

**MINUTES
OF THE MEETING OF THE
GROWTH AND DEVELOPMENT SCRUTINY GROUP
WEDNESDAY, 20 APRIL 2022**

Held at 4.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors N Clarke (Chairman), R Butler (Vice-Chairman), M Barney,
J Murray, A Phillips, J Stockwood, L Way and Mrs M Stockwood

ALSO IN ATTENDANCE:

Councillor T. Combellack and Councillor R. Upton

OFFICERS IN ATTENDANCE:

C Evans	Service Manager – Economic Growth and Property
A Pegram	Service Manager – Planning
A Ashcroft	Planning Services Consultant
A Poole	Democratic Services Officer

18 Apologies for Absence

Apologies were received from Councillor J. Cottee and Councillor L. Howitt.

19 Declarations of Interest

There were no declarations of interest recorded.

20 Minutes of the meeting held on 26 January 2022

The minutes of the meeting held on 26 January 2022 were approved as a true record and signed by the Chairman.

21 Chairman's Announcements

The Chairman informed the Group that he had invited Councillor Upton as Chairman of the Planning Committee and Councillor Combellack as author of the Scrutiny Matrix to attend the meeting as he felt that it would benefit the discussion on Planning Communications. He had also invited Councillor Edyvean, as Portfolio Holder, although he had been unable to attend.

22 Planning Communications

The Service Manager - Planning delivered a presentation to support the report of the Director - Development and Economic Growth concerning the planning service standards, particularly in response to the increased workload that had been experienced recently, and the various concerns raised regarding some procedural issues, principally in terms of communication and consultation on

planning applications.

The presentation to the Group covered:

- Service Standards
- Planning Communication
- Interpretation of Planning Policy
- Consultation process
- Procedures for determination of planning applications
- Conservation areas.

Following the presentation, the Service Manager - Planning explained that the Service Standards had been developed to bring about improvements in service delivery in response to a significant increase in workload and to provide a more structured approach for communications with applicants, agents and councillors. He added that the number of planning applications received in the last year had risen by 40% compared to the previous year and some improvements in service delivery had already been delivered.

Members were informed that the Service Standards aimed to bring greater transparency to the process, to ensure that applications were processed efficiently and within the timescales expected by the Government and to improve communications with applicants, agents and Councillors. Changes in process had been made to the notification of decisions as a result of the introduction of the Service Standards.

The Service Manager explained that, following the recent changes to the Standards, officers would now notify Ward Councillors and Parish and Town Councils/meetings of appeal decisions and non-material amendments, provide an update on progress at 4-5 weeks following receipt of the application and would also notify when an enforcement notice had been served. He added that, the taking of enforcement action was discretionary; officers aimed to resolve a breach issue by negotiation, with the formal enforcement action being taken as a last resort. Again, those who had made the complaint would be kept informed of progress.

Regarding consultation, the Service Manager informed the Group that the Regulations required that letters be sent to addresses which adjoined the application site allowing 21 days for comment, which would be extended if the timeframe included a Bank Holiday. Additionally, a site notice would be displayed, and a notice entered in the newspaper if required. As per the Regulations, consultation would be undertaken with relevant statutory bodies, Councillors, Town and Parish Councils. Although the Regulations did not require consultation with Parish meetings, the Council did consult with them; it was often the case that the Council exceeded the minimum requirements of the legislation.

Councillor Combellack asked that adjoining Parish Councils also be notified and cited the planning application for the poultry farm at Owthorpe and her request to notify Cropwell Bishop Parish Council. The Service Manager assured the Group that this had been done and the Chairman added that the application had been discussed at a Parish Council meeting.

The Service Manager explained that non-material amendments were when an applicant had changed their mind about what they wished to do. There was no statutory requirement for the Council to consult on these. He added that the scale of what was accepted as a 'non-material amendment' was determined by the size of the development.

The Service Manager informed the Group that conservation areas were treated seriously and that there was a statutory duty imposed on the Council to have special regard for conservation areas. This would be the subject of a report to the Group at its meeting in July.

