



REPORT OF:	HEAD OF BUILDING AND DEVELOPMENT SERVICES
AUTHOR:	MARK HARBOTTLE
TELEPHONE:	01737 276165
E-MAIL:	mark.harbottle@reigate-banstead.gov.uk
TO:	STANDARDS COMMITTEE
DATE:	9 FEBRUARY 2011

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	ALL
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SUBJECT:	PLANNING COMMITTEE SITE INSPECTIONS
RECOMMENDATIONS:	
<p>1. The Standards Committee is requested to recommend to Council the amendment of the Council's protocol on Committee site inspections as set out in Appendix B.</p>	
SUMMARY	
<p>1. Site inspections are an important aspect of the Planning Committee's work but are costly to operate, particularly in terms of officer time, and can delay applications.</p> <p>2. This report reviews the purpose of Planning Committee site inspections and recommends a revised procedure. It also provides criteria to assist the Chairman of the Planning Committee in deciding whether an inspection is required and, if so, in what form.</p> <p>3. The recommended changes will allow the Council to avoid unnecessary site inspections and to conduct those that are necessary in a business like, more cost-effective and timely way.</p> <p>4. Under its Terms of Reference, the Standards Committee, in conjunction with the Planning Committee, is responsible for recommending amendments or revisions of planning protocols to full Council.</p>	

STATUTORY POWERS

1. The Council has statutory authority to determine applications for planning permission under the Town and Country Planning Act 1990 and related legislation. The approval of significant development projects, or those where there is a member or officer interest, requires a decision from the Planning Committee.

2. There is no statutory requirement for the decision-maker to inspect the application site or its surroundings and in the great majority of cases, the case officer's description of the site and its surroundings and photographs and survey drawings are sufficient to enable a properly informed decision.
3. The Town and Country Planning Act 1990 includes provisions for nominated planning officers to enter land in connection with their duties but this statutory provision does not extend to elected members so where it is necessary for the Planning Committee to enter an application site this must be arranged with the landowner's advance consent.
4. Under its Terms of Reference, the Standards Committee, in conjunction with the Planning Committee, is responsible for recommending amendments or revisions of planning protocols to full Council.

ISSUES

5. The Council's current protocol on Committee site inspections forms part of the Constitution and is attached as **Annex A**.
6. It is good practice to review working arrangements from time to time and discussion between officers and the Chairman and Vice-Chairman of the Planning Committee indicated that the efficiency of the Committee's business would be enhanced by clarifying some of the arrangements for this important aspect of the Committee's work. In preparing this report, officers sought data for the last municipal year from nearby Local Planning Authorities. The responses received are summarised below:

AUTHORITY	SITES INSPECTED
Epsom & Ewell	10
Mole Valley	1
Reigate and Banstead	37
Spelthorne	0
Surrey Heath	4
Woking	0*

* Woking has not held a Committee site inspection in 20 years.

7. The 37 sites inspected by the Planning Committee represent a third of all the applications it determined during the same period. This is a very significant variation in practice from neighbouring authorities. One cause of this is the efforts made in recent years to identify applications for site inspection early in the application process. This practice was introduced to reduce the high number of applications that were being deferred at Committee meetings, but it appears to have resulted in even more inspections.

8. Taking account of this evidence and considering our current practice, it should be possible to reduce delay to applications and cost to the Council. This is particularly the case in terms of officer time, for which time off in lieu (TOIL) accrues at time-and-a-half rate on Saturday mornings (i.e. for two hours spent on the Saturday, the officer is entitled to three hours off on a weekday in return). To assist with this efficiency, it is helpful to start by clarifying the following specific issues:
- (a) The legitimate purposes of Planning Committee site inspections;
 - (b) Whether a site inspection is necessary; and
 - (c) The appropriate options for carrying out formal inspections.

THE LEGITIMATE PURPOSES OF PLANNING COMMITTEE SITE INSPECTIONS

9. The current protocol indicates that a site inspection is an information-gathering exercise, i.e. it is not for the presentation of arguments. However, the protocol is not very precise on what information should be gathered and there have been occasions at Planning Committee when site inspections have been suggested as a way of resolving an impasse, perhaps where further discussion is required or where members are minded to refuse permission but reasons for refusal were not requested before the meeting.
10. Viewed from the perspective of gathering information necessary for a properly made planning decision, there are only two reasons why a Planning Committee site inspection should be necessary:
- (a) To assess local character (usually where a refusal unsupported by the officer recommendation is possible on character grounds); or
 - (b) To view something of significance to the application that can only be appreciated from within the site or adjacent private property.
11. It is important to distinguish between the two, as they define what type of inspection is necessary in a given case.

