

Minutes

Planning Committee

Thursday, 18 April 2024, 1.00 pm

Council Chamber – South
Kesteven House, St.Peter's Hill,
NG31 6PZ



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor David Bellamy (Chairman)
Councillor Charmaine Morgan (Vice-Chairman)

Councillor Pam Byrd
Councillor Helen Crawford
Councillor Paul Fellows
Councillor Tim Harrison
Councillor Penny Milnes
Councillor Vanessa Smith
Councillor Sarah Trotter
Councillor Paul Wood

Cabinet Members present

Councillor Phil Dilks (Cabinet Member for Housing and Planning)

Other Members present

Councillor Mark Whittington

Officers

Emma Whittaker (Assistant Director of Planning)
Phil Jordan (Development Management & Enforcement Manager)
Adam Murray (Principal Development Management Planner)
Debbie Roberts (Head of Corporate Projects, Policy and Performance)
Charles James (Corporate Policy Officer)
Martha Rees (Legal Advisor)
Amy Pryde (Democratic Services Officer)

113. Register of attendance and apologies for absence

Apologies for absence were received from Councillors Ian Stokes, Phil Gadd and Harrish Bisnauthsing.

114. Disclosure of interests

There were none.

115. Minutes of the meeting held on 14 March 2024

It was proposed, seconded and voted unanimously to **DEFER** minutes of the meeting held on 14 March 2024 and for them to be brought back to the next Planning Committee meeting.

116. Application S24/0140

Proposal: Section 73 application to vary Condition 24 (Off-site highways works) of planning permission S16/1816
Location: Land at Rectory Farm (Phase 1), Grantham
Recommendation: To authorise the Assistant Director – Planning to REFUSE planning permission

Noting comments in the public speaking session by:

Ward Councillors	Councillor Gareth Knight Councillor Mark Whittington
Applicant	Rebecca Smith

Together with:

- Provisions within SKDC Local Plan 2011-2036, Design Guidelines for Rutland and South Kesteven Supplementary Planning Document and National Planning Policy Framework (NPPF).
- Comments received from Lincolnshire County Council (Highways & SuDS).
- Comments received from Barrowby Parish Council.
- Comments received from National Highways.

During questions to Public Speakers, Members commented on:

- What the current wait time at the junction was for traffic?

The estimated queuing time at the junction in the AM and PM peak times was provided, as well as the impact of additional traffic from the proposed development.

- Further clarification was sought around the timescales between the houses being built and the junction being completed.

The 150 dwellings proposed was shared between Jelson Homes and Vistry Homes. The companies would be prepared to deliver approximately 17-20 homes in 2024, 35 homes in 2025. The home delivery would gradually increase over the following years.

- The dates of when the houses would be occupied was queried.

The Applicant confirmed that homes could be ready for people to move in by October 2024.

The junction improvement works programme had been 18 months in length, however, it was unknown as to when this would be completed. Additional site investigations were due to take place on the junction.

- It was queried whether any investigations had been undertaken into the required works when permission was previously granted.
- Concern was raised around traffic and air pollution issues.
- Clarification was sought around work traffic vehicles and how this would affect the construction management plan. It was queried whether the possible delay in the delivery of junction improvements had been taken into account in the traffic modelling relating to the application.

It was confirmed that strict traffic management plans would need to be agreed with National Highways and Lincolnshire County Council.

- One Member queried the timeframe in which the proposed 150 dwellings would be built.

It was clarified that the aim was to build 60-80 dwellings per year, over 4 years.

- It was queried whether the housebuilding would slow down or stop, if the application was refused.

If the application was refused, the Applicant's would continue discussions with all parties involved to find a solution.

- Whether the Applicant's felt that Highway safety should take preference for residents over building more homes within a timeframe.

The Applicant felt that the proposal would not cause a higher impact on Highway safety than the current situation.

During questions to Officers, Members commented on:

- The specialist that had commented on the highway impacts relating to the proposal, as set out by the Applicant.

The Planning Officer clarified that the Applicant's had employed their own specialist transport consultants.

