

DEVELOPMENT COMMITTEE

**Minutes of the meeting of the Development Committee held on Thursday, 25 July 2024
in the Council Chamber - Council Offices at 9.30 am**

Committee Members Present:

Cllr P Heinrich (Chairman)	Cllr A Brown
Cllr A Fitch-Tillett	Cllr M Hankins
Cllr V Holliday	Cllr G Mancini-Boyle
Cllr P Neatherway	Cllr J Toye
Cllr K Toye	Cllr A Varley
Cllr L Vickers	

Substitute Members Present:

Cllr C Ringer

Officers in Attendance:

Assistant Director - Planning (ADP)
Development Manager (DM)
Principal Lawyer (PL)
Senior Planning Officer - JB (SPO-JB)
Senior Planning Officer - JS (SPO-JS)
Senior Planning Officer - RS (SPO-RS)
Development Management Team Leader (DMTL)
Democratic Services Officer -Regulatory (DSO)

27 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr R Macdonald and Cllr P Fisher.

28 SUBSTITUTES

Cllr C Ringer was present as a substitute for Cllr M Batey.

29 MINUTES

The minutes of the Development Committee meetings held Thursday 9th May, Thursday 16th May, Thursday 30th May and Thursday 13th June were approved as a correct record en-bloc.

30 ITEMS OF URGENT BUSINESS

The ADP advised the Committee that correspondence had been received from the Planning Inspector in regard to the emerging Local Plan earlier in the week. Communication had been delayed as a consequence of the general election and campaign period. The Inspector's letter was due to be published on the Council's website imminently. The ADP confirmed that the letter was broadly positive, and that the Inspector considered the Council has fulfilled its duty to co-operate, however there were key aspects of the Plan which the Inspector concluded needed to be addressed including updating evidence and policy relating to Gypsy and Traveller accommodation and increasing the overall housing provision (which would lead to

additional consultation in due course).

It was anticipated the new plan would not be adopted in 2024 but hopefully may be adopted by the end of the current financial year.

The ADP advised that the Inspectors letter had no baring the applications due to be determined at the meeting.

31 DECLARATIONS OF INTEREST

- a. The Chairman noted that Committee Members had received lobbying from the applicants with respect of PF/22/1068 and PO/23/2643.
- b. Cllr V Holliday advised she would abstain from voting on item 10, planning application PF/24/0747.
- c. Cllr G Mancini-Boyle confirmed he had a non-pecuniary interest in agenda item 11, and stated that he had met with the applicant historically (prior to the applicant becoming an elected Member) but offered that he offered no advice to the applicant.
- d. Cllr J Toye advised he was contacted by the agent as the Local Member for application PF/22/1068 following publication of the agenda, but that he issued no advice or opinion which the applicant was accepting of.
- e. Cllr C Ringer advised, with respect of application PO/23/2643, that the applicant was a parish councillor for one of the villages he represents, and that he had previously expressed some support for the application. Therefore, he confirmed he would speak as Local Member only and abstain from speaking further or voting on the application.

32 BANNINGHAM - PF/22/1068 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF SINGLE STOREY DETACHED DWELLING AT AMBROSE HOUSE, MILL ROAD, BANNINGHAM NR11 7DT

Officer's report

The SPO-JB introduced the Officer's report and recommendation for refusal. He spoke to the late submission received from the agent in support of the scheme, circulated to members following publication of the agenda, and responded the points raised in the letter. With respect of the lawful use of land, the SPO-JB referred to the Officer's report and acknowledged the applicant reserved the right to appeal the certificate of lawfulness rejection, should they so wish to challenge this interpretation.

Secondly, with regards consideration of the self-build component of the application, the Case Officer affirmed that Officers had put weight on the applicant being listed on the self-build register, however this did not negate the need to ensure sustainable development.

The SPO-JB recognised it was for the Committee to consider the planning balance and to determine how much weight to ascribe to the various material planning

considerations. With reference to points raised about Nutrient Neutrality, the Case Officer advised that whilst it was intermated what the applicant may wish to do in future, at present no submitted strategy had been received. Further the certificate of lawfulness decision does carry significant weight in determining this application as a new build dwelling, requiring new flows.

