

**Report to** Planning applications committee  
10 November 2016

**Report of** Head of planning service

**Subject** Proposed change to protocols around arranging for site visits for Planning Applications Committee

**Item**

**6**

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**Purpose**

This report seeks to agree a new approach to identifying cases where committee site visits are considered appropriate in the determination of planning applications.

**Recommendation**

To agree that the revised approach set out in appendix 2 be applied.

**Corporate and service priorities**

The report helps to meet the corporate priorities a safe clean and low carbon city, a prosperous and vibrant city, a fair city and a health city with good housing.

**Financial implications**

There are no direct financial implications arising from this report.

**Ward/s:** All wards

**Cabinet member:** Councillor Bremner

**Contact officers**

Graham Nelson, head of planning services

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**Background documents**

None

# Report

## Background

1. The current approach to committee site visits has been reviewed. Committee site visits are rarely considered necessary in determining applications. Presently for a very limited number of major applications officers seek to arrange site visits in advance of applications being reported to committee. However, most site visits occur when members resolve one is needed at committee. This normally involves deferment of the application to a later meeting.
2. This is not ideal insofar as it tends to mean members of the public and the developer may have to attend multiple meetings. It can also cause considerable delay to the processing of planning applications and increase costs.
3. The current guidance and agreed protocol on committee site visits is attached as appendix 1.
4. The proposed revised protocol is attached as appendix 2.
5. The aim of the protocol is to seek to reduce the instances of deferment by clarifying the circumstances under which committee site visits will be deemed appropriate. This should increase the number of pre-arranged site visits taking place in advance of consideration at committee and reduce the number of items that are deferred at committee.
6. It should be noted that each application will still need to be considered on its merits and nothing in the revised protocol would require the committee to determine an application without a site visit where the committee considered it necessary.
7. The key difference between the existing and revised protocol is that the revised protocol removes reference to whether the application is contentious or not as being relevant to where a site visit takes place.

## **Appendix 1 – Current guidance**

### **Planning applications committee**

#### **Site visits**

##### **Committee site visits**

National standards and local codes also apply to site visits. Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or a covert lobbying device. The following points may be helpful:

- visits should only be used where the benefit is clear and substantial; officers will have visited the site and assessed the scheme against policies and material considerations already
- the purpose, format and conduct should be clear at the outset and adhered to throughout the visit
- where a site visit can be ‘triggered’ by a request from the ward councillor, the
- ‘substantial benefit’ test should still apply.
- keep a record of the reasons why a site visit is called.

A site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers
- the comments of the applicant and objectors cannot be expressed adequately in writing or
- the proposal is particularly contentious.

Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters.

This should be made clear to any members of the public who are there. Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

##### **Site visit procedure**

This procedure note sets out the role of site visits by the planning applications committee and the procedure to be followed.

## **Current protocol (Planning Applications Committee Code of Conduct, August 2010)**

### **Selection of site visits**

The decision of the planning applications committee to hold a site visit is made by members of the committee, sometimes on the recommendation of the head of planning services.

A site visit enables councillors to ensure that they have sufficient information about the effects of proposed development. Site visits should be held selectively, where there is a clear substantial benefit, such as where the impact of a particular scheme is difficult to judge from the submitted material, or where the concerns expressed by objectors cannot be adequately expressed in writing.

Site visits are fact finding meetings and are not formal committee meetings. No recommendations are made at the site visit and no decisions are made.

### **Attendance**

All members of the planning applications committee will be invited to attend. Attendance at site visits is optional. Ward councillors will also be notified and are welcome to attend if they so choose. The applicants' agent will be notified of the proposed site visit and requested to give permission for access to the land and to inform them of the fact finding nature of the visit and the general procedure. Please note that members of the public may attend to observe but access to privately owned land is subject to the landowner's permission.

The site visit procedure will be:

- (a) The chair welcomes councillors and others attending indicating:
  - that the purpose of the site visit is fact finding;
  - that the application will not be determined at the site visit, but will be decided at the formal meeting of the planning applications committee;
  - the procedure of the site visit.
- (b) The chair should endeavour to ensure that explanations and representations from members of the public are given to the committee collectively. Members should be mindful of their obligations to keep an open mind and not to reveal bias when hearing such representations and when determining the application.
- (c) The committee officer will declare and record apologies for absence.
- (d) The planning officer will point out the key features of the application site.
- (e) Comments of other officers as appropriate.
- (f) Inspection.
- (g) Councillors' questions to the planning officer.
- (h) Chair closes the inspection.