- Concern around going against National Highway's and Lincolnshire County Council's advice.
- The existing situation of the overcapacity on the A1 road was exacerbated.
- Members discussed previous applications where Highways safety was a risk.
- Further concern was raised on speed and density of traffic at peak times.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **REFUSE** planning permission.

117. Application S24/0407

Proposal:	Erection of three storey townhouse to provide 1 (no) flat following demolition of existing building
Location:	20 Swinegate, Grantham
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Together with:

- Provisions within SKDC Local Plan 2011-2036, Design Guidelines for Rutland and South Kesteven Supplementary Planning Document, National Planning Policy Framework (NPPF).
- No comments received from Grantham Civic Society.
- Comments received from Heritage Lincolnshire.
- Comments received from Historic England.
- No comments received from Lincolnshire County Council (Highways & SuDS).
- Comments received from SKDC Conservation Officer.
- No comments received from SKDC Environmental Protection.

During questions to Officers, Members commented on:

- Whether the re-build would include the bricked-up window of the original building.

The Planning Officer confirmed that the scheme would mean that the window would be bricked-up again as a like for like replacement.

- Members highlighted Historic England’s concerns on deliberate neglect of the building.

The term ‘deliberate neglect’ was part of the National Planning Policy Framework (NPPF) and was a material consideration. Evidence of a historic asset being deliberately neglected should not be given weight to in regard to the deteriorated state of the building.

It was noted that every endeavor had been made in attempt to retain the building and the front façade, in order to retain heritage assets.

- Whether the water damage of the building could have been prevented.
- How soon work would commence on the demolition and when the finish date would be.

The Assistant Director of Planning confirmed that works would be able to commence by the 29 April 2024.

- Whether Officers could develop a definitive list of features that would be retained from the old building and features replaced like for like.

The Planning Officer informed the Committee that condition 9 referred to brickwork details and large-scale details. It was noted that once demolition had taken place, then individual features would be assessed on their state.

- Whether a condition could be included in relation to archaeological findings and if they could be retained locally.

Archaeological findings were covered by condition 3, whereby an investigation would take place and Heritage Lincolnshire would provide a accession number on the location of the findings and where they could be accessed.

- Whether a condition could be included on the timeframe of start of demolition works and rebuild.

It was confirmed that the Council could not impose a condition requiring development to start of the rebuild. However, with the Council being the landowner, works were likely to start before the 3 years was up.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** planning permission, subject to conditions.

Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:

1. Proposed Floor Plan and Elevation Plan (Ref: 4076/DE03)

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

During Building Works

Archaeological Investigations

- 3) The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation – Building Recording (PCAS Archaeology) (November 2023) and Written Scheme of Investigation – Archaeological Monitoring and Recording (PCAS Archaeology) (November 2023) (Revision B) submitted and approved as part of this application.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan and the policies contained in the National Planning Policy Framework.

Phasing Plan and Timetable

- 4) The development hereby permitted shall be undertaken in accordance with the Phasing Plans (Lindum) (received 24 May 2023), approved under application ref: S23/0982, except where modified by this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development as a whole proceeds in an orderly and co-ordinated manner.

Construction Management Plan

- 5) The development hereby permitted shall be undertaken in accordance with the Construction and Traffic Management Plan (Ref: 180677-CTMP), approved under application ref: S23/0982, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property, adjacent to, or downstream of the permitted development during construction and to ensure that suitable traffic routes are agreed, and to ensure that the demolition and construction processes do not give rise to unacceptable adverse impacts on the amenities of neighbouring properties.

Demolition Method Statement

- 6) The demolition works hereby permitted shall be undertaken in accordance with the Demolition Method Statement (UDCS Ltd) (received on 30 March 2024), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that demolition activities do not give rise to unacceptable adverse impacts on the amenity of neighbouring properties.

Precautionary Ground Contamination

- 7) If, during the development, contamination not previously identified to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a Remediation Strategy detailing how this contamination is to be dealt with, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at, unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Asbestos Management

- 8) If, during the development, asbestos is identified, a scheme to address the management and / or safe disposal of asbestos and asbestos containing materials must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the Local Planning Authority dispenses with any such requirement specifically in writing.

