance with the PPIG.

No objection has been received from the Joint Waste Client Team in relation to proposed refuse storage and collection.

Whilst there is some divergence from the interim Adopted Parking Guidance in terms of number of spaces, and this is a material planning consideration, this is considered acceptable in this

instance for the reasons set out above.

Subject to the planning conditions identified above, the proposal development meets the requirements of HLP32 Policies NBE9 and INF3, HLP06 Policy GEN1 and the NPPF (Section 9) in relation to highway safety and parking.

Impact on the Thames Basin Heaths Special Protection Area

The Thames Basin Heaths Special Protection Area (TBHSPA) is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species. The area is designated as a result of the Birds Directive and the European Habitats Directive and protected in the UK under the provisions set out in the Habitats Regulations.

South East Plan Policy NRM6 and HLP32 Policy NBE3 require adequate measures to avoid or mitigate any potential adverse effects on the SPA.

The Habitats Regulations 2017 requires Local Planning Authorities (as the Competent Authority) to consider the potential impact that a development may have on a European Protected Site. In this case the TBHSPA.

Previously, the approach taken was to consider the development proposals along with any mitigation or avoidance measures when undertaking the Screening Opinion as to whether an Appropriate Assessment (AA) is required. This followed the approach applied by the English Courts in the Dilley Lane decision. However, in the European Court ruling (People Over Wind & Sweetman), the circumstances when mitigation measures can be considered when carrying out screening to establish if an AA is required has changed. It is now clear that where the mitigation or avoidance are not an integral part of the development and have only been provided as a form of mitigation or avoidance then these should not be taken into account during the screening process.

There is much evidence and continued monitoring around the provision of SANGs and the suitability/success of these in relation to the protection of the TBHSPA. Following the Sweetman judgement, Natural England has not advised that it considers that the evidence base behind the mitigation and avoidance strategy (SANG and SAMM) is not sufficiently robust so that it meets the requirements of an Appropriate Assessment. In this instance, the applicant has neither secured access to any SANG (Council or privately owned), proposed any SANG development as part of the scheme nor sought to provide any other mitigation. Given the lack of SANG in the proposal and the fact the applicant has not secured any SANG from either the Council or a third party, the Council is unable to conclude that the proposal would not have a significant effect on the SPA. The second element of mitigation required is a financial contribution towards the Strategic Access Management and Monitoring Project (SAMM) and while this could be secured by way of a legal agreement no such agreement has been completed.

The applicant's agent was advised during the application's consideration of the requirements in relation to the impacts on the TBHSPA.

The applicant has not demonstrated or provided information and/or evidence to enable the Council to undertake an AA that would demonstrate that without the SANG mitigation and a contribution towards SAMM the proposal would not have a significant effect on the SPA. There is no evidence of grounds of overriding public interest and the application fails the test of 'no alternative solutions' (Regulation 64).

In the absence of any appropriate mitigation, it is concluded that the scheme would fail to meet the requirements of the Habitats Regulations and that this development would, either on its own

or in combination with other plans or projects, have a detrimental impact on the nature conservation status of the TBHSPA. Consequently, the application is unacceptable and contrary to South East Plan Saved Policy NRM6 and HLP32 Policy NBE3 in this regard and should be refused on this ground alone.

Other Matters

In response to the neighbour comment received, planning conditions requiring a construction management plan and restricting construction hours are recommended to reduce impacts at the construction stage in the event that the application was recommended for approval.

The nature and scale of the proposal is such that there are no anticipated impacts on the nearby SSSI or Riverine Environment. A short Bat Assessment has been submitted by the applicant. The applicant has also stated that the proposed new dwelling can be constructed without 'breaking into' the roof of the existing property at 72 Christchurch Drive. No objection has been received from the Council's Biodiversity Officer who commented on the previous application at the site and confirmed that there is no record of protected species.

The comments from Hampshire Swifts are noted. In this instance, the provision of swift bricks is supported in general terms but are not necessary to make the development acceptable in planning terms. An informative recommending their use is therefore recommended in the event that the application was recommended for approval.

The application site is in Flood Zone 1 (the lowest flood risk area) and no flood risk concerns have been identified.

PLANNING BALANCE

The provision of an additional dwelling would make a very modest contribution to the Council's housing land supply and this would support the NPPF objective of significantly boosting the supply of homes (para. 59). This is a planning and public benefit that is given very limited weight at this time. This is because the Council can demonstrate a very robust 10.4-year housing land supply (HDC Five Year Housing Land Supply Position Statement, April 2020) and a 241% housing delivery rate (Government Housing Delivery Test: 2019 measurement, published 13.02.2020). The associated economic benefits at construction and occupation stages would also be minimal.

Notwithstanding the benefits identified above, the proposed development is in clear conflict with the development plan due to the likely significant effect on the ecological integrity of the THBSPA.

There are no material considerations of sufficient weight to indicate a departure from the development plan should be taken in this instance.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 38(6) and NPPF paras. 2 and 47).

The application has been assessed against the development plan and relevant material

considerations. Whilst the provision of one additional dwelling would make a very modest contribution to the Council's housing land supply, the application is in clear conflict with the development plan due to the likely significant effect on the ecological integrity of the THBSPA. For this reason, the application is recommended for refusal.

RECOMMENDATION:

REFUSE planning permission for the following reason:

- 1 The site is located within 5km of the Heath Brow and Bourley and Long Valley Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (TBHSPA). In the absence of any evidence that the test of no alternatives under Regulation 62 of The Conservation of Habitats and Species Regulations 2017 can be satisfied, or evidence that there are grounds of overriding public interest, the proposed development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the TBHSPA. As such, the proposed development is contrary to Saved Policy NRM6 of the South East Plan and Policy NBE3 of the Hart Local Plan (Strategy and Sites) 2032.

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance:

The applicant was advised of the necessary information needed to process the application. The applicant was advised of the issues relating to Thames Basins Heaths Special Protection Areas during the processing of the application but declined to address these concerns. Consequently the proposal is unacceptable for the reasons given above.