

PLANNING COMMITTEE

* Councillor Fiona White (Chairman)
Councillor Colin Cross (Vice-Chairman)

* Councillor Jon Askew	* Councillor Liz Hogger
Councillor Christopher Barrass	* Councillor Marsha Moseley
* Councillor David Bilbé	* Councillor Ramsey Nagaty
* Councillor Chris Blow	* Councillor Maddy Redpath
* Councillor Ruth Brothwell	* Councillor Pauline Searle
* Councillor Angela Goodwin	Councillor Paul Spooner
* Councillor Angela Gunning	

*Present

The Lead Councillor for Planning, Legal and Democratic Services, Councillor Tom Hunt was in attendance. Councillors Catherine Young and John Rigg were also in attendance online.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Chris Barrass, Colin Cross and Paul Spooner. Councillor Deborah Seabrook was in attendance as a substitute for Councillor Chris Barrass.

PL2 ELECTION OF THE VICE-CHAIRMAN

The Chairman reported that Councillor Colin Cross had resigned as Vice-Chairman of the Planning Committee. Councillor Fiona White expressed her personal thanks to Councillor Cross for all of his help during her time as Chairman.

The Chairman asked the Committee for nominations for Vice-Chairman for which none were received. The Chairman stated that this item of business would therefore be placed on the next agenda of the Planning Committee meeting on 1 March 2023.

PL3 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

PL4 ANNOUNCEMENTS

The Committee noted the Chairman's announcements.

PL5 PLANNING COMMITTEE REVIEW - REPORT AND RECOMMENDATIONS OF THE WORKING GROUP

The Chairman advised that there was some crossover between this item of business and the next item relating to the review of the probity in planning handbook. Both items proposed identical changes to be made to the seven-day notice procedure and to the procedure for Councillors wishing to overturn officer recommendations at the Planning Committee. The Committee agreed to consider those changes as part of this item only, so to prevent any duplication of debate. The Chairman also explained that she would take the Committee through each of the eleven substantive recommendations which would be voted on separately by the Committee.

The comments and recommendations of this Committee would be reported to the Executive at its special meeting on 22 February followed by an Extraordinary meeting of the Council on the same date. The Committee were also asked to note the supplementary late sheets which detailed a proposed amendment to the process for Councillor Call-up which added a provision within the process to allow a councillor to withdraw any request to refer an application to the Committee. In addition, a flowchart had been produced detailing how the new Call-Up process would work.

The Executive Head of Planning Development, Gilian Macinnes introduced the item. The Committee noted that the report had sought its comments on the recommendations of the Planning Committee Review Working Group in advance of its referral to Executive and then full Council. The Working Group had been set up to consider the LGA Peer Review of the Planning Committee and the eleven recommendations that had already been referred to. These covered essential training, learning from appeal decisions, increasing planning and policy knowledge and also the Planning Committee referral system, which would remove the 7-day notification procedure and replace it with a front loaded 21 day call up procedure which would engage members early in the process. This would ensure the most effective and efficient approach to determining planning applications whilst ensuring that members had the opportunity to become involved at the early stages of the planning application journey.

Recommendation 9 which related to the member overturn process sought to ensure, when it was apparent to the Chairman during the debate on a planning application, that members felt that there should be an alternative motion, the

Chairman would ask for an alternative motion that focussed on the harm or the benefits of a scheme. Councillors would then be asked to vote on each of the reasons that related to the identified harm or benefit. This would give greater strength to the decision of the Committee and make it more robust and defensible.

The Lead Councillor for Planning, Legal and Democratic Services, Councillor Tom Hunt stated that the changes proposed reflected a more transparent and accountable planning process which would assist in reducing the planning application backlog and improve upon the proportion of applications considered within the statutory timeline.

The Committee was invited to make comments on the following recommendations made by the Working Group:

R1 (initial recommendation of the peer group report):

Provide greater certainty in planning process by ensuring decision making conforms with planning policies and material planning considerations acting on behalf of the whole Guildford community and ensuring that there is clear separation between ward level responsibilities and decision-making role on Committee.

Working Group Recommendation

The Group agreed that a regular (monthly) planning training programme, should be reinstated via MSTeams.