Finally, with regards to Highways representations and the need for consistency, the SPO-JB reflected that the Officer's report had considered the similarities between this, and another local application approved, and advised that the application referred to was approved by Committee as it was believed that Highways improvements could be secured. Subsequently, it had been established that the Highways improvements in question were not viable. The SPO-JB relayed that each application must be considered on its merits.

The Case Officer outlined the site's location and relationship with neighbouring dwellings, existing and proposed site plans, existing and proposed elevations, and images were offered in and around the site.

The SPO-JB spoke to issues identified in the Officer's report regarding the ability of Mill Road to sustain additional traffic demand, specifically the width of the road and lack of passing place provision. It was noted that Highways Authority were particularly concerned about the junction of Mill Road and the B145. The SPO-JB advised this was the junction which the nearby former application (earlier referenced) had sought to secure improvements too but had been unsuccessful.

The Case Officer confirmed that the recommendation for refusal was broadly focused on the following considerations: unsustainable location, unacceptable impact on highways safety, lack of evidence to demonstrate that the proposal would be nutrient neutral, a failure to demonstrate that there would not be and unacceptable impact on protected species, and a failure to demonstrate that there would not be an unacceptable impact on trees.

Public Speakers

Richard Anderson – Bannigham Parish Council
Mark Turner (agent) – Supporting

Local Member

The Local Member – Cllr J Toye – noted the key considerations for the application including completeness, including information lacking on Nutrient Neutrality mitigation, and a failure to demonstrate that there would not be an unacceptable impact on trees and protected species.

He noted that the classification of the site was an issue with the applicant, but that the applicant reserved the right to appeal the prior decision regarding lawful use of the land should they so wish.

With respect of Highways concerns, Cllr J Toye stated that County Cllr, Saul Penfold, had some 18 months prior received agreement that the speed limit for the junction would be reduction to 30mph, and commented that this highway improvement would go some way to alleviate issues.

The Local Member considered the site to be amenity land used by neighbours who backed onto the land, and reflected that, whilst not part of the application in

question, the land was large enough to sustain additional dwellings, opening up the potential for further development and impact on residents.

Member's debate

- a. The DM advised that whilst the applicant was on the self-build register, this was a demand led requirement with the demand set out in part one of the register. Simply because a dwelling was self-build did negate policy constraints. Matters of principle and unsustainability raised were significant issues which Officers concluded outweighed the merits of a self-build dwelling. Further, as the application failed to address Nutrient Neutrality, the DM affirmed this should prevent the granting of planning permission in any instance.
- b. Cllr L Vickers sought clarification to the point raised by the supporting speaker that the applicant may have been misled by the estate agent.
- c. The DM advised he was unable to offer advice as to whether someone had been misled and stated this would be a civil matter between parties. He commented that the Committee should be mindful that the certificate of lawfulness application for use of the land as a dwelling, had been refused, though the applicant reserved the right to appeal the decision. Should the applicant be successful in receiving the certificate of lawfulness this would change the assessment of the scheme. As lawful use had not been established, the application was considered to be for a new build dwelling in the countryside.
- d. The agent sought to respond to the discussion, the Chairman denied his request make an additional representation.
- e. Cllr A Brown stated that due to the lack of a certificate of lawfulness for a dwelling on the land, in addition to the lack of a scheme for Nutrient Neutrality, he did not consider this to be a complete application, irrespective of Highways concerns why may or may not have been alleviated since 2022. Cllr A Brown concluded that the application was not policy compliant, and there were little to no material benefits would outweigh the harm that would arise as a consequence of the application. Cllr A Brown proposed acceptance of the Officer's recommendation for refusal.
- f. Cllr A Fitch-Tillett expressed her support with the Officer's recommendation, and seconded the motion for refusal.
- g. Cllr P Neatherway agreed that information was lacking to support the application, and stated he too was minded to refuse.
- h. Cllr M Hankins noted the application was intended to be self-build, and asked if there was a prescribed requirement for a certain volume of self-build dwellings.
- i. The DM advised this was a demand-based register, and not akin to the 5-year housing land supply targets.

RESOLVED by 11 votes for and 1 abstention.

That Planning Application PF/22/1068 be REFUSED in accordance with the Officer's recommendation.