Assessing local character

12. Where this is the task, there should be no need to enter the application site but instead the assessment can be made by viewing the surrounding area from highways and other public view points. This applies where a refusal of permission on character grounds, contrary to the officer recommendation, is possible. As it is not necessary to enter private land, there is no need to seek landowner's consent and it is perfectly feasible for members to make their own arrangements to informally visit the area in advance of the Planning Committee meeting. This approach carries minimal risk of lobbying and can be carried out without officer attendance. It also has the advantage that members can visit at their own convenience. Several members already do this if they cannot attend the formal inspection.

13. It is suggested that in these cases, where the Chairman of the Planning Committee has indicated that the site inspection would be concerned solely with character issues, members receive notification of the need to make their own arrangements to inspect the area, including directions, when the agenda is despatched. It remains open to members to make informal inspections if they find it useful in other cases, provided there is no entry into private land.

Viewing something that can only be appreciated from within the site or from adjacent private property

14. Where entry to private land is necessary, a formal inspection with officer attendance is required, so as to minimise disturbance to local people and to reduce the risk of lobbying. However, the inspection must be concerned with something that is relevant to planning and significant to the application. It is not wise to be too prescriptive in specifying what might be relevant or significant, but the following matters would not justify a site inspection:
- Public interest in the application;
 - Disputed land ownership;
 - Design – if the question is whether it would be in keeping with local character, the procedure set out in paragraphs 12 and 13 should apply.
15. In order to assist members to focus on the key issues, a member or officer suggesting a site inspection should identify why they consider it necessary by reference to what needs to be seen and why it is important. This will help the Chairman of the Planning Committee decide if a site inspection is necessary.

WHETHER A SITE INSPECTION IS NECESSARY

16. As noted above, where character issues have been identified, there is no need to enter the site and members can therefore make informal arrangements to view the area, with minimal resource implications for the Council.
17. Where an issue requiring entry to private land has been identified, it still remains to be decided whether a full inspection is necessary or whether illustrative material such as photographs or a video would be sufficient to enable the matter to be fully understood at the Planning Committee's meeting. It is recommended that the Chairman of the Committee should decide this following discussion with planning officers.

OPTIONS FOR FORMAL INSPECTIONS

18. The current practice of expecting the full Planning Committee, including known substitutes, to inspect sites has operated for many years and is appreciated by members. However, it is rare for all eligible members to attend and it is therefore worth considering alternative options.

19. Some authorities delegate site inspection duties to a viewing panel or sub-committee, which can then report back to the full committee. An alternative would be to delegate the task to the Chairman and leading members including the Executive Member for Planning, Transport and Housing. An advantage of this approach is that, because it requires fewer members to attend, the panel can conduct its business during the working day. However, there is an associated disadvantage as it limits participation to those members with fewer day time commitments. Compared with many other authorities, Reigate and Banstead has a relatively high proportion of members in full time employment, so this may not be appropriate. This option is not recommended at present.
20. Another option would be to dispense with Planning Committee site inspections altogether and rely solely on material presented at the meeting. Although another Surrey authority has managed to conduct its business in that way for many years, this option is not recommended.

CONSULTATION

21. The Planning Committee was consulted by means of an earlier version of this report in October 2010. Members supported the proposed changes but asked that:
 - (a) The pro-forma ask the member requesting a site inspection whether they have discussed the matter at the relevant Area Panel; and
 - (b) The importance of early request is stressed.

These changes are reflected in the revised pro-forma at the end of **Annex B**.

LEGAL IMPLICATIONS

22. The proposed changes to the Council's protocol are consistent with the appropriate good practice guidance issued by the Association of Council Secretaries and Solicitors (ACSeS) attached as **Annex C**.

FINANCIAL IMPLICATIONS

23. The recommended arrangements for site inspections will allow the Council to make savings by reducing the number of site inspections that require the full Planning Committee to attend with officer support.

