

Meeting:	Planning Committee
Date:	9 September 2009
Subject:	Planning Committee Site Visit Procedure Note
Responsible Officer:	Stephen Kelly – Divisional Director Planning
Portfolio Holder:	Councillor Marilyn Ashton – Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Procedure Note: Member Site Visits for Planning Applications and Main Agenda Items Deferred by Planning Committee

## Section 1 – Summary and Recommendations

This report proposes changes to the procedure note on Planning Committee site visits. The principle change is to allow officers to initiate Planning Committee site visits ahead of the consideration of the item by the Planning Committee where, in the opinion of the Divisional Director of Planning, the consideration of the application by the Planning Committee would be assisted by an accompanied site inspection. The procedure note has also been revised to clarify potential ambiguity in the current drafting.

**Recommendations:** The Committee is requested to endorse the amendments to the Procedure Note: Member Site Visits for Planning Applications and Main Agenda Items Deferred by Planning Committee as set out in the report and the Appendix.

**Reason:** The amendments proposed would support the aspirations of the council for effective and efficient decision making processes and will improve the quality of the experience for those interested parties attending planning committees. It will also ensure sound and consistent decision making.

## Section 2 – Report

### Background

Decisions on planning applications are made by the Council as Local Planning Authority (LPA), in one of two ways; either the decision is delegated to a nominated officer of the Council under a scheme of delegation (delegated decisions) or the decision is made by the planning committee (committee decisions).

In April 2009, the Council combined the former Strategic Planning Committee and Development Management Committee meetings into a single, monthly meeting. The operation of the Planning Committee meeting itself is governed by a set of “standing orders.” In addition, to ensure a consistent and transparent approach to committee decisions, certain activities carried out by the Planning Committee are operated to a published protocol

The government has encouraged Councils to determine planning applications for non controversial and smaller scale proposals through appropriate schemes of delegation. The majority of decisions in Harrow, 93%, are made in this way. For more complex or potentially controversial cases, or where the determination raises issues of significance for planning policy, decisions are made by the Planning Committee.

### Planning Committee

Planning Committees are, for the most part, public meetings. In the case of complex or controversial developments, members of the public are welcome and frequently attend to make deputations, address the committee and observe the debate. Planning Committee decisions involve a wide range of parties and represent a significant time commitment for all parties.

In examining planning proposals, particularly more complex proposals, the Committee members rely on the published information, including an officer’s report, and personal knowledge of a site. Some members make unaccompanied informal site visits to familiarise themselves with specific elements prior to a meeting. The use of informal site visits is dealt with at paragraph 4.3 of the adopted protocol.

In the event that the member is not able to fully examine the site circumstances through this informal site visit, they are able to ask for an accompanied site visit prior to a decision being taken. Requests for site visits can currently only be made at the committee meeting when applications are presented and are decided by way of a majority vote of the committee. There is no mechanism to enable members to raise this request before an application appears at the Planning Committee for a decision. Where the committee accepts a member’s request for a site visit, the item must be deferred to allow for the visit and no further consideration may take place at the meeting.

The deferral of planning applications to allow for a site visit introduces delay in the decision making process and requires all those with an interest in the consideration of the application to return to a later meeting of the planning committee. The Council provides that the planning committee may only receive verbal deputations and comments, in line with the process for public speaking on an item once.

Members have indicated a willingness to suspend the provisions in this respect where a decision has been deferred to allow for a site visit to take place. However, there is no automatic provision for this event and indeed, not all speakers are available for subsequent meetings.

For the above reasons, officers consider that there is some merit in making provision for the Divisional Director of Planning to identify and nominate planning applications for an accompanied site visit by the committee ahead of the meeting of that committee. This would allow the committee the opportunity to inspect the site and understand the proposal in detail ahead of receiving deputations and representations. The need to defer and re-schedule the consideration of the item, with consequent inconvenience to the applicant, interested members of the public and Councillors, would also be avoided. Planning Committee agendas might also be shortened in specific cases. Confidence, of the development sector, the community and Councillors through the shared understanding of site conditions that each planning committee member would have at the earliest point in the committee process would be improved.

## **Current situation**

The current arrangements for site visits are derived from an adopted protocol. The proposal to allow the Director of Planning to nominate formal site visits for certain applications would not replace or subvert members' opportunity to seek deferral of any item where a site visit has not already take place, at the meeting itself. Attendance at site visits is not compulsory for any committee member and does not bar any member of the Planning Committee from voting on any item. It is for each Councillor on the committee to satisfy themselves that they are able to make an informed decision based upon the information that they have available to them at that time.