33 WEST BECKHAM - PO/23/2643 - ERECTION OF DWELLING AND CAR PORT WITH ANCILLARY WORKS (ALL MATTERS RESERVED EXCEPT FOR ACCESS) LAND EAST OF WILLIAMS BARN, CHURCH ROAD, WEST BECKHAM, NORFOLK

Officer's report

The DMTL introduced the Officer's report and recommendation for refusal. He confirmed the site's location and anticipated relationship with the host dwelling, as well as proposed floor plans, noting that the plans were only indicative at this stage. Images were also shown in and around the site and access way.

The application proposed a 10% biodiversity net gain (above the prescribed minimum requirement), including extensive tree planting.

In term of principle of development, the DMTL confirmed that the application as proposed was contrary to policies SS1, SS2, SS4 and SS6 of the adopted North Norfolk Core Strategy, and the relevant paragraphs of the NPPF as stated in the Officer's report. He noted that the Council's lack of 5-year housing land supply was a material consideration, and that the presumption in favour of sustainable development must be given due regard. The site's location within the designated countryside meant it was not considered to be a sustainable location in both the existing and emerging local plan, with residents' day to day needs and requirements likely needing to be met outside the settlement, further there were limited alternate transport modes available. In addition, the proposed self-build nature of the dwelling had not been supported through a unilateral undertaking, nor did it negate the application of the strategic development plan policies.

The DMTL issued a correction to the Officer's report with respect of Highways matters and confirmed that the carport would serve the existing barn and not the proposed dwelling, which would be served by its own parking. Concerns about the lack of parking for the existing barn were no longer supported. Irrespective, the Highways Authority did not support the application citing concerns over lack of sufficient viability splays at the site entrance, and increased number of vehicular movements. The proposal was considered by Officer's to be contrary to Policy CT 5 and SS 6 of the Core Strategy.

It was noted that the site lies within the Zone of Influence of a number of European sites and would therefore require a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The payment had not been received to date; accordingly, the proposal was contrary to policies SS 4 and EN 9.

Public Speakers

Nicole Wright (agent) – Supporting

Local Member

The Local Member – Cllr C Ringer expressed his support for the application and

considered the application represented brownfield infill within the settlement boundary. He argued that the application would be in keeping with the village which had several new infill dwellings erected in the gardens of older larger properties. The Local Member confirmed he and the applicant had worked with Officers to reduce the number of dwellings down from the to one proposed, and to bring additional biodiversity enhancements to the adjacent site. These biodiversity enhancements he considered tipped the balance in favour of the development.

Cllr C Ringer reflected that much like the recently approved affordable housing scheme, this site was ideally situated near the church, play area and the Public House, with proposed cycle parking a mile away in Bodham allowing access to regular bus services. The Local Member noted that an application for an asset of community value was in process for the Public House, following a potential change of use. He argued that the erection of the dwelling would not adversely impact the village, rather it was the threat to the social, cultural and heritage institutions which underpin the sustainability and vitality of local communities, which was the problem. To his mind this application would help contribute to the preservation of the community.

Cllr C Ringer stated that the Council's inability to demonstrate a 5-year housing land supply, and need to provide a number of self-build properties were material considerations which add weight to the justification to deviate from planning policies.

He refuted the Highway's Authority objection which he considered to be a heavy-handed application of the rules, given this was essentially reallocation of an existing and utilised access point. He referred to Para 115 of the NNPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety or the residual cumulative impact on the road network would be severe, something the Local Member argued would not be the case.

Cllr C Ringer noted no objection had been raised by the Parish Council, and there had been an expression of support from several residents including neighbours. The one objection received was from a resident who had since sadly passed away.

The Local Member believed there were demonstratable material considerations why this minor, low density, infill development justified departure from the local plan and NNDC planning policies, in order to meet the Councils' 5 year housing land supply, and the statutory requirement to provide an adequate number of self-build properties, as well as to protect and support the sustainability and vitality of the village (supported by Para 79 and 134 of the NPPF).

Local Members

- a. Cllr A Fitch-Tillett considered it important that as a Planning Authority the Council be consistent in its approach. She further stated that she mourned the potential loss of the ground required to support the development. Cllr A Fitch-Tillett proposed acceptance of the Officer's recommendation.
- b. Cllr J Toye reflected on Cllr A Fitch-Tillett's comments regarding consistency, noting that the prior application debated at Committee had been refused, but the application referenced in that debate had been an infill development which had been approved. He stated that should the application be approved in outline form; he would like to see much of the garden protected in the full application. Cllr J Toye stated he was unable to support the Officer's

recommendation.

