

**Report to: Planning Committee
16th October 2018.**

Wards All

Review of Planning Committee Site Visits Protocol.

Report of the City Planning Manager.

This item is not exempt.

1. Purpose of Report and Summary

- 1.1 A review of the site visit protocol was requested at the 5th September 2018 Planning Committee. Members in particular wished to see a review of the procedure for requesting site visits.
- 1.2 This report looks at the operation of the protocol and options for change. It considers what changes could be made to the site visit request procedure.
- 1.3 It also considers the requirements for behaviour during the site visits.
- 1.4 The report recommends that no changes are made to the site visit protocol at this time.

2. Recommendations

- 2.1 That the Site Visit Protocol is not amended.

3. Reasons for Recommendations.

- 3.1 The protocol has been amended over the last four years to respond to requirements to meet statutory requirements and to ensure it operates fairly. It has been operating well since the last amendment and there are no impending legislation or procedural changes that would require any further changes at this time.

4. Impact on other Executive Committees (including Area Committees)

- 4.1 None. This report only refers to Planning Committee site visits.

5. Background

- 5.1 Committee site visits are a formal part of the committee agenda and assist Members to properly assess an application where the proposal is difficult to visualise or is particularly contentious. In most instances the protocol is

closely linked with the Delegation Scheme, as it is also necessary to seek a Committee decision if a site visit is requested (the Delegation Scheme is subject to a separate review). The site visit protocol allows site visits where:-

- Requested verbally by the Chair or any Member of the Committee at a meeting of the Committee, subject to a vote following a discussion about the benefits of visiting the site;
- Requested by a member in writing within 14 days of the publication of the weekly list, unless agreed by the City Planning Manager and Chair, and giving a reason as above;
- Requested by the City Planning Manager or Development Manager in consultation with the Chair of the Committee, where the Chair, in discussion with officers, agrees that the reason given justifies a Committee site visit.

5.2 All local planning authorities are measured on their time taken to determine applications, and Council's face designation for regularly failing to meet published criteria. This can result in the right to determine applications being removed from the Council. The published criteria for speed of dealing with applications is rising in 2018 to 60% of major applications and 70% of non-major applications, although the measurement period is backdated from October 2015. These are very tough targets to achieve consistently and calling a site visit at the meeting or late in the application process can have an impact on the time taken to determine an application, as it will usually add a month to the time taken. This adds to the potential for the Council to be determined a poorly performing authority by the Government. The time available for Members to visit the sites is also limited, so they need to be focussed primarily on larger scale and contentious applications.

5.3 The protocol is designed to avoid unnecessary visits being requested at a late stage.

5.6 A copy of the current protocol is attached at Appendix A.

6. Issues for Consideration

6.1 The site visit protocol lists the following ways in which a site visit can be requested:-

- (a) Requested verbally by the Chair or any Member of the Committee at a meeting of the Planning Committee – this will be subject to a vote by the Committee following a discussion by the Committee of the benefits of visiting the site *or*;
- (b) Requested by a Member at the same time as requesting a committee decision within 14 days of receipt of the weekly list of planning applications. Requests received for committee decisions/site visits after that time will be determined by the City Planning Manager in conjunction

with the Chairman of the committee in accordance with the Delegation, or;

- (c) Requested by the City Planning Manager or Development Manager in consultation with the Chair of the Committee, where the Chair, in discussion with the Officers, agrees that the reason given justifies a Committee site visit.

- 6.2 The protocol therefore provides a number of options for Members to call a site visit, with the aim of avoiding late calls for visits which will delay determination. The option for Members to call a visit at