Background Papers: None

ANNEX A: PROTOCOL FOR COMMITTEE SITE INSPECTIONS (EXISTING)

1. Objective of Site Inspections

- 4.1 The purpose of a Committee site inspection is to enable members, in their role as decision-makers, to gain the information necessary to make an informed decision concerning matters to be determined by the Planning Committee. (In the main this will be applications submitted for planning permission).
- 4.2 Committee site inspections should be an exception. For most proposals, the committee report and material displayed at the meeting will be sufficient for an informed decision. However, members may feel that in certain circumstances, particularly when a decision turns on an assessment of character or amenity, understanding the proposal sufficient to make a determination will be improved by a site inspection.
- 4.3 In the event of a member wishing to put a motion contrary to the officer recommendation, the motion and the Committee's deliberations may also be aided by a site inspection, as well as demonstrating that full and proper consideration has been given to determining the application.
- 4.4 A site inspection should not be used as a substitute for other appropriate actions, for example requesting further information from officers or because reasons for refusal were not requested before the meeting.
- 1.5 It is important that, wherever possible, the need for a Committee site inspection is identified at as early a stage as possible, ideally so that it can be undertaken before the application is considered at a Committee meeting. The ward member's knowledge of the area should allow them to identify such sites at an early stage.

2. Requesting a Site Inspection

- 1.1 This should be made as early as possible in the development process so that applications are processed in a timely manner and avoid undue delay to the applicant. In addition, where an application needs to be put before the Planning Committee, there needs to be a sufficient lead-in period. Ideally, the desirability of a Committee site inspection should be expressed at the pre-application stage. If this is not possible, the request should be within 21 days of receiving notice of the application.
- 1.2 Where an application is scheduled for Committee determination, should a member feel that they or other members of the Committee may not fully understand the potential impact of the proposal without first having seen the site and its surroundings, they should request a Committee site inspection.
- 1.3 Requests for site inspections should be made to the Head of Building and Development Services, the Development Control Manager or the relevant Area Development Control Co-ordinator. All such requests have to be agreed

by the Chairman of the Planning Committee. The important factor is that the application should be analysed as soon as possible after receipt of the Weekly List so that sufficient time remains to undertake the site inspection and still determine the application within its thirteen-week period (for major applications) or eight-week period (for all other applications).

3. Issues to Consider at Site Inspections

- 3.1 Members must make all reasonable efforts to attend Committee site inspections, which form part of the Committee's official business. When the Council has decided that an inspection of a site is necessary in order for a properly informed decision to be made, it would be unacceptable for the vote at the subsequent meeting to be dominated by members who did not attend.
- 3.2 It is important to gain as much information as possible as site inspections are time consuming and can be disruptive to occupiers of the site being inspected. Site visits therefore need to be conducted as quickly as possible whilst ensuring all the necessary information is gathered.
- 3.3 Prior to the site inspection, members should ensure they understand what is being proposed and form a view on what information they may need to gather. Reviewing the application (details will be on the Council's web site), and any published officer report before the event will help develop a good understanding of the proposal and its setting. This will greatly assist understanding during the site inspection. Details to consider include:
 - (i) The relationship between the application site and its immediate and wider surroundings. Is it within a Conservation Area, the Green Belt, Areas of Outstanding Natural Beauty or Great Landscape Value, a Residential Area of Special Character or subject to any other planning constraint?
 - (ii) The likely impact of the development upon the locality.
 - (iii) Issues such as positions of windows, possible overshadowing, outlook, proximity and size of trees, the relationship between the site and immediate neighbouring properties, dominance, access and parking issues, plot width, existing and proposed materials, existing and proposed use, any intensification of the use, is the proposal an improvement, are there any improvements that could be made – these are all relevant material considerations when assessing a site and the impact of the proposal upon it.
- 3.4 Any queries arising from a site inspection should be clarified with the planning case officer prior to the committee meeting or referred to an Area Panel.

