

**PLANNING COMMITTEE WORKING GROUP held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 29 NOVEMBER 2023 at 2.00 pm**

Present: Councillor R Freeman (Chair)  
Councillors J Emanuel, M Lemon, R Pavitt and M Sutton

Officers in attendance: N Brown (Head of Development Management and Enforcement), B Ferguson (Democratic Services Manager) and D Hermitage (Strategic Director of Planning) and N Katevu (Monitoring Officer)

Also in attendance: Councillors J Evans,

**11 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Loughlin.

Councillor Freeman declared that he was a member of Saffron Walden Town Council.

Councillor Emanuel declared that she was a member of Newport Parish Council.

**12 MINUTES OF THE PREVIOUS MEETING**

The Chair asked to defer approval of the draft minutes to the next meeting.

**13 TRAINING FOR PLANNING COMMITTEE MEMBERS - VERBAL UPDATE**

The Development Manager said training for Planning Committee members would be provided in the new year. Members discussed a potential programme and the following topics were raised:

- Bio-diversity
- Overview of a Local Plan based planning system – with specific focus on Regulation 18 stage and its impact on development management
- The 5-year land supply
- Appeals – processes and outcomes
- Design Code
- Neighbourhood Plans

Members discussed holding routine training sessions in order to meet best practice and to ensure a sound understanding of any changes to the law or the planning framework.

The Development Manager said routine training sessions would be best held after site visits, as it would be challenging to host any training during committee lunchbreaks.

The Chair said further training was required and noted that future sessions would be organized by the Development Manager and the Strategic Director of Planning for the new year.

14 **PROFESSIONAL REPRESENTATION AT PLANNING APPEALS -  
DISCUSSION POINT**

The Chair said this item had been brought forward as, in the past, Committee members had attended appeals in order to defend decisions, if they had proposed or seconded a proposal that was contrary to the officer's recommendation. He said the Committee needed to know that member decisions at committee would be adequately defended by a professional representative.

The Development Manager said a strategic team was in place to deal with appeals; this team would seek to defend appeals where possible and in accordance with 'RTPI' code of conduct.

The Strategic Director of Planning said no unilateral decision would be taken by officers if they felt that they could not defend a committee decision (or part of) on appeal; instead, the decision would be brought back to the Chair and Vice-Chair to seek their input. Where the appeal timetable allows, indefensible decisions would be brought back to the committee as a whole.

Members discussed the appeal process and agreed it was good practice to keep up-to-date with appeal decisions and to take note of what was said in the decision notice in order to learn for the future.

15 **PRE-APPLICATION ADVICE: CONSISTENCY WHEN THE CASE COMES TO  
COMMITTEE - DISCUSSION POINT**

The Chair said it was important that members were aware of any pre-application advice that had been provided to applicants in the lead-up to an application's consideration at committee.

The Development manager said reports currently only stated whether pre-application advice had been provided, not the specifics of such advice. He said there should be an additional section in planning reports but any information would have to be carefully worded.

The Strategic Director of Planning said any pre-application advice was non-binding and caveated "without prejudice".

## **ACTIONS FOLLOWING GOVT PEER REVIEW - NOTE TO FOLLOW**

The Strategic Director of Planning spoke to his tabled report regarding recommendations arising from the Government's Peer Review. He highlighted Recommendation 6, as follows, and asked members to consider the proposal:

**Recommendation 6: Hold an applicant / development led workshop with members and officers to improve understanding from applicant and council perspectives that can then form the basis for improved partnership working with developers and agents.**

Councillors discussed the recommendation and there was a consensus that it was not a councillor's role to listen to the perceived problems faced by developers, as that recourse should be available to them via officers or the Ministry. The point was raised that committee reports provided an overview of the developer's experience with the planning process.

The Strategic Director of Planning said the recommendation had been issued by the Planning Advisory Service in order to address perceived problems of unpredictability in the planning application process.

Members discussed whether good examples of community engagement could be shared with developers, to ensure they were aware of the Council's expectations in regards to engagement with residents. Members were agreeable to working collaboratively and said that developers should work closely with parish and town councils in order to best engage with local communities.