The Chairman asked whether a large number of enforcement notices was seen as a failure to the Council. The Service Manager explained that the Council had strengthened its approach to the issue of enforcement notices and planning officers worked alongside other neighbourhood services, for example Environmental Health, to address issues with developments that caused a nuisance especially with noise. Members were assured that officers would not hesitate to take action where it was considered appropriate to do so.

Members asked whether sufficient resource was available to handle the volume of planning applications and whether those officers who had left the Council had been attracted by higher salaries elsewhere. The Service Manager assured Members that the issue of securing adequate resources was experienced by other local authorities. The Planning Services Consultant added that the previous 12 months had been challenging with a large number of planning applications received and a number of experienced staff obtaining employment elsewhere; all of which had resulted in a significant backlog of planning applications and some dissatisfaction by applicants in the service provided. With circa 3,000 planning applications received per year, there were usually 400 that were being processed through the system, and in the last 12 months this level had been exceeded. The new Service Standards came into place in November 2021. He added that agency staff had been employed which had increased the number of planning officers above the establishment and this had enabled the backlog to be cleared. He explained that the Council was in a fortunate position, as agency staff could be employed at short notice in periods of high demand and their contract terminated with two-weeks' notice should the level of planning applications falls, for example due to some of the issues being faced in the construction industry such as cost of and poor availability of building materials. The Planning Team had previously reported three vacancies, one of which had been filled in the last week. Officers were recruiting to the remaining two vacancies. Positive feedback had been received on the working conditions offered and the range and variety of planning applications handled. He added that the Council had undertaken a salary benchmarking exercise with other councils which highlighted that the Council was competitive in terms of salary. He acknowledged that salary was a key factor when seeking employment, which was higher in the private sector, but highlighted that other factors, such as working conditions and pension scheme, were also important.

The Chairman expressed concern about the loss of corporate memory following the departure of experienced staff. The Service Manager agreed that the retention of corporate memory was a challenge with a changing staff

resource but explained that officers were encouraged to retain accurate records. He assured Members that there was a good level of experience within the team.

Members asked whether the level of non-determinations in planning applications created additional work for the Planning Team and whether working practices could be reviewed. The Planning Services Consultant agreed that this had been the case, which was why the new arrangements had been introduced, with the Agent updated at the 5-week stage. He added that the Council had retained exceptionally high standards especially at the start and end of the process and highlighted that the processes were efficient compared to some other local authorities. However, he acknowledged that the process for communicating progress with an application needed improvement and the employment of new agency staff helped with this as they brought fresh ideas to the team. The process would be reviewed and streamlined once the team was fully staffed and had stabilised the workload.

Councillor Butler asked whether the resource and recruitment issues had affected the issue of enforcement notices. The Planning Services Consultant responded by saying that he did not believe that this was the case, rather that the team was efficient and more proactive than was the case in other local authorities, carrying out rapid engagement with the developer concerned in order to avoid the need to issue an enforcement notice, which could lead to a lengthy court process. All enforcement cases were inspected within one day of notification and were then prioritised, with cases in conservation areas receiving a higher priority.

Members said they were very pleased to see different Planning Officers coming to Planning Committee to present their reports. They did, however, express concern about the length of some of the presentations delivered and the level of detail, included in delegated decisions, but acknowledged that presenting to a committee could be a daunting experience. The Service Manager assured members that this had been addressed with officers and were informed that, as the Council was quasi-judicial, a certain level of detail needed to be included should the case be submitted to the Planning Inspectorate.

Councillor Combellack commended planning officers for the five-week update she had received on a planning application, which was thorough, excellently written and helpful.

The Chairman expressed concern about the consistent application of planning policy by planning officers. The Service Manager explained that the role of the planning officer was to apply and interpret policies, and to apply weight to various issues within the planning application. The Planning Policy Team would also be consulted on complex applications. He assured Members that no one person in the authority had the autonomy to make decisions; there were checks and balances in the system to ensure consistency.

Councillor Barney expressed concern about the role that Neighbourhood Plans play within the planning system, especially in the consideration of appeals. Members were informed that Neighbourhood Plans were useful and communities who wish to should develop them.