- c. Cllr A Varley spoke highly of the proposed bio-diversity net gain enhancements and reflected that there was scope to further enhance the land via condition. Cllr A Varley stated that at present he struggled to accept the Officer's recommendation, though would continue to listen to the debate.
- d. Cllr L Vickers considered that Cllr C Ringer and the Public Speaker had made very persuasive points, however agreed with Cllr A Fitch-Tillett the importance of consistency. She noted the similarities with this and the prior application, which she had abstained on.
- e. Cllr M Hankins stated that priority should be given to increase the number of residential dwellings in the district, and expressed his concern that applications had been refused which would have sought to address the critical housing need in North Norfolk.
- f. The DM reminded the Committee of NNDC planning policy with respect of development in the countryside. He stated that there were examples where development was granted in the countryside, noting the two recent approvals for affordable dwellings in West Beckham, though noted these did accord with the Local Plan as they were for rural exception sites. Plan Policies did not allow for market dwellings in the countryside without good reason. The DM advised that the Committee would need to provide clear reasoning what differentiates this application from others, specifically the application immediately proceeding this in the agenda. He noted that there were a number of material considerations which the Committee may want to weigh in the planning balance including biodiversity net gain over and above statutory requirements.
- g. Cllr K Toye agreed this was a difficult decision but concluded that this application did not significantly differ from others previously refused. She therefore seconded the motion for refusal.
- h. The ADP endorsed the comments made by the DM. He advised, as outlined in the Officer's report, the Council were unable to demonstrate a 4- or 5-year housing land supply, which was a material consideration in favour of the proposal. However, this did not override planning policy. Additionally, the ADP referred to the Council's strong record at appeal of continuing to win cases despite the 5 year housing land supply issues, with Inspectors often determining that a single dwelling in the countryside would not make a significant difference to the overall statistical position. He advised that limited weight should be given to this consideration.
- i. Cllr A Brown noted the Nutrient Neutrality pressures on the Housing Land supply, but considered this should not serve as a wrecking ball for planning policies which he argued should still apply. He agreed it would be uncomfortable for the Committee to go against the Officer's recommendation as this would not demonstrate a consistent approach, particularly in light of the earlier application and the two appended appeal decisions. Cllr A Brown considered that the material considerations did not cumulatively outweigh the contravention of policy SS 1, and so conveyed his support for the Officer's recommendation, though expressed sympathies with the applicant.

RESOLVED by 7 votes for, 1 against and 1 abstention.

That Planning Application PO/23/2643 be REFUSED in accordance with the Officer's recommendation.

34 CLEY-NEXT-THE-SEA - PF/24/0747 - INSERTION OF 3 WINDOWS IN WESTERN ELEVATION OF BUILDING WITH PERMISSION FOR USE AS A HOTEL/GUEST HOUSE (USE CLASS C1) AT COOKES MARSH, HOLT ROAD, CLEY-NEXT-THE-SEA, HOLT

Officer's Report

The SPO-JS introduced the Officer's report and recommendation for approval. It was noted that the building had existing permission for use as a hotel and guest house, this was therefore not subject for debate. The building was listed under Class R, schedule 2, Part 3 of the GDPO, which allows buildings under 150 square meters to change use from agricultural to a guest house.

The SPO-JS outlined the sites rural location and relationship with the agricultural buildings to the left of the site, existing and proposed elevations, proposed floor plans and images in and around the site. She noted that the proposed openings on the western elevation would not be visible from the main road.

The Case Officer advised the key issues for consideration were the impact of the proposal on the special qualities of the Norfolk Coast National Landscape, the Glaven Valley and the Cley Conservation Area. No overriding objections had been received from the Landscape or Conservation & Design Officer, though it was acknowledged that there would be some increased light-spill resulting from the proposed three openings. Officer's concluded intervening features and the use of 0.65 VLT glazing would assist to mitigate light-spill, and thus the application was acceptable, subject to conditions.

Public Speakers

None.

Local Member

The Local Member – Cllr V Holliday – noted that the application was situated in a sensitive location, and argued granting of the proposal may have a significant impact on the landscape and set a precedent for other applications. She reflected that there were 11 objections from the community plus that from the Parish Council which merited inclusion of the application on the agenda, as well as the reasons outlined above.

Cllr V Holliday expressed her concerns regarding the application and rejected the Officer's recommendation for approval, which she believed gave insufficient weight to the heritage and landscape impact.