Thereafter, the asbestos management scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to unacceptable risks of pollution to the site and / or workers.

Brickwork Details

- 9) Following the demolition of the building hereby approved, but prior to commencement of works to erect the replacement structure, further large scale details of the use of salvaged and / or new brickwork in the proposed redevelopment shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must be carried out in accordance with the approved details prior to first occupation.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 (Good Quality Design) and Policy EN6 (The Historic Environment) of the South Kesteven Local Plan 2011-2036.

Before the Development is Occupied

Surface Water Drainage Implementation

- 10) Before any part of the development hereby permitted is occupied, the works to provide surface water drainage shall have been completed in accordance with the Flood Risk Assessment and Sustainable Drainage Strategy (Stirling Maynard) (Ref: P22154) (April 2023), approved under application ref: S23/0982.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of the permitted development, and to prevent environmental and amenity problems arising from flooding, in accordance with Policy EN5 (Water Environment and Flood Risk) of the South Kesteven Local Plan.

Biodiversity Mitigation and Enhancement

- 11) Before any part of the development hereby permitted is occupied, all biodiversity mitigation and enhancement measures detailed within the Biodiversity Enhancement Letter (CBE Consulting) (Dated 23 March 2023), as approved under application ref: S23/0780) shall have been completed in accordance with the recommendations of that report.

Reason: To ensure that the proposed development adequately protects Protected Species and achieves a biodiversity net gain, in accordance with Policy EN2 of the South Kesteven Local Plan and the Wildlife and Countryside Act 1981.

External Materials

- 12) Before any part of the development hereby permitted is occupied, the proposed development must have been completed in accordance with the approved external materials details as set out in the Materials Specification (received 9 November 2023), except where modified by the details approved by Condition 9 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 (Promoting Good Quality Design) and Policy EN6 (The Historic Environment) of the South Kesteven Local Plan 2011-2036.

Sustainable Buildings

- 13) Before any part of the development hereby permitted is occupied, the sustainable building measures set out within the Planning Statement – Sustainable Building Measures (Allan Joyce Architects) (24 May 2023), approved under application ref: S23/0982, shall have been completed in full, including provision of electric vehicle charging points.

Reason: To ensure that the development mitigates against and adapts to climate change in accordance with Policy SB1 and SD1 of the South Kesteven Local Plan 2011-2036.

Hard Landscaping

- 14) Before any part of the development hereby permitted is occupied, all hard landscaping works shall have been carried out in accordance with the details indicated on the Proposed Site & Ground Floor Plan (Ref: 4076/PL04), approved under application ref: S23/0780.

Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

CCTV Monitoring Scheme

- 15) Before any part of the development hereby permitted is occupied, the CCTV monitoring scheme, as indicated on the Proposed Site & Ground Floor Plan (Ref: 4076/PL04), approved under application ref: S23/0780, must have been completed in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy DE1 of the adopted South Kesteven Local Plan, and to avoid the development proposals giving rise to crime and / or fear of crime in accordance with Section 12 of the National Planning Policy Framework.

Verification of Ground Remediation

16) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of the remediation works set out in the Additional Site Investigation Report (Ground Engineering) (April 2023) (Ref: C15891), approved under application ref: S23/0780, and the effectiveness of the remediation, shall have been submitted to and approved in writing by the Local Planning Authority. The report shall include results of the sampling and monitoring carried out in accordance with the approved report, to demonstrate that the site criteria have been met. The report shall have been submitted by the nominated competent person, and shall include:

- (1) A complete record of remediation activities and data collected as identified in the remediation scheme to support compliance with the identified objectives
- (2) As built drawings of the implemented scheme
- (3) Photographs of the remediation works in progress; and
- (4) Certificates demonstrating that imported and / or material left in situ is free from contamination.