Planning Committee Comments

The Committee was in support of regular monthly planning training for councillors as it would be helpful and wished to confirm which officer would be responsible for devising the training programme. It was recommended that, given the high profile and significant public interest in planning in the borough, all councillors should attend, not just planning committee and substitute members.

It was confirmed that the Executive Head of Planning Development would carry forward the arrangement of a regular training programme for the coming year. It was important to note that all councillors who sit on the Planning Committee would receive mandatory introductory training provided by the Planning Advisory Services (PAS) and that all councillors overall would be encouraged to attend.

The Democratic Services and Elections Manager, John Armstrong stated that the Council also had a Councillor Development Steering Group which was cross-party. It was hoped that members of that group would champion attendance at such training.

The Committee noted that it would be useful if Parish Councillors were also invited to attend planning training that was hosted by Guildford Borough Council so to aid their understanding of the NPPF and Local Plan Policies. Given the additional training was proposed to be hosted on MStTeams this should prove easy to facilitate.

The Executive Head of Planning Development, Gilian Macinnes agreed that it was an excellent idea to offer training to parish councillors who were an important statutory consultee of the Council. However, the training could become unwieldy if there were too many participants. Focused training for Parish Councillors could rather be offered on certain key topics.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation subject to the proviso that whilst the planning training programme would be regular, there might not on all occasions be training every month.

R2 (initial recommendation of the peer group report):

Explore ways to rebuild trust and confidence between officers and Members. Consider running an independently facilitated workshop to be held between officers and Members, separate to the Planning Committee meeting, to better understand their roles, issues and concerns.

Working Group Recommendation

The Group agreed to carry over this action to hold an Officer/Member Workshop following the elections in May 2023, if required.

Planning Committee Comments

The Committee noted comments that it felt that an Officer/Member Workshop was most definitely required following the elections in May 2023 and that it was an important action to pursue. The workshop would help build early relationships between officers and members and would assist new councillors with a familiarisation of planning processes and procedures. A follow-up workshop was also recommended to be held six months thereafter. Planning officers would have the opportunity of encouraging councillors to contact them early in the application process to iron out any concerns well in advance. The

Committee also noted comments that planning applications were being circulated to councillors with no named officer and it was therefore difficult to know who to contact in the first instance.

The Executive Head of Planning Development confirmed that she would look to arrange a Workshop after the May elections. In relation to the named officer issue, the planning department was currently experiencing a very difficult staffing problem. Temporary staff were now being recruited with the intention of recruiting permanent staff within the next few months. Councillors were advised to contact senior members of the planning team in the meantime.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation, and agreed that the Member/Officer Workshop was definitely required.

R3 (initial recommendation of the peer group report):

Examine way for Planning Committee and relevant officers to discuss and learn from appeal decisions to ensure that decisions on planning applications are undertaken, on behalf of the whole Guildford borough community, in a fair, impartial, and transparent way. The present system tagged onto the end of an often long Planning Committee is not conducive to creating a learning atmosphere.

Working Group Recommendation

The Group agreed that quarterly appeal review sessions be held via MSTeams and facilitated by the Head of Place (or Executive Head of Service)

Planning Committee Comments

The Committee asked for clarification on who would be invited to the review sessions, would it be committee members or just the Chairman and Vice-Chairman. The Committee agreed that this proposed session should not replace the summary of the appeal decisions received at the end of every planning agenda which was a useful aid memoir for committee members.

The Chairman, Councillor White clarified as a member of the Working Group, the intention was that the proposed quarterly appeal sessions would provide an opportunity to have more detailed discussions about appeal decisions. Specifically, to highlight important points that the Committee should bear in mind with regard to future planning decisions.

The Executive Head of Planning Development confirmed that the sessions would be geared towards all members of the Planning Committee including substitutes and that it would be held in private session as it would facilitate a freer flowing discussion. These sessions would also be arranged as part of the wider regular training programme to be devised by the Executive Head of Planning. If the committee had additional topics, they would like to be addressed as part of their training they were encouraged to contact the Executive Head of Planning Development. It was also noted that it could be useful for planning officers to provide an analysis of the appeal decisions in relation to recurring themes which the Executive Head of Planning noted.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

R4 (initial recommendation of the peer group report):

Review Planning Committee reports to see if further explanation can be given on the weight to be afforded to the Local and Neighbourhood Plan policies as well as material planning considerations such as the National Planning Policy Framework (NPPF).

