

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES	
	Discretionary /	Need to be recommendations to Council		NO	
	Operational	Is it a Key Decision		NO	
Lead Member: E-mail: <i>Cllr.James.Moriarty@west-orfolk.gov.uk</i>		Other Cabinet Members consulted: None			
Lead Officer: Lynette Fawkes E-mail: Direct Dial:		Other Members consulted: None			
Lead Officer: Lynette Fawkes E-mail: Direct Dial:		Other Officers consulted: Stuart Ashworth, Hannah Wood-Hamdy			
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 5 February 2025

CONSERVATION AREAS ADVISORY PANEL

Summary

This report presents to Cabinet a proposal to disband the Conservation Areas Advisory Panel, set up by Cabinet in 1994.

Recommendation

Cabinet is recommended to accept officer recommendation and disband the Conservation Areas Advisory Panel (CAAP)

Reason for Decision

The CAAP panel has been in existence for a long time and while the input of the panel has been invaluable, the National Planning Policy Framework now places greater emphasis upon specialist advice on design, which this panel are not qualified to deliver.

As the CAAP was set up by Cabinet, the decision to disband the CAAP also needs to be a Cabinet decision.

1 Background

What is the Borough Council's Conservation Areas Advisory Panel?

- 1.1 Conservation Area Advisory Panels (CAAP) were introduced by Planning Policy Guidance (PPG) 15 for the historic environment in September 1994. They were never mandatory but PPG 15 advised that a local panel of experts who could advise in the making of decisions relating to the historic environment could be useful. The relevant paragraph of this guidance is below;
- 1.2 *4.13 Local planning authorities are asked to consider setting up conservation area advisory committees, both to assist in formulating policies for the conservation area (or for several areas in a particular neighbourhood), and also as a continuing source of advice on planning and other applications which could affect an area. Committees should consist mainly of people who are not members of the authority; local residential and business interests should be fully represented. In addition to local historical, civic and amenity societies, and local chambers of commerce, the authority may wish to seek nominations (depending on the character of the area) from national bodies such as the national amenity societies and the Civic Trust. Authorities should consider whether there is scope for the involvement of local people on a voluntary basis in practical work for the enhancement of an area.*
- 1.3 The Borough Council of Kings Lynn and West Norfolk Cabinet adopted these conservation panels early with a CAAP panel existing in this authority since the early 1990's. When the panel was set up by Cabinet, it consisted of elected members, planning officers and conservation officers as well as local architects, archaeologists and local heritage group members such as the Civic Society and the Building Preservation Trust. They looked at applications for small extensions as well as large housing allocation sites and offered local expertise on the suitability of those applications.
- 1.4 PPG15 is no longer current guidance and was superseded by Planning Policy Statement 5 in March 2010 and the National Planning Policy Framework (NPPF) in March 2012. This national policy document asks local authorities to place greater emphasis on quality and expert design advice where it is being sought. Paragraph 138 of the current NPPF relating to design advice is below;
- 1.5 *NPPF 138 states “ Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These*

are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

- 1.6 The CAAP panel is not a design review panel in the way meant in the above paragraph. Current policy guidance on design review panels as referenced by the NPPF can be found within Planning Practice Guidance – Design: process and tools in Paragraph 17;

Design review is an independent assessment of development proposals by a panel of multidisciplinary professionals and experts, which can inform and improve design quality in new development. It is not intended to replace advice from statutory consultees and advisory bodies, or be a substitute for local authority design skills or community engagement.

Effective design review is proportionate and can be used for both large and small-scale development, so long as the projects are significant enough to warrant the investment needed for a review. The number and expertise of panel members required can be guided by the complexity of the scheme and the sensitivity of the site and its surroundings.

An effective design review:

- *follows clear criteria for the appraisal of schemes, agreed by the panel, and ensuring they work for the benefit of the public and reflect relevant local and national design objectives;*
- *sets clear, meaningful terms of reference to ensure a transparent, objective, robust and defensible process that demonstrates benefit to the public;*
- *is representative, diverse and inclusive, drawing upon a range of built environment and other professional expertise. Continuity of panel members is important to provide consistency in approach for each scheme reviewed, including agreed procedures to feedback to applicants;*
- *considers the wider site-specific and policy context, such as relevant socio-economic issues, as well as the physical characteristics of the site and its setting. Site visits are important in providing panel members with awareness of context and local characteristics;*
- *is written up and communicated in a transparent and accessible way to be understood by a wide range of stakeholders; and includes mechanisms to represent the views of local communities and other stakeholders.*

Design review is most effective when applied at the earliest stage of design development. It can be followed up at further stages as projects

evolve, including pre-application and are implemented, referencing and building upon recommendations made in previous design reviews.

Recommendations from design review panels can be used to help support decisions on applications, so development proposals need to show how they have considered and addressed them.

Current situation with the CAAP

- 1.7 Since the date that the CAAP panel was set up, the membership has dwindled and we now have a core membership of 5 people but only 4 regularly attend, only one of these, as a retired architect, is in a position to offer a view on any schemes submitted in line with that required by the NPPF. The other members are from the Kings Lynn Civic Society, Downham by Design, Hunstanton Civic Society and the Kings Lynn Building Preservation Trust. The Kings Lynn Civic Society and Hunstanton Civic Society already comment upon appropriate applications affecting their towns.
- 1.8 Democratic Services provide the administration and minutes for the meeting, the Principal Conservation Officer and Assistant Conservation Officer chair and present cases to the attending members of the panel. For complicated cases, the Principal Planning Officer or planning case officer may also attend. At times, there have been more officers present than panel members.
- 1.9 The panel is convened once a month and sits for approximately 2 hours. The meetings are always in person as they are felt to work better in this format.
- 1.10 It should be noted that we are the only Council in Norfolk to have a CAAP panel and there are no other design review arrangements in the County.