The scheme of remediation shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

Ongoing

Soft Landscaping Implementation

17) Before the end of the first planting / seeding season following the occupation of any part of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the approved soft landscaping details as detailed on the Proposed Soft Landscaping Plan (Ref: 4076/PL04/Rev B), approved under application ref: S23/0780.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Soft Landscaping Protection

- 18) Within a period of five years from first occupation of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

(Councillor David Bellamy left the meeting at 13:55)

118. Application S23/2004

Proposal:	Change of use from agricultural land to use as a residential caravan site for 1 gypsy / traveller family group on 7 pitches, comprising of 10 touring caravans and 10 static caravans, erection of 10 utility buildings and 7 stable blocks with ancillary paddock land, formation of new access, hardstanding for parking and the installation of a package sewage treatment plant (Resubmission of S22/1022)
Location:	Meadow View, Marshall Way, Foston
Recommendation:	To authorise the Assistant Director – Planning to REFUSE planning permission

Together with:

- Provisions within SKDC Local Plan 2011-2036, Foston Neighbourhood Development Plan 2016-2026, Design Guidelines for Rutland and South Kesteven Supplementary Planning Document, National Planning Policy Framework, Planning Policy for Traveller Sites (PPTS) and South Kesteven Local Plan Review 2021-2041.
- No comments received from Anglian Water.
- No comments received from Cadent Gas.
- Comments received from Foston Parish Council.

- Comments received from Lincolnshire County Council (Education).
- Comments received from Lincolnshire County Council (Highways & SuDS).
- No comments received from Lincolnshire Fire and Rescue.
- No comments received from Lincolnshire Crime Prevention Officer.
- Comments received from Long Bennington Parish Council.
- No comments received from Ministry of Defence.
- No comments received from National Highways.
- Comments received from NHS Lincolnshire ICB.
- Comments received from SKDC Environmental Protection Officer.
- No comments received from Witham and Humber Internal Drainage Board.

(Councillor Charmaine Morgan acted as Chairman for this application).

(Councillor Tim Harrison did not participate in the debate or vote as he was absent for the previous hearing of this application).

During questions to Officers, Members commented on:

- What weight would be given at appeal to the recommendation if the Applicant was to enter a planning obligation to provide financial contributions to healthcare provision and the application was refused on noise only.

The Planning Officer highlighted that the Applicant could resubmit another application in order to overcome the reason for refusal.

During the course of an appeal, if the Applicant demonstrated that they were willing to provide healthcare provision, the other reason for refusal would stand alone.

- Whether the development continuing despite the previous refusal was considered as a material consideration.

It was clarified that the reference in the Written Ministerial Statement about unauthorised development meant that retrospective permissions could still be refused, even if the works had taken place on site.

The Assistant Director of Planning clarified that the first application for the site was retrospective and was refused by Officer's. The Applicant's then supplied additional information, which was then brought to Committee on 14 March 2024 with a recommendation for approval, whereby the Committee refused the application. A decision was not issued at that time, due to further reasons for refusal being required.

- One Member noted the high number of commercial and personal vehicles that could be leaving/gaining access to the site.
- Whether the harm of noise was deemed as a severe impact at the previous discussion of this application.

- Further concern was raised on noise from the A1 and ventilation of the caravans.
- Members discussed evidence from previous sites of a similar application.
- The mitigation of high fencing and spikes of noise from the A1.

The Legal Advisor reminded the Committee that they had previously refused the application on 14 March 2024. The application had come back to Committee to clarify the reasons for refusal, alongside the addition of the S106 agreement, which had not been completed.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **REFUSE** planning permission for the following reasons:

- (1) *Noise and air pollution arising from traffic using the A1 would have a harmful effect on the residential amenity of occupiers of the proposed accommodation, such that the development fails to provide appropriate living conditions. As such, the application proposals are contrary to Local Plan Policy H5(a), EN4 and DE1, and Paragraph 135 of the National Planning Policy Framework. Other material considerations, including the need for traveller pitches in the District, are not considered sufficient to outweigh the identified conflict with the development plan.*
- (2) *The application site is not located within reasonable proximity to shops, schools and health facilities, and future occupiers of the proposed accommodation would be reliant on the private vehicle to access local services. As such, the application scheme is contrary to Local Plan Policy H5(c) and Section 9 of the National Planning Policy Framework. Other material considerations, including the need for traveller pitches in the District, are not considered sufficient to outweigh the identified conflict with the development plan.*

(Councillor Charmaine Morgan stepped down as Chairman, due to previously speaking in objection to Application S23/2158).