With regards consistency, the Local Member referenced case law in which the granting or refusal of prior applications was a material consideration for later proposals. In situations when a recommendation for approval was formed following a previous decision for refusal, there needed to be a detailed explanation for the reasons for the departure. Cllr V Holliday acknowledged that there had been two relevant previous planning applications submitted for the site, one had been

withdrawn and the other refused. The later application proposed windows and rendered walls. The Local Member stated that the Landscape Officer considered that the increased animation of the building and increasingly suburbanised appearance would divorce it from its agrarian function and setting. Further, the Planning Officer thought that the proposal, refused in May 2023, would adversely impact the AONB landscape and the Glaven Valley Conservation Area.

Cllr V Holliday considered that that the proposed mitigation offered of reduced visible light transmission glass appeared to be the critical factor in Officers now determining this application acceptable, though personally felt the mitigation would still result in some light spill and that there would remain an adverse impact on the AONB and dark skies.

The Local Member argued the cumulative impact of the various proposals for this building presented in recent months should be considered, per the Landscape Institute and the Institute of Environmental Management and Assessment guidance.

For reasons of consistency and the cumulative impact, Cllr V Holliday asked the Committee to reject the Officer's recommendation for approval.

Members Debate

- a. Cllr A Varley stated that whilst he appreciated the Local Member's comments and concerns, he noted that the Landscape Officer and the Conservation & Design Officer were satisfied with the scheme subject to conditions. He therefore proposed acceptance of the Officer's recommendation for approval.
- b. Cllr A Fitch-Tillett noted the site was located in a flood risk zone, as referenced the Officer's report, and asked for specific details on the flood risk.
- c. The SPO-JS advised the whole site was located within flood risk zone 3B, but, as the site was under 150 sqm matters including flood risk were not relevant considerations.
- d. Cllr A Fitch-Tillett considered this extraordinary and was appalled that visitors would be knowingly put in a known flood risk zone. She expressed her hope that flood risk measures would be considered.
- e. Cllr J Toye agreed that whilst he and other Members were concerned about flood risk, this could not be a determining factor for this application under the circumstances. He noted that there were already a number of Velux windows in situ on the site, which would result in light transmission, and it was therefore somewhat of a wasted effort to condition the new three windows when others were not subject to the same conditions. He was, nonetheless, supportive of the proposed conditions. Cllr J Toye seconded the motion.
- f. The SPO-JS confirmed the existing windows were subject to a certificate of lawfulness to be determined.

RESOLVED by 9 votes for, 1 against and 2 abstentions.

That Planning Application PF/24/0747 be APPROVED in accordance with the Officer's recommendation.

The meeting was adjourned at 10.51am and reconvened at 11.05am

35 DILHAM - PF/21/1479 - CONVERSION OF AGRICULTURAL BUILDING WITH ASSOCIATED EXTERNAL ALTERATIONS TO FORM FOUR-BEDROOM HOLIDAY ACCOMMODATION (PART-RETROSPECTIVE) AT AGRICULTURAL BARN, OAK ROAD, DILHAM, NORFOLK, NR28 9PW

Officer's Report

The SPO-RS introduced the Officer's report and recommendation for approval. It was noted that the application had been held in abeyance for some time due to matters relating to Nutrient Neutrality. Subsequently, the application was now part retrospective, as set out in the Officer's report.

The Case Officer outlined the site's location, existing and proposed elevations and images in and around the site. The re-use of the site as a holiday-let was considered to be policy compliant and was acceptable in principle both in terms of design and landscape impact.

Various iterations of the scheme had been received, with the Applicant now proposing to upgrade a septic tank at another property they own in the village which would offer appropriate mitigation for the additional nutrient loads that would be generated by this proposal.

Public Speakers

Fergus Bootman (Agent) – Supporting

Local Member's

The Local Member - Cllr G Mancini-Boyle – confirmed he met with the applicant before they were an elected member for North Norfolk District Council, though offered no advice with respect of this application. With reference to page 97 of the Officer's report and the representations received, he noted there was a lack of objection to the scheme, though considered more could be done to protect dark skies. He asked if Officers could explore matters of glazing with the Applicant, though he did not feel this needed to be formally conditioned.