The Process

- 1.11 The terms of reference for CAAP state that the panel should advise on; *those planning applications that are likely to have an impact upon the character and appearance of a Conservation Area, Listed Buildings and their setting or Scheduled Ancient Monuments.*
- 1.12 The allocating officers put through CAAP referrals for any schemes which come to them that fit this broad criteria. The Principal Conservation Officer and Assistant Conservation Officer must sift those schemes which have been put through by the planning officers to ensure that only those schemes on which CAAP can be of most use, are considered by the panel. The Principal Conservation Officer then puts together a presentation of those cases to present to the CAAP panel.
- 1.13 Democratic Services send the Conservation Team a reminder 2 weeks before the CAAP panel date to chase for Agenda items. They then

send out the agenda and meeting reminder to the CAAP panel members and receive any apologies. They book the room for the meeting and attend to take minutes. They ensure that the meeting is quorate with a quorum being 3 members.

Identified issues

1.14 Planning Casework Deadlines – these are now much stricter with householder applications having to be decided within 8 weeks. 4 of those weeks are for consultations. The CAAP panel meets once a month and minutes take 3 weeks to be returned. The CAAP panel comments can rarely be submitted within these tight application timescales.

1.15.1 Value of the comments – The NPPF states that a design review is;

An independent assessment of development proposals by a panel of multidisciplinary professionals and experts, which can inform and improve design quality in new development

Due to the way the panel is made up, they are not able to provide independent design solutions to the concerns that are raised. Although the advice of the CAAP has been useful over the years, the modern legislation and its focus upon solutions means the value of the advice to the application process is limited.

1.16 Officer Resource – Principal Conservation Officer and Assistant Conservation Officer time spent on CAAP each month is in the region of 7 hours per month, depending on number and complexity of cases. This time is in sifting and collating cases and writing the presentation. This time could be better spent doing the statutory casework which, is already running at capacity.

2 Options Considered

Option 1 - Disband the CAAP

- 2.1 Given the problems identified above, and in reality the current limited benefit it brings to the application process, this is considered to be the preferred option.
- 2.2 It should be noted that the organisations involved, such as Kings Lynn Civic Society and Hunstanton Civic Society, can still make their own independent comments on planning applications. Conversations with Downham by Design are ongoing to see if this organisation would like to be added as a consultee in the same way as the other organisations mentioned above.

This is the preferred option.

Option 2 – Recruit new members to the CAAP Panel

- 2.3 There is no internal budget for a CAAP panel. Finding new professional members for a panel, who are prepared to do an in person meeting, for free during the working day would be difficult and would limit the diversity of panel required. The current panel members do not have the professional expertise to give the required level of advice on planning applications.
- 2.4 The officer resources would be more than the 7 hours identified at present. The administration resources would be higher due to the need to ensure that all panel members required are available and we would need to ensure that the timescale fits with the statutory requirements of the application. The minutes would need to be released sooner placing further pressure upon Democratic Services.

For these reasons this is not the preferred option.

3 Policy Implications

There are no current legislative requirements for a Conservation Areas Advisory Panel in local or national planning policies.

The decision to disband CAAP would result in the Council being in line with other Norfolk authorities

4 Financial Implications

There are no financial implications to this decision.

5 Personnel Implications

The Conservation Areas Advisory Panel draws staff from across the council. Recent applications have seen staff from Regeneration, Planning and Conservation and Democratic Services being present to present applications. While the responsibility for preparing presentations lies with the Principal Conservation Officer, the officer time in preparing answers to questions can be significant and time out of the day to attend can also be difficult when working to tight deadlines in their statutory work.

The disbanding of the CAAP panel would result in the officer time being diverted back to statutory casework and meeting the Key Performance Indicators in the Directorate Plan.

6 Environmental Considerations

The Historic Environment would not be affected from the proposal to disband the CAAP panel. As discussed above, the organisations that

are represented on the panel would still have the opportunity to comment on applications that affect their town.

The disbanding of the CAAP panel would result in 2 less car journeys into Kings Lynn from panel members who live outside the town and the freeing up of one meeting room per month.

7 Statutory Considerations

There would be no impact upon statutory work from the disbanding of the CAAP panel.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

Assessment Completed. No EIA implications have been identified.

9 Risk Management Implications

There are no Risk Management implications.

10 Declarations of Interest / Dispensations Granted

None

11 Background Papers

Terms and Conditions of the Conservation Areas Advisory Panel are attached.

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Conservation and Environment				
Is this a new or existing policy/service/function?	Existing				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>Conservation Areas Advisory Panel are a group of local people who meet once a month to review planning applications for development.</p> <p>This panel is not required to fulfil a statutory function.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
Age				x	
Disability				x	
Gender				x	
Gender Re-assignment				x	
Marriage/civil partnership				x	
Pregnancy & maternity				x	
Race				x	
Religion or belief				x	
Sexual orientation				x	
Other (eg low income)				x	

Question	Answer	Comments
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions:
		Actions agreed by EWG member:C Dorgan.....
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:C Dorgan.....</p>		
Assessment completed by:		
Name	Lynette Fawkes	
Job title	Principal Conservation Officer	
Date	06/12/2024	