4. Conduct during Site Inspections

- 4.1 Site visits need to be conducted in a professional and transparent manner so that public confidence in the Local Planning Authority is maintained and enhanced.
- 4.2 It is essential that all stakeholders, particularly applicants and objectors, see that the process is conducted professionally and in a fair and fully considered manner. To this end members should have regard to the following guidelines:
- (i) The proposal must not be discussed with or in front of members of the public, or the applicant or agent. It is important the public recognise the process as a fact-finding exercise, with members remaining open-minded until the proposal is debated at the Committee meeting and not as a process of reinforcing preconceived opinions.
 - (ii) If members wish to discuss the merits of the application, this should not take place at the site but at an Area Panel meeting.
 - (iii) A site inspection may well be inconvenient or disruptive to the landowner, especially if the site is in use as business premises or a private home. Members should keep their inspection as brief as possible and be aware of the details of the application prior to the site inspection so that the exercise can be as meaningful and as brief as possible.
 - (iv) Lobbying must be resisted and members must not accept representations during the site inspection.

ANNEX B: PROTOCOL FOR COMMITTEE SITE INSPECTIONS (PROPOSED - CHANGES IN STRIKEOUT AND ITALIC)

1 Objective of Site Inspections

- 1.1 The purpose of a Committee site inspection is to enable members, in their role as decision-makers, to gain ~~the~~ *information that cannot be gathered by other means and which is necessary to make an informed decision concerning matters to be determined by the Planning Committee. (In the main this will be applications submitted for planning permission). For planning applications, this information will be either:*
- (a) To assess local character (where a refusal unsupported by the officer recommendation is possible on character grounds); or*
 - (b) To view something of significance to the application that can only be appreciated from within the site or adjacent private property.*
- 1.2 Committee site inspections should be an exception. For most proposals, the committee report and material displayed at the meeting will be *more than* sufficient for an informed decision. However, members may feel that in certain circumstances, particularly when a decision turns on an assessment of character or amenity, understanding the *implications of the proposal* sufficient to make a determination will be improved by a site inspection.
- 1.3 *When a member has reason to believe that there may be a case for refusing permission on character grounds contrary to the officer recommendation, ~~the motion and~~ the Committee's deliberations may also be aided by a site inspection, as well as demonstrating that full and proper consideration has been given to determining the application. Any request for a site inspection in these circumstances should be made as soon as possible in the manner indicated in paragraph 2.3.*
- 1.4 A site inspection should not be used as a substitute for other appropriate actions, for example requesting further information from officers or because reasons for refusal were not requested before the meeting. *Deferring an application has cost implications for the Council, causes uncertainty for all, parties and delay to the applicant, and should be avoided wherever possible.*
- 1.5 *For these reasons, it is important that, wherever possible, the need for a Committee site inspection is identified at as early a stage as possible, ideally so that it can be undertaken before the application is considered at a Committee meeting. The ward member's knowledge of the area should allow them to identify such sites at an early stage.*

2 Requesting a Site Inspection and Moderation of the Request

- 2.1 Requests should be made as early as possible in the ~~development~~ *application* process so that applications *to be determined by Committee* are processed in a timely manner and avoid undue delay to the applicant. ~~In addition, where an~~

~~application needs to be put before the Planning Committee, there needs to be a sufficient lead in period.~~ Ideally, the desirability of a Committee site inspection should be expressed at the pre-application stage. If this is not possible, the request should be within 21 days of receiving notice of the application.

- 2.2 Where an application is scheduled for Committee determination, should a member feel that they or other members of the Committee may not fully understand the potential impact of the proposal without first having seen the site ~~and~~ or its surroundings, they should request a Committee site inspection.
- 2.3 Requests for site inspections should be made to the Head of Building and Development Services or the Development Quality Manager or the relevant Area Development Control Co-ordinator. All such requests *will* have to be agreed by the Chairman of the Planning Committee *or the Vice-Chairman in his absence.* The important factor is that the application should be analysed as soon as possible after receipt of the Weekly List so that sufficient time remains to undertake the site inspection and still determine the application with minimal delay to the applicant.
- 2.4 *A pro-forma for requesting site inspections is appended, and should be used.*
- 2.5 *The Chairman will consult with officers and decide whether a formal site inspection is necessary to view something of significance to the application that can only be appreciated from within the site or adjacent private property.*
- 2.6 *Where the key issue is character (including design) and an inspection is deemed necessary, but the Chairman has decided that it will not be necessary to enter private land, members will be notified of the need to make their own arrangements for an informal and unaccompanied inspection of the surrounding area before the Committee meeting.*