## **Proposed Changes**

In addition to the amendment of clause (a) to the procedure note (please see Appendix A) consideration was given to the provision for individual members to nominate site visits ahead of a meeting. This was rejected in the interest of ensuring effective management of the process. Members would be able to discuss with officers their reasons for a site visit ahead of the meeting or would be able to seek deferral of an item through the current provisions. Consideration of the use of nominated members for such requests was also rejected on the basis that regular dialogue with nominated members and officers would make such a provision unnecessary. Furthermore, the provisions could place additional burdens on the nominated members by third parties seeking the exercise of this provision.

## **Financial Implications**

The potential for early site visits, as opposed to deferral of items to subsequent meetings has potentially positive implications for both direct (Council) and indirect (applicants and interested parties) costs associated with determination of applications by the committee.

## Risk Management Implications

The proposed changes to the standing orders and code of practice are not considered to result in any new risks being created to either the statutory planning processor or the welfare of officers or Committee members.

### Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 28 August 2009		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 26 August 2009		

### Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly, Divisional Director Planning, ext 6106

Background Papers:

- Killian Pretty Review 2009
- Protocol for Members and Reserve Members when Dealing with Planning Applications and Lobbying

Appendix

- A** PROCEDURE NOTE:MEMBER SITE VISITS FOR PLANNING APPLICATIONS AND MAIN AGENDA ITEMS DEFERRED BY PLANNING COMMITTEE AND OTHER PLANNING APPLICATIONS. September 2009

## HARROW COUNCIL

### PROCEDURE NOTE: MEMBER SITE VISITS FOR PLANNING APPLICATIONS AND MAIN AGENDA ITEMS DEFERRED BY PLANNING COMMITTEE AND OTHER PLANNING APPLICATIONS

#### Notes:

- (a) The purpose of a site visit is to allow Members of the Planning Committee to inspect the sites of deferred planning applications or main agenda items, or other applications where in the opinion of the Divisional Director of Planning an inspection would be appropriate, accompanied by a Planning Officer(s).
- (b) Site visits are intended to:
  - be fact finding exercises
  - enable officers to point out relevant features
  - enable questions to be asked on site for clarification
- (c) Site visits are not part of the formal consideration of the application and therefore public rights of attendance by neighbouring residents or other parties do not apply (*but see Note (d) below*)
- (d) A site visit will only include a visit to the application site. If a visit to an adjacent site is considered necessary this should be agreed by the Committee when the date for the site visit is selected.
- (e) Members are advised against making their own arrangements to visit applicants or objectors as they may prejudice their ability to take part in the decision-making process, or even the validity of the subsequent decision.

#### Procedure:

1. **Prior to the Site Visit**
  - 1.1 Following the decision to defer an application or agenda item for a site visit the Committee will agree (normally) a date at the end of the meeting.
  - 1.2 In cases where the Divisional Director of Planning nominates a planning application for a site visit, this will usually take place on the same day as the date agreed in 1.1.
  - 1.3 Where no such date is set in accordance with 1.1 (or where there is not enough time to undertake all the site visits agreed in accordance with 1.1 or nominated in accordance with 1.2 above), the Divisional Director of Planning will, nominate a date for a site visit to take place and shall agree with the nominated members the date and time for the site visit. Where agreement on a date for the site visit cannot be reached, the date and time shall be determined at the next available planning committee meeting.
  - 1.4 The Planning Officer will advise the applicant's agent (or applicant where there is no agent) of the details of the site visit, enclosing a copy of this guidance note.
  - 1.5 Where the applicant is not the owner of the site, he / she will be asked to advise the owner and arrange access (if required) directly with the Owner.

- 1.6 The Committee Clerk will confirm the site visit arrangements in writing to Members and Officers – this may include the provision of a minibus and driver, starting from the Civic Centre, depending on the number and location of the visits and particular access requirements.  
If necessary, Members are free to make their own arrangements to meet at the site.

## 2. **The Site Visit**

- 2.1 On arrival at the application site the Planning Officer will contact the owner or agent to advise of the start of the visit.
- 2.2 The Planning Officer will explain the submitted plans and proposals in relation to the site and any relevant neighbouring land.
- 2.3 The Planning Officer may ask the applicant / agent to explain any discrepancies between the drawings and what is seen on the site.
- 2.4 The Planning Officer may also ask the applicant / agent to point out particular features within or adjacent to the site, or to explain aspects of the proposal, but only as an aid to the explanation.
- 2.5 Members may seek clarification from the Officer on matters relevant to the site inspection.
- 2.6 However, Members and Officers should not enter into a debate with the applicant / agent (or with any third party – for example, a neighbouring resident) on the merits of the application, or on possible amendments to the proposals if Members have any concerns or suggestions.
- 2.7 Members may, of course, express concerns to the attending Planning Officer, but such concerns would only be informal in nature and should not be discussed on site with the applicant / agent or any third party.
- 2.8 Amendments to a proposal should only arise following subsequent discussion between the Planning Officers and the applicant / agent or from an instruction from the Committee.