*(It was proposed, seconded and **AGREED** to re-elect Councillor Helen Crawford to act as Chairman for Application S23/2158 only).*

119. Application S23/2158

Proposal:	Planning application for a proposed change of use of a residential dwellinghouse (Use Class C3) to a children’s care home (Use Class C2).
Location:	Barakat, 52 Saltersford Road, Grantham, Lincolnshire NG31 7HG
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Together with:

- Further comments received from Lincolnshire County Council.
- Comment received on Highway Issues.

During questions to Officers, Members commented on:

- Whether any comments had been received from Lincolnshire County Council's Children's Department for their information on local need and whether they had approached the Applicant's to use the home.

The Planning Officer confirmed that they had sought to gain comments from Lincolnshire County Council on local need, however, no response was received.

One Member suggested that the Applicant's had no communication with Lincolnshire County Council and were unaware of the company homing children in Lincolnshire. This information was from an email between Lincolnshire County Council and a Member.

(The meeting was adjourned for 15 minutes, to consider the correspondence in question).

The Assistant Director of Planning confirmed that the correspondence email was between a District Councillor and a County Councillor, and not an email from any Officers at Lincolnshire County Council. It was not a definitive statement in relation to the local need, and Members should be cautious in applying any weight to the correspondence.

- Concern was raised on the maneuverability of 6 vehicles within the revised parking plan.
- Further concern was raised on the staffing hours. It was queried how the maneuverability of cars in the parking plan would take place during staff breaks/staff leaving and arriving to work, all whilst in the care of children.

During debate, Members commented on:

- It was noted that the Applicant's had put stone and gravel curtilage on Lincolnshire County Council owned grass way to assist in maneuvering the cars.
- Members discussed material considerations that had been identified previously.
- It was noted that the site and parking seemed cramped and would affect neighbors, alongside impact on the overall amenity.

The Legal Advisor reminded the Committee that this application was previously deferred for further information on car parking to be submitted. Therefore, in deferring the application for further information about car parking, it inferred that the

principle of development had been deemed as acceptable as part of the previous debate.

- Previous concerns on privacy of children and neighbors were raised.

One Member clarified the two previous reasons for refusal being parking issues and further information to be provided by Lincolnshire County Council's Children's Department on local need.

The Assistant Director of Planning confirmed that when an application was deferred for a specific reason, there was an expectation that unless something had materially changed since the first hearing and the second hearing of the application, all other matters other than the reason for deferral were considered to be agreed.

The Legal Advisor stated that the minutes of the previous meeting had been deferred on the accuracy and this did not preclude the Committee from making decisions at the meeting.

Members were concerned of the previous deferral and thought that the application as a whole had been deferred rather than deferral for further information on car parking and were unaware that all other matters other than the reason for deferral were accepted.

It was proposed and seconded to authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

This proposal fell.

One Member suggested the following reasons for refusal, as:

- Absence of any demonstration of local need.
- Unsuitability for the proposed site and development.
- Impact of the proposed use upon residential amenity, traffic generation and car parking.
- Contrary to DE1, H4 and MPPF (section 12).

Members were reminded that using reasons for refusal other than the previous reasons for deferral could be considered as unreasonable behaviour and risk an award of costs against the Council as part of an appeal.

The Assistant Director of Planning suggested that the Committee considered matters relevant to car parking including the quantum of car parking spaces, the appropriateness of the layout and maneuverability and impacts on Highway Safety on the surrounding roads to the site.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **REFUSE** planning permission for the following reason:

1. Insufficient amount of parking and the layout parking provided on site was insufficient, which was likely to lead to vehicles being required to maneuver and park on the Highway, which had a safety risk.