Councillor Butler questioned whether applicants were clear of their responsibilities in removing the site notice once determined and whether members should have a role in removing them in their areas. The Service Manager informed the Group that site notices clearly set out the responsibilities of the applicant to remove the notice and officers did remove them if they saw them when out on visits. However, he welcomed the support of Members in doing so in their areas providing the 'date for comment' set out on the notice had passed more than five weeks ago.

Members expressed concern about the definition of 'near neighbour' in the consultation process and how this could be strengthened. They were informed that it was usually those neighbours which shared a boundary with the development and that it was the responsibility of the planning officer to determine whether additional consultation was required, following a site visit. He advised Members, that should they feel that additional consultations were necessary, this should be raised with the relevant planning officer. Councillor Combellack suggested that applications be accompanied by a google earth view so that near neighbours could be identified. The Service Manager explained that the planning team would conduct the initial application and asked members to keep in contact with the relevant case officer should they feel that other consultations were required. He clarified that anyone could comment on a planning application, not just those who had received a formal letter notifying them of the application.

Members expressed concern about the delays experienced in uploading comments on planning applications to the website and were informed that this process had improved now that it was carried out by the Council's Business Support Unit allowing Planning Officers to focus on planning applications. All comments received were read thoroughly to ensure that nothing was offensive or contravened GDPR regulations. This took time, as such comments needed to be redacted before upload to the website. Councillor Combellack suggested that the planning process be clearly set out on the reverse of letters sent out to consultees. The Service Manager agreed to include a link to the Council's website where the planning process was fully explained.

Members expressed concern that, within the Planning Portal, the links to some documents did not appear to work. The Service Manager agreed to investigate further and asked that Members report any issues immediately so that they could be addressed.

In response to questions about the operation of the hybrid mail system, the Service Manager informed the Group that hybrid mail operator printed and posted letters only; choosing the addresses for consultation was managed by officers at the Council. There were checks and balances within the system to clarify whether someone had been sent a letter, should this be questioned.

Members discussed the ongoing role of the Growth and Development Scrutiny Group in overseeing the arrangements for planning communications following this report to the Committee. The Chairman asked that Members of the Group feed their comments and thoughts through him and the Vice Chairman so that they could be raised with senior officers. The Service Manager added that

timeliness was important so that issues could be addressed quickly and asked Members to contact senior officers/case officers to discuss day to day issues.

In considering the issue of ongoing monitoring, the Group agreed that an additional recommendation should be included.

It was moved by Councillor Butler and seconded by Councillor Clarke that:

“The Service Standards be reviewed in line with feedback received and in consultation with the Chair and Vice Chair as well as other Members.”

The Motion was put and carried unanimously.

It was **RESOLVED** that the Growth and Development Scrutiny Group:

- a) supports the updated service standards;
- b) supports the continuation of the current practices for the publicity of and consultations on planning applications; and
- c) agrees that the Service Standards be reviewed in line with feedback received and in consultation with the Chair and Vice Chair as well as other Members.

23 **Work Programme**

The Chairman presented the report of the Director – Finance and Corporate Services, which detailed the proposed Growth and Development Scrutiny Group Work Programme for 2022/23. Members suggested that they would like to receive a report on ‘Alternative energy’ at a future meeting, possibly in September 2022. This would be discussed by COG at its meeting in May.

It was **RESOLVED** that the Growth and Development Scrutiny Group consider its Work Programme and the following items for scrutiny at future meetings were agreed :

27 July 2022 (provisional date)

- Conservation Areas – Part Two
- Work Programme

21 September 2022 (provisional date)

- Covid-19 Business Recovery – Update
- Work Programme

4 January 2023 (provisional date)

- Work Programme

8 March 2023 (provisional)

- Work Programme

ACTION SHEET

Minute Item	Action	Officer responsible
4	Letters to Consultees to be revised to include a link to the website where the planning process was fully explained.	Service Manager – Planning
4	Officers to investigate and address issues with the document web links contained in the Planning Portal	Service Manager – Planning

The meeting closed at 6.21 pm.

CHAIRMAN