Members Debate

- a. Cllr V Holliday considered that reduced VLT glazing should be secured by condition, per the UK Dark Skies Partnership guidelines. This would also apply to roof lights. She proposed this be added as a condition.
- b. Cllr A Fitch-Tillett seconded the amendment to reduce light spill.
- c. The ADP sought clarification regarding the precise wording of the amendment and whether this applied to any new glazing from now on, or if it applied to glazing already installed which formed part of the retrospective aspect of the scheme. He cautioned it may be difficult to secure retrofitting.
- d. The Chairman considered it would be reasonable to condition any new

glazing and agreed it may be more challenging to condition glazing already installed.

- e. Cllr L Vickers agreed that the expense and difficulty associated with retrofitting would cause issue. She agreed with Cllr G Mancini-Boyle that she would like for this to be an informal discussion with the Applicant.
- f. The ADP identified the different options available to Members with respect of glazing, including no additional condition, condition for reduced VLT glazing for all new glazing, or a condition to apply to all glazing on the building whether installed or not.
- g. The SPO-RS advised that the application for a swimming pool on the adjoining site (also owned by the Applicant) which was presented to, debated and determined by Development Committee in the last year did not condition reduced VLT glazing. This scheme would also have some degree of light spill.
- h. Cllr A Brown asked why reduced VLT glazing had not been conditioned for the adjacent application.
- i. The DM cautioned that the matter being debated was not an issue for the previous adjacent application, likely because neither site were contained within the AONB or another sensitive location. He commented that the Committee needed to be reasonable and proportionate in terms of what conditions it was asking for. If a formal condition was not applied, the Committee may request that a note be added to the decision notice advising the applicant they consider VLT glazing. This would not be an enforceable note but would communicate the Committee's views.
- j. The Chairman clarified the amendment and stated a note would be added, rather than a formal condition imposing VLT glazing.
- k. Cllr A Varley considered this a broadly positive application, which would support local farm diversification and would benefit the local economy. He proposed acceptance of the Officer's recommendation for approval.
- l. Cllr C Ringer seconded the motion.
- m. Cllr V Holliday noted that Members discussed the use of smart glass for the adjacent application and had requested this be conditioned. She was disappointed this had not been secured by Planning Officers.
- n. Cllr A Brown was surprised the application had been referred to Committee by Cllr N Dixon, as he did not consider the highways risk to be significant.
- o. The DM advised the application had been referred to Committee before Cllr L Paterson was elected as a Member. Under the Constitution this item would need to be brought to Committee due to the Applicant being a serving Councillor.
- p. The SPO-RS advised this application was one of three submitted by the applicant, all of which Cllr N Dixon called in to Committee due to the cumulative impact.

- q. Cllr A Brown was unaware of this and so withdrew his earlier comment.

RESOLVED by 12 votes for

That Planning Application PF/21/1749 be APPROVED in accordance with the Officer's recommendation and a note be added to the determination in line with Members debate regarding VLT glazing.

36 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The PL left the meeting at 11.30am

The DM advised Planning Service performance remained strong and that the Council continued to outperform many other local authorities.

Cllr G Mancini-Boyle congratulated the team on their performance and considered the quality of decision making was reflected in the lack of complaints in his inbox.

37 APPEALS SECTION

The DM advised the presentation of appeals had been re-configured for this meeting, and moving forward, with a specific document on planning appeals and another on enforcement appeals. He advised the quality of decision making continued to be strong with the Inspector upholding the Local Authorities decisions.

38 DEVELOPMENT COMMITTEE - PERFORMANCE AND IMPROVEMENT REPORT

- a. The ADP introduced the Officer's report and outlined the history of the Planning Service Improvement Plan (PSIP), which was shortly to be concluded. One aspect being reviewed was the suite of performance indicators, which would be presented before the Committee in due course, along with changes to the planning advise service. The ADP stated he and the DM had engaged with developers to better understand their perspective and what they wished to see from the service. Further, the DM was working on a revised Local Validation List. In addition, the standard set of conditions was also being revised. Work was ongoing with respect of planning matters detailed within the Constitution, these proposals would need to be presented to Constitution Working Party, following the gathering of views from Development Committee.

With reference to the Officer's report, the ADP advised there were two components to the recommendation, the first with respect of Member training, the second regarding the call in procedure for Committee.