3 Issues to Consider at Site Inspections

- 3.1 Members must make all reasonable efforts to attend Committee site inspections, *and to undertake informal inspections of the area if requested, both of which form part of the Committee's official business.* When the Chairman has decided that an inspection of a site is necessary in order for a properly informed decision to be made, it would be unacceptable – *and potentially open to judicial review* - for the vote at the subsequent meeting to be dominated by members who did not attend.
- 3.2 ~~It is important to gain as much information as possible~~ as Site inspections are time consuming and can be disruptive to occupiers of the site being inspected. Site visits therefore need to be conducted as quickly as possible whilst ensuring all the necessary information is gathered.
- 3.3 Prior to the site inspection, members should ensure they understand what is being proposed and form a view on what information they may need to gather. Reviewing the application (details will be on the Council's web site),

and any published officer report before the event will help develop a good understanding of the proposal and its setting. This will greatly assist understanding during the site inspection. Details to consider include:

- (i) The relationship between the application site and its immediate and wider surroundings. Is it within a Conservation Area, the Green Belt, Areas of Outstanding Natural Beauty or Great Landscape Value, a Residential Area of Special Character or subject to any other planning constraint?
- (ii) The likely impact of the development upon the locality.
- (iii) Issues such as positions of windows, possible overshadowing, outlook, proximity and size of trees, the relationship between the site and immediate neighbouring properties, dominance, access and parking issues, plot width, existing and proposed materials, existing and proposed use, any intensification of the use, is the proposal an improvement, are there any improvements that could be made – these are all relevant material considerations when assessing a site and the impact of the proposal upon it.

3.4 Any queries arising from a site inspection should be clarified with the planning case-officers *as soon as possible* prior to the committee meeting or referred to an Area Panel.

4. Conduct During Site Inspections

4.1 Site visits need to be conducted in a professional and transparent manner so that public confidence in the Local Planning Authority is maintained and enhanced.

4.2 It is essential that all stakeholders, particularly applicants and objectors, see that the process is conducted professionally and in a fair and fully considered manner. To this end members should have regard to the following guidelines:

- (i) ~~The merits of the proposal must not be discussed with or in front of members of the public, or the applicant or agent.~~ It is important to recognise the process as a fact-finding exercise, with members remaining open-minded until the proposal is debated at the Committee meeting and not as a process of reinforcing preconceived opinions.
- (ii) If members wish to discuss the merits of the application, this should not take place at the site but at an Area Panel meeting.
- (iii) A site inspection may well be inconvenient or disruptive to the landowner, especially if the site is in use as business premises or a private home. Members should keep their inspection as brief as possible and be aware of the details of the application prior to the site inspection so that the exercise can be as meaningful and as brief as possible.
- (iv) Lobbying must be resisted and members must not accept representations during the site inspection.

- 4.3 *The above guidelines (i) – (iv) apply to formal inspections by the Committee and informal inspections of the area carried out by individual members.*

APPENDIX

PRO-FORMA FOR REQUESTING A COMMITTEE SITE INSPECTION

*This pro-forma should be submitted to the Head of Building and Development Services or Development Quality Manager at the **earliest possible stage** in the application process, ideally within 21 days of notification, to minimise the risk of delay.*

<i>Application</i>	
<i>Address</i>	
<i>Member or officer requesting the inspection</i>	
<i>Date of request</i>	
<i>Has this been discussed at Area Panel?</i>	YES/NO
<i>Why a site inspection may be necessary (please delete as appropriate and add further information if 2 applies)</i>	<i>1. To assess local character (where a refusal unsupported by the officer recommendation is possible on character grounds)</i>
	<i>2. To view the following matter(s) of significance to the application that can only be appreciated from within the site or adjacent private property:</i>
	•
	•
	•

Your request will be considered by the Chairman of the Planning Committee. If 1 applies, and it is agreed that the Committee should inspect the area, members will be required to make their own arrangements.

ANNEX C: EXTRACT FROM THE MODEL MEMBERS' PLANNING CODE OF GOOD PRACTICE (ASSOCIATION OF COUNCIL SECRETARIES AND SOLICITORS)

7. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - There are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all members have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the ward member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.