The Chair said this was a worthy endeavor.

The Strategic Director of Planning also highlighted recommendation 10 from the report, which read as follows:

**Recommendation 10: Review scheme of delegation and codes of practice to reduce the number of applications being considered by committee and the length of each committee meeting and review the appropriateness of the degree of summarisation of Town/Parish Council representations in committee reports.**

Members discussed the issue of call-in and the delegation of certain applications to officers. There were concerns regarding Section 73 applications and whether such applications could be changed piecemeal by a series of amendments, and the call-in procedure.

The Strategic Director of Planning said officers would be able to prevent applicants that submitted a series of incremental changes, resulting in a materially different application than the one initially approved.

The Chair said the report was noted.

## **MEMBER SPEAKING PROTOCOL - PLANNING COMMITTEE**

The Democratic Services Manager spoke to the report regarding the member speaking procedure at Planning Committee. Members were asked to note Rule 12.1 'No speeches until motion is seconded' and Rule 12.5 'When a member may speak again' in respect of current practice at committee.

Members discussed the procedure and said the current practice of thoroughly debating each application allowed the public to see members deliberations in a transparent and logical manner. There was also concern that members would not feel comfortable putting forward proposals before hearing the comments of other committee members, which they said helped inform their decisions.

In response to questions regarding pre-determination, the Development Manager said it was not pre-determination for a member to come to a view following receipt of the officer's report, presentation, supplementary list and the public representations. Following the question and answer session with the Planning Officer, members were fully informed and entitled to put a proposal forward in order to determine the application. They were free to withdraw the proposal if new information came to light over the course of the debate.

The Monitoring Officer said it was important that members rights were respected when a proposal was made and seconded; in this event, the proposal had to be dealt with before moving onto another member's motion.

Members discussed how the length of Planning Committee meetings could be reduced. It was suggested that the officer's presentation could provide a summary slide on the pros and cons of each application, as members were essentially trying to invoke such a summary during their debate.

The Development Manager said this was a good idea and a summary slide would be produced in future to demonstrate how the officer reached their recommendation.

Members discussed visiting or watching an 'exemplar' Planning Committee meeting of another local authority. It was suggested that two meetings be shown, probably remotely, in order to analyse best practice.

The report was noted.

## **PUBLIC SPEAKING PROTOCOL - PLANNING COMMITTEE**

The Democratic Services Manager spoke to the report regarding the Public Speaking Protocol at Planning Committee. He said the current regime was extremely generous and it was possible to have an hour and 20 minutes reserved for public speaking on each and every application. He asked members to consider whether this was the best use of committee time. He highlighted the suggestion from the previous PCWG meeting that the number of speakers be reduced from 10 to 5 on each application.

Members discussed the Public Speaking Protocol and there was a general consensus that public speaking was an important part of the democratic process, and they would be reluctant to reduce the number of speakers. A number of suggestions were made in terms of reducing the time spent on public speakers, such as channeling public representations via the parish and town councils, asking the public to submit their statements in writing prior to the meeting and reducing the length of time from 4 to 3 minutes for each speaker.

The Development Manager said the protocol had to be changed in regards to the public speaking rights of the applicant or agent; currently, they were only allowed to address Committee if the application was recommended for refusal and/or public objectors had registered to speak against the application. This would be changed as it had led to applicants in the past being denied the right to speak, only for the committee to refuse their application.

The Strategic Director of Planning said public representations were part of the statutory planning process, by way of a 21 day consultation window, and were already included in planning officer reports. Public speakers at committee did not form part of this statutory public consultation process.

The Development Manager said details on an updated Public Speaking Protocol would be progressed in respect of the applicant's right to speak.

## 19 **FUTURE MEMBERSHIP OF PCWG**

Members agreed to extend membership of the PCWG to all members of the Planning Committee and the Portfolio Holder for Planning.

The terms of reference would be amended to this effect and considered by Council for approval.

## 20 **DEVELOPER CORRESPONDENCE**

The Monitoring Officer said that any correspondence received by Planning Committee members from developers needed to be sent to the Development Manager and the Strategic Director of Planning in order for it to be added to the public planning portal.

The meeting ended at 4.05pm.