(The Committee had a 10 minute break)

(Councillor Charmaine Morgan returned to the meeting and acted as Chairman for the remainder of the meeting).

120. Planning Enforcement Update

The Development Management and Enforcement Manager presented the report.

The report provided Planning Committee with an overview of the Planning Enforcement function in the period 1 January 2023 – 31st December 2023, as well as a review of the current year to date.

Members were provided with a graph of the number of new enforcement numbers, with the average number of new cases opened each year being 300.

For 2023 and so far in 2024, the Enforcement Team had closed more cases than have been opened. In January 2023, there were 545 active enforcement cases, and as of 8th April 2024, there are 267 active enforcement cases, a total reduction of 278.

The enforcement team had shown a significant improvement in 2023 for the site visits within target timeframes. The figure had improved from an average of 33% of initial site visits made within 10 days for the years of 2020-22 to 87% for 2023.

Once the enforcement team reached full staffing capacity in September 2023, the Enforcement team achieved 99% of site visits within time for the last 4 months of 2023 and had currently achieved 99% of site visits within time for 2024.

Once an initial investigation had been completed, Officers would decide how to progress the case and inform the enquirer of the intended next steps.

Cases are closed for a variety of reasons and those cases that have been closed and the reason for them being closed:

- 43% - No breach
- 3% - Immune from enforcement action
- 21% - Planning permission granted
- 10% - Not expedient
- 17% - Remedied voluntarily
- 1% - Complied with Notice
- 5% - Other

Members congratulated and commended the team for the input on the volume of outstanding work completed.

One Member queried what reasons would come under 'immune from enforcement action'.

The term 'immune from enforcement action' meant the passing of time that something is allowed to become immune. Built development could become immune after four years and changes of use would become immune after 10 years. If the owner of a site can evidence that something has happened 4 or 10 years ago and there had been no action, it would become immune from enforcement action.

One Member requested an update on Valley Lane, Long Bennington following the meeting.

The Chairman suggested that a formal email be sent to the team to thank them for all their hard work.

It was queried whether the ENF reference numbers were available to view on the Council's website.

The Development Management and Enforcement Manager clarified that the ENF reference numbers were not available on the Council's website. However, once an ENF was into an enforcement appeal situation, the Council were then obliged to make certain material available for the public to access within a separate section of the Council's website.

The Assistant Director for Planning clarified that the Council were required to keep a planning enforcement register, which was a register of enforcement notices that had been served by the Council. This was being explored to be accessible online to residents.

The Cabinet Member for Planning and Housing welcomed the Committee's comments on praising the Officers.

Clarification was sought around 'In deciding whether to issue the Council has to take into account the provisions of the Development Plan and any other material considerations. It was noted that future Applicant's may consider this statement within the report.

It was clarified that if an enforcement notice was served following a refusal of an application, there are several reasons that a notice can be appealed, one of which was that planning permission ought to be granted for the development that had taken place. Therefore, it was necessary to consider whether a development had taken place without planning permission would comply with the development plan and other material considerations, before deciding whether to serve and enforcement notice.

One Member queried whether any additional figures could be collated to show the start date of an issue raised and completion date of the enforcement.

It was confirmed that the figures would be explored and reported at the next update. It was noted that enforcement cases could be closed within days or a number of years, depending on the complexities of the case.

It was further queried as to what the main reasons for enforcement breaches were.

Some of the most common breaches of planning control were the material change of use of land, unauthorised works to trees, unauthorised works to listed buildings and operational development (sheds and fences etc). The enforcement policy categorized breaches into priorities to distinguish how quickly an Officer needed to attend the site of the breach.

Assurance was sought that the new Officer's within the Enforcement Team were permanent roles to continue stabilizing the service.

The Assistant Director of Planning assured Members that the Officers were permanent, full-time members of staff.

That Planning Committee note the contents of the Planning Enforcement update.