At the site meeting councillors should ensure that they do not express opinions as to their likely decision.

## Appendix 2 – Proposed Protocol

### Planning applications committee

#### Site visits

#### Committee site visits – approach to determining where committee site visits take place

1. In discharging the functions of planning applications committee it will be necessary from time to time for the committee to visit sites on which development is proposed. National guidance on how such visits should be conducted is published by the Planning Advisory Service as part of their document on probity in planning. This document is available to inspect [here](#).
2. This document seeks to set out a local approach applicable to Norwich which will assist officers and members of the planning applications committee in determining when it may be appropriate to hold a site visit. However, it should be noted that each planning application must be considered on its merits and the final decision on whether a site visit is needed on a matter which is considered by the planning applications committee rests with the committee.
3. Norwich is a relatively compact urban area and many of the proposals considered by the committee will be known to its members. Most development sites can be readily seen from the public highway and aerial and street level public imaging services can also assist in the appreciation of sites.
4. Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with officer assistance, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters.
5. All sites are visited by officers in the course of assessment of the application and where appropriate photographs of the site are taken to aid the decision making process. Site visits should only be used where the benefit is clear and substantial. The following criteria will be used to guide decisions on where site visits may be necessary:
  - (a) The impact of the proposed development is difficult to visualise from plans, photographs and other material;
  - (b) Significant parts of the site cannot be viewed adequately from the public highway; and
  - (c) The proposed development is for a major development (as defined by the CLG) or involves works to a statutorily listed building.
6. Where all these criteria are met officers will seek to arrange for a committee site in advance of consideration of the item at planning applications committee to minimise the delay to consideration of applications and inconvenience to members of the committee.
7. All committee papers are published at least a week in advance of the meeting and for sites that can be viewed from the public highway members can visit the site if they

consider this would be advantageous. Where this is done attention is drawn to the following advice from the Planning Advisory Service: a councillor (visiting a site on their own) “is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.”

8. Notwithstanding, this approach to seeking to identify sites where site visits are deemed necessary there may still be exceptional circumstances where members of the committee feel that a visit is necessary before determination. Where this is the case the member should seek to make the case for deferment by reference to the above factors and make clear why the site visit is necessary in order to make the decision with confidence.

### **Site visit procedure**

9. This procedure note sets out the role of site visits by the planning applications committee and the procedure to be followed.

#### **Selection of site visits**

10. The decision to hold a site visit will normally be made by officers who will arrange for site visits in advance of committee consideration. Attendance at site visits is not compulsory and members will still be able to vote on applications if they have not attended the site visit provided they are satisfied they have sufficient information to do so. It remains open to the committee to defer items where they consider a site visit is necessary and this has not been arranged by officers.
11. A site visit enables councillors to ensure that they have sufficient information about the effects of proposed development. Site visits should be held selectively, where there is a clear substantial benefit and where all three criteria above are met.
12. Site visits are fact finding meetings and are not formal committee meetings. No recommendations are made at the site visit and no decisions are made.

#### **Attendance**

13. All members of the planning applications committee will be invited to attend. Attendance at site visits is optional. Ward councillors will also be notified and are welcome to attend if they so choose. The applicants' agent will be notified of the proposed site visit and requested to give permission for access to the land and to inform them of the fact finding nature of the visit and the general procedure. Please note that members of the public may attend to observe but access to privately owned land is subject to the landowner's permission and as such it may not be possible for members of the public to witness site visits. There is no opportunity for members of the public to speak at site visits. If members are approached by members of the public at a site visit they should politely decline to engage in conversation.
14. The site visit procedure will be:

- (a) The chair welcomes councillors and others attending indicating:
  - that the purpose of the site visit is fact finding;

- that the application will not be determined at the site visit, but will be decided at the formal meeting of the planning applications committee;
  - the procedure of the site visit.
- (b) The chair should endeavour to ensure that explanations and representations from members of the public are given to the committee collectively. Members should be mindful of their obligations to keep an open mind and not to reveal bias when hearing such representations and when determining the application.
- (c) The committee officer will declare and record apologies for absence.
- (d) The planning officer will point out the key features of the application site.
- (e) Comments of other officers as appropriate.
- (f) Inspection.
- (g) Councillors' questions to the planning officer that relate only to understanding the relationship of the development to its surroundings.
- (h) Chair closes the inspection.

15. At the site meeting councillors should ensure that they do not express opinions as to their likely decision.

Graham Nelson  
Head of planning services