Working Group Recommendation

The Group concluded that convening another working group was not necessary given there were appropriate mechanisms in place already through which councillors could query policy weight afforded to particular proposals.

Planning Committee Comments

The Committee noted comments that if parish councillors were invited to planning training sessions, it would be the ideal time to reflect on the importance of Local and Neighbourhood Plan policies. It would also be helpful to be clear on the definitions and weightings afforded to Neighbourhood Plans and the NPPF and how that was applied in the decision-making process. The Committee noted an observation that the group recommendation had perhaps lost touch with the original recommendation of the LGA. Whilst it was agreed that another working group was probably not necessary it would be good if some thought could be given to planning reports so that the weight assigned to Local and Neighbourhood Plan policies was explained. Committee members also needed to know how to access the Local Neighbourhood Plans and NPPF.

The Executive Head of Planning Development confirmed that following the borough elections in May 2023 training had already been arranged with the Planning Advisory Services (PAS). An introduction to decision making as well as

the relative weight afforded to the different plans and material considerations would be covered. A neighbourhood plan was part of the development plan, which was the beginning point for all planning decision making. The Executive Head of Planning Development would also raise this with planning officers to ensure that they were clear within the reports regarding the weight assigned to these policies.

The Committee noted comments in support of planning officers confirming that they did outline the appropriate weight afforded to neighbourhood plan policies in their reports. Applications had been refused on the basis of one neighbourhood plan policy which was then dismissed at appeal, so such policies did carry weight. The recommendation also did not say that there should not be weight afforded to local or neighbourhood plan policies, but it did say that another working group was not required. Incorporating an understanding of the different policies was crucial and would therefore be taken forward in the training programme.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation, noting that weight to be afforded to Local and Neighbourhood Plans and other material planning considerations would be covered in the training programme.

R5: (initial recommendation of the peer group report):

Ensure planning officers and Committee members are more aware of the impact of what a lack of housing delivery has on the weight given to Local Plan policies and kept appropriately updated on the work of the Housing Delivery Board.

Working Group Recommendation

The Group agreed that the topic of housing delivery should be addressed as part of the planning committee training programme and should include an overview of the Land Availability Assessment.

Planning Committee Comments

The Committee noted comments that it was supposed to receive regular updates on Guildford's housing supply figures with regard to how they are being delivered on the ground versus planning applications approved. However, it was noted that the information was not being sent regularly.

The Executive Head of Planning Development confirmed that she would take that comment back to the Local Plan team. It was understood that the housing figures were reviewed regularly but that it was a complex process.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

R6 (initial recommendation of the peer group report):

Review the opportunity for further guidance in the form of a supplementary planning document to help guide new high quality and sustainable development.

Working Group recommendation

The Group agreed that no action was required with regard to the above point as the SPDs and DPDs were all documents currently being worked on by the planning policy team and policies coming forward.

Planning Committee Comments

The Committee noted that progress was being made with SPDs and DPDs. A councillor had only the day previously attended a Local Plan Panel meeting where policy officers were devising a Green Belt SPD as well as other relevant policies.

Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

R7(initial recommendation of the peer group report):

Review the Planning Committee referral system focussing particularly on the Member referral process (7-day procedure) and householder referral system to ensure that applications are not unnecessarily delayed and Planning Committee can focus on the strategically more important applications.

Working Group Recommendation

The Group agreed that the 21-day notification procedure to be included in the operational plan to be considered formally as part of the final report. The procedure would give councillors the opportunity for earlier engagement with officers and influence the process going forward.

Planning Committee Comments

The Committee welcomed the proposed 21-day notification procedure as it would enable councillors to be aware of forthcoming applications much earlier in the process. It would also facilitate a dialogue between the councillors and officers regarding what policies might be included in a report to reflect concerns regarding identified harm and/or benefits of a proposed development. All Councillors would therefore be more proactive in this process.

The Committee noted that the 7-day notification process had worked reasonably well to date, however the increased workload for planning officers as well as the potential delays in the processing of applications meant that the system now needed to be replaced.