121. Corporate Plan 2024-27: Key Performance Indicators

The Corporate Policy Officer presented the report on behalf of the Cabinet Member for Corporate Governance and Licensing. The report outlined the proposed key performance indicators (KPIs) for the Corporate Plan 2024-2027, to be monitored by this Committee, and to recommend the approval and adoption of the KPI suite from 1 April 2024.

The Corporate Plan 2024-2027 was adopted by Council on 25 January 2024 (see Appendix 1). It was proposed actions, Key Performance Indicators (KPIs) and targets would be developed by the relevant Overview and Scrutiny Committees (OSCs), which would retain oversight of the performance management arrangements at a strategic level.

Historically, KPIs had not been reported to Planning Committee. In the previous Corporate Plan, Planning KPI's were reported to Finance and Economic Overview and Scrutiny Committee, Housing Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee.

One Member raised concern of priority 4, in relation to achieving the Housing Priority. This was due to the Council not having a permanent Director of Housing or Head of Services in place at present.

The Assistant Director of Planning clarified that the absence of Housing colleagues was not relevant as part of the KPI suite. The Housing KPI was around planning applications, how quickly they were determined. Other areas on Housing were around maintaining the Council's 5-year housing land supply.

The Cabinet Member for Housing and Planning noted that he had every confidence in the temporary Director of Housing.

It was queried whether the refusal of applications that were deemed unsuitable would have an impact on the statistics in regard to the KPI's.

The refusal of applications that were deemed unsuitable may result in a delay in the delivery of the houses making it more challenging for the Council to meet their five-year housing land supply. Applicants for schemes are asked to come up with different arrangements that convinces the Council that it may be suitable.

The Committee were reminded to be mindful of the five-year housing land supply. The KPI would report figures in relation to the five-year housing land supply.

*(It was proposed, seconded and **AGREED** to extend the meeting by 15 minutes).*

A query was raised on whether the KPIs were based on numbers or cumulative planning permissions.

The Assistant Director of Planning clarified that the Housing KPI figure was cumulative, whereby it was based on the number of houses delivered overall.

One Member suggested that monitoring of new business developments should be included within Planning KPI's.

The Head of Corporate Projects, Policy and Performance clarified that the Finance and Economic Overview and Scrutiny Committee were reviewing the KPI on the monitoring of new business developments.

Foundations within the Corporate Plan was sustainability around air quality. It was queried whether any KPIs had measures around the impacts of Planning decisions around air quality.

It was confirmed that the Annual Air Quality report was considered by an Overview and Scrutiny Committee. Air Quality was taken into consideration during the planning process but was not measured.

One Member queried sustainable housing and renewable energy for measuring how many planning applications submitted had renewable energy measures.

The Head of Corporate Projects, Policy and Performance noted that KPI's around sustainability were not specific to Housing. The Housing Standards had changed, and legislation changes required biodiversity net gain.

The Authority Monitoring Report came to Committee on an annual basis, where performance of the Council against Local Plan policies was provided.

The Corporate Policy Officer clarified that the KPI's focused on the performance of the service rather than the wider performance of the District.

A separate suite (strategic socioeconomic indicator) was provided on the Annual State of the District, where number of new builds, local housing markets and renewable energy were provided.

One Member suggested that the provision/action on KPI HOUS10, be separated into the two distinct actions. The action summary included effective consultation across the District as part of the actions

The Corporate Policy Officer confirmed that the action could be broken down into action focused on local plan and the planning process action, alongside the performance of local plan and delivery of local plan review.

The Cabinet Member for Housing and Planning reminded the Committee that the consultation on the Local Plan was due to close on 25 April 2024.

It was proposed, seconded and **AGREED** that the Committee:

1. **Approves the key performance indicators it wishes to review associated with the actions in the Corporate Plan 2024-27.**
 2. **Notes that key performance indicators will be monitored throughout the year as determined by the Committee.**
 3. **Notes that the KPI suite will be reviewed and if necessary revised as part of the annual review process.**
- 122. Any other business, which the Chairman, by reason of special circumstances, decides is urgent**

There were none.

123. Close of meeting

The Chairman closed the meeting at 16:55.