He noted that within the Constitution Member's and substitutes on Development Committee required training before participating at Committee, and that additional training would be arranged ad-hoc. Following discussion, it was considered that there were two aspects of Member training which may be helpful to Councillor's. The first, aimed to help decision makers at Committee, the second, aimed to assist all Members addressing broader

planning matters. It was considered that 4 sessions per annum, 2 of each type, would be appropriate with some held virtually and others in person.

- b. Cllr J Toye endorsed regular training which would receive maximum engagement from Councillors.
- c. The ADP spoke to the existing call in procedure. It was considered that it would be helpful and more transparent that the person calling an item to Committee, whether that be an Officer or a Councillor, complete a simple document which would then be published on the Planning Portal – with relevant extracts then placed in the Committee report. The new procedure would additionally minimise the risk of communication being missed as the pro-forma should be sent to a generic inbox and not a specific Officer. The ADP considered it reasonable that the planning reasons for the call in be clearly articulated, and offered some suggestions of wording and reasoning which would be suitable as well as that which would not be suitable.

The ADP offered a correction to the Officer's report following discussion with the Monitoring Officer regarding the proposed change of delegation to the Director for Place and Climate Change. The current system enabled a Local Member to call any application to Committee without an arbiter considering the planning reasons offered for the reason for calling the item to Committee. The ADP considered it was appropriate there was an arbiter, and this be the Director for Place and Climate Change, with the Monitoring Officer able to review the process in instances where the Local Member wished to appeal the Director for Place and Climate Change's decision. He advocated that Members consider approving the form (pending any revisions) sans the yellow highlighted sections displayed at the meeting, with these matters represented with further constitutional changes in due course.

- d. Cllr J Toye expressed his support for the form and stated that when a Local member calls an item to Committee, they should be present to make their representation. He shared his concern that the democratic process may be at issue with the potential of Member's losing their democratic right to call items in. However, Cllr J Toye supported senior Planning Officer's having robust discussions with Members who have called an item in, to help shape their thoughts and to assist in appropriate wording. He concluded that reasons for call in may be improved following additional training.
- e. Cllr K Toye relayed her interest in additional planning training. She reflected on the current call in process and the need for Members to call an item in within 5 days, which she considered was especially difficult at this time of year when Member's may be on leave.
- f. Cllr A Fitch-Tillett expressed concerns that 'public interest' was listed as an unsuitable reason for call-in within the document.
- g. The ADP advised the explanatory note could be expanded to include wording (along the lines) that Development Committee expect that in instances where a Local Member has called an item to Committee, the Local Member should attend the Committee or make a written representation to Committee. He stated this would need to be an expectation rather than a requirement as a requirement would involve Constitutional changes. The ADP stated 'robust conversations' with Members could also be added to the explanatory note.

The ADP stated that every single planning decision issued was a decision of the Council, whoever takes it. Further, he reflected that different Councils took different approaches when it came to Development/Planning Committee and noted that at his former Council, Members could not determine what went onto the agenda. He advised that he and Officer's did not seek to change the democratic rights of Member's through the form, and that the revised process sought to make the reason for referral to Committee, whether by Officers of Member's, clearer.

With respect of Cllr A Fitch-Tillett's comments regarding 'Public Interest', the ADP advised this item had been discussed at length. He cautioned that the proposed approach was taken not to include a specific number for public representations, as there was a concern that this would lead to petitioning and knocking on doors to generate the threshold number. The ADP reiterated that within the report 'Significant' Public Interest was a suitable reason for call in, this implied more than a few people and households.

The ADP noted that there were two ways Members were able to call in items to Committee. The first following receipt of the weekly call-in list, the second through direct communication with Officers at the end of the process with the 5 days' notice period. As far as he was aware very few Members used the first method, preferring instead to wait for Officer opinion, local opinion and or additional information. The second method being at the end of the process, invariably meant the application was up against the statutory time limit for determination. The ADP shared sympathy with Cllr K Toye regarding Member absence but advised the Members could choose to call items in sooner rather than later. The ADP stated the Constitution was silent on the 5-day call in process and that this was something Officer's had taken the pragmatic approach to implement; the ADP expressed a preference this be codified in the Constitution in future.