A concern was raised that the 21-day notification process might result in more applications being referred to Committee than was necessary. The Committee noted a proposed amendment to the process for Councillor Call-up outlined on the supplementary late sheets which included an additional Note within the process to allow a councillor to withdraw any request to refer an application to the Committee. In addition, a flowchart had been produced detailing how the new Call-Up process would work, which was welcomed by the Committee. Concern was expressed that this amendment was not quite precise enough because it was not clear at what point the councillor would know that they were prepared to withdraw their request. The councillor might think the harm was going to be greater than the benefit, so to be on the safe side would call an application to Committee. It was suggested that an additional stage be included in the process to provide that the case officer, before the committee report is written, contacts the councillor to indicate what their recommendation on the application is likely to be and the reasons for it. This would enable the councillor to consider whether they still wished to call-up the application to Committee.

The Committee noted comments regarding the staffing situation in the planning department and concern that planning officers were currently being recruited on a temporary basis who did not necessarily have a good local knowledge of the area.

The Executive Head of Planning Development, confirmed that staffing issues was one factor that she was working hard to resolve as well as introduction of more streamlined procedures in order to reduce the application backlog.

Having a more streamlined call-up to Committee process would be one factor that would assist in improving the Council's performance and councillors would become involved in applications in their ward at a much earlier stage and have a greater opportunity to influence how the officer looked at the application if they were already aware of the local member's concerns.

Concern was expressed that some wards of the borough attracted significantly more planning applications than others, thus putting greater pressure on the councillors for those wards.

- (a) the proposed additional Note to be added to the procedure stating: “A councillor who has requested an application to be called up to Committee may, following further consideration, withdraw that request.”

Recommendation:

The Planning Committee endorsed the Working Group’s recommendation to approve the proposed process for Councillor Call-up (referral) to Planning Committee set out in Appendix 3 to the report, subject to the inclusion of:

- (a) the proposed additional Note to be added to the procedure stating: “A councillor who has requested an application to be called up to Committee may, following further consideration, withdraw that request.”; and
- (b) an additional stage in the process to provide that the case officer, before the committee report is written, contacts the councillor to indicate what their recommendation on the application is likely to be and the reasons for it. This would enable the councillor to consider whether they still wished to call-up the application to Committee.

R8 (initial recommendation of the peer group report):

Revisit the site visits protocol with particular emphasis on who attends and on ensuring a consistent approach of officers and conduct of members during the site visit.

Working Group Recommendation

The Group agreed that no changes were required to the current site visit protocol. Councillors were aware of the need to ask for a site visit ahead of time rather than at the meeting itself which was noted to be useful for councillors in assessing the planning merits of a scheme.

Planning Committee’s Comments and Recommendation

The Planning Committee endorsed the Working Group’s recommendation.

R9 (initial recommendation of the peer group report):

Review the member overturns process so that alternative motions are raised by Members and advice is provided by officers prior to the officer recommendation vote being made.

Working Group Recommendation

The Group agreed that a clear procedure was needed for councillors to understand and that any reasons given for overturning an officer recommendation had to be robust. The Chairman would need to use their

discretion to ensure that the agreed reasons for refusal were stuck to and to limit the debate. The Group asked the Interim Head of Place, to undertake a light touch benchmarking exercise internally as well as with Waverley Borough Council and to circulate it to the Group via email for agreement, prior to incorporation into a report.

(NB: It was not possible for this piece of work to be completed before the Interim Head of Place's departure from GBC. Consequently, it was picked up by the Interim Joint Executive Head of Planning Development and discussed by the Corporate Governance Task Group. The Task Group had recommended the procedure set out in Appendix 4 to the report submitted to the Committee).

Planning Committee Comments

The Committee noted concerns that if a separate vote was taken on each individual reason for refusal, it was possible that councillors might not attach the same weight to particular reasons for refusal resulting in no clear majority voting in favour of any reason for refusal cited.

The Executive Head of Planning Development confirmed that this did happen but that it was better to have one strong, robust and defensible reason for refusal than various weak reasons which were only supported by a few members of the Committee. The Committee would also have the option of recommending a deferral of an application if required.

Recommendation:

The Planning Committee endorsed the proposed procedure for councillors overturning officer recommendations at Committee set out in Appendix 4.

R10 (initial recommendation of the peer group report):

Undertake bespoke probity in planning and appeals training for members with a neutral facilitator, for example, someone who has direct experience of being a Planning Inspector.

Working Group Recommendation

The Group agreed that the Probity in Planning training be incorporated into the annual training programme.

Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

R11 (initial recommendation of the peer group report):

Review public speaking opportunities for Parish councils and special interest groups.

Working Group Recommendation

The Group agreed to the recommendation to retain the current public speaking arrangements but for the Chairman to retain the discretion to allow additional speaking slots for significant applications which was already practised.

Planning Committee's Comments and Recommendation:

The Planning Committee endorsed the Working Group's recommendation.

PL6 REVIEW OF THE PROBITY IN PLANNING LOCAL CODE OF PRACTICE HANDBOOK

The Committee considered a report on the outcome of a review of the Probity in Planning Handbook which had been conducted by the Corporate Governance Task Group. The Handbook formed part of the Constitution and had last been reviewed in 2019.

The Handbook provided guidance for councillors and officers on their role and conduct in the planning process, including how councillors and officers should manage contact with applicants, developers and objectors or supporters. The purpose of the guidance provided in the document was to ensure that decisions made in the planning process were not biased, were taken openly and transparently, and based only on material planning considerations.

Each part of the Handbook had been carefully reviewed to ensure that the document reflected the law, and current best practice.

The Committee noted that the Corporate Governance and Standards Committee had considered the report at its meeting on 19 January 2023, and a copy of the draft minute in respect of the matter had been appended to the report. The various comments and recommendations in respect of the draft revised Handbook which had been suggested by the Corporate Governance and Standards Committee had been highlighted for this Committee's attention.

In considering the report and the draft revised Handbook, the Committee made the following comments and suggestions:

- Proposal to add the following sentence to the end of paragraph 5 of Annex 2 – Protocol for informal presentations to councillors relating to development:
“A copy of the refusal decision and reasons will also be sent to the portfolio holder(s)/ Lead Councillor(s) for Planning Development and Regeneration.”
- Concern that portfolio holders wishing to support a planning application in respect of the Council’s own development, or which directly affected the Council’s land or property should not be able to speak as a ward councillor as it would have the effect of outnumbering the speakers objecting to the application. It was suggested, in these circumstances, that the portfolio holder should register to speak in one of the public speaking slots. It was noted, however, that allowing non-committee members to speak already skewed the number of speakers speaking for or against an application, so allowing portfolio holders to speak in that capacity made little difference. It was also suggested that the portfolio holder should, in these circumstances and for openness and transparency, declare a corporate interest in the application.
- Concern that registration of officers’ interests was not as transparent as registration of councillors’ interests.
- Clarification was sought as to the likelihood of a legal challenge to a planning decision due to a committee member reading a pre-prepared speech, as opposed to making a speech using prepared bullet points (paragraphs 22.3 and 22.4 of the draft revised Handbook). It was accepted that there would be more of a perception of a councillor being pre-determined by reading a pre-prepared speech, rather than if they were using bullet points as a prompt to cover particular aspects of a planning application. Any judicial review of a decision in which predetermination was alleged, would require as part of the process disclosure of documents as evidence, which would include pre-prepared written speeches.
- The Committee expressed a wish to return to the pre-Covid layout of the Council Chamber for Planning Committee meetings similar to the indicative layout shown at the end of Annex 5 to the draft revised Handbook (Speaking at Planning Committee).

The Committee

RECOMMEND: That the revised ‘Probity in Planning Local Code of Practice Handbook for Councillors and Officers’, attached as Appendix 2 to the report

submitted to the Committee, be adopted by full Council at its extraordinary meeting on 22 February 2023, subject to the addition of:

- (a) The following sentence to the end of paragraph 5 of Annex 2 to the Handbook – Protocol for informal presentations to councillors relating to development:
“A copy of the refusal decision and reasons will also be sent to the portfolio holder(s)/ Lead Councillor(s) for Planning Development and Regeneration.”

- (b) The flowchart included on the Late Sheets showing the Planning Application Journey to Annex 3 to the Handbook – the Process for Councillor ‘call-up’ to Planning Committee in order to assist councillors’ understanding of that process.

The meeting finished at 9.20 pm

Signed

Date

Chairman