- h. The DM encouraged Members to make use of the out of office function for their inbox, and in instances where a Member was expected to be absent for a longer period of time a neighbouring ward member, or another member, be appointed to cover ward work as necessary.
- i. Cllr M Hankins welcomed the proforma and the regularisation of the call in process, though shared in Cllr J Toye's concerns. He endorsed the proposal, for additional training.
- j. Cllr A Brown was supportive of changes to the current system and the need to streamline Development Committee. He believed the Inspector would objectively welcome the rationalisation of Officer time and the reduction in unnecessary items to Development Committee, which he too endorsed, though felt that data was needed to justify this decision including number of applications presented to Committee as compared to other neighbouring authorities.

Cllr A Brown felt that a non-electronic version of the form should be available for those members who preferred a non-digital approach or who has technical difficulties.

Cllr A Brown considered the explanatory/reason for call in box maybe too small and asked if this could be expanded, and if a suggested word limit could be applied.

He reflected that the application of the out of office function was not always regularly applied by Officer's and Member's, and that there was no streamlined guidance if the case officer was unavailable, though felt this situation had been improved in recent months.

Cllr A Brown suggested use of the 'read receipt' function.

Further, with respect of Member absences, he enquired if a pairing system could be applied, much in the same way that members sharing a ward could naturally make use of.

Cllr A Brown welcomed the continuous profession development of Members.

- k. The ADP responded to members comments. Firstly, he advised that the suite of indicators would include comparatives with other local authorities and would likely include details of extension of time including the average length of time to determine an application.

The ADP stated the intention with the form was to clarify the process and not to reduce the number of planning applications brought to Committee. He was comfortable with the existing volume of applications brought to Committee.

He endorsed the use of the out of office function and stated that Officers were regularly making use of the standard out of office statement.

The ADP stated that he was not personally supportive of 'read receipt' suggestion given the volume of emails he and other Officers received, though would acquiesce if Members felt this matter important.

Finally, he suggested that it would be appropriate to pause on discussion regarding the arbiter aspect of the proposal until a later meeting.

- l. Cllr J Toye considered the form should be a web form for ease of use. He asked is the weekly list could also include applications brought to committee, as he felt that non-committee members may not be aware of what items were being discussed at Development Committee.
- m. The ADP confirmed the form would be expandable. He was uncertain if adding a section of planning applications to development committee to the weekly list would be most appropriate.
- n. The DSO confirmed that when publishing the Development Committee agenda, she notified all Members, whether they be on the Committee or not, that the agenda had been published and listed all the planning applications to be determined within the text of the email.
- o. Cllr C Ringer asked if forms could be resubmitted if refused by the Monitoring Officer, provided new evidence was used. Additionally, if new representations were received following submission from the Local Member, or supplementary documentation from the applicant, would the Local Member be able to revisit their submission? Cllr C Ringer stated he would typically be supportive of being contacted by Officer's whilst his out of office notification was in place, provided the matter was urgent, though appreciated this may be more difficult for other members who maybe out of the country.

- p. The ADP recognised that all 40 councillors may have a different preference in terms of out of office communication. What was important is that the out of office function was utilised and clearly articulated what said Councillor would like to be done in their absence. With respect of Cllr C Ringers comments regarding re-submission, the ADP suggested it would be appropriate to consider this at a later stage.
- q. Cllr V Holliday welcomed the proposed changes and sought clarification when the process would be implemented.
- r. The ADP expressed a preference that Member's call in applications earlier in the process, though understood this was not the existing culture and may not be realistically achieved. He advised this would be a matter for debate when Committee considered the Constitutional changes at a later meeting. The ADP recognised that late Member call in's may have an impact on applicant's views of the service, as they would find out their application would be brought before Committee with limited notice. However, he noted that historically Development Committee had a strong record of supporting Officer recommendations, and in instances where the officer recommendation was rejected this often went in support of the applicant.
- s. Cllr A Brown asked if a link could be provided in the guidance notes to the relevant extracts in the Constitution regarding probity in planning.
- t. The ADP summarised the Committee debate, noting the endorsement for the training proposal and the call in form (without the sections relating to constitutional changes) subject to additional text added to the explanatory note detailing expectation that Local Members who call in items attend Committee or send a supplementary written note, a section added to the explanatory note regarding Officers going back to Member's to refine their reasons where appropriate, and a link provided to the relevant exerts of the Constitution. He advised this would be circulated to Committee before implantation in 1st September. The ADP stated the Planning Service would be robust in ensuring the process was adhered to.

39 EXCLUSION OF PRESS AND PUBLIC

The meeting ended at 12.30 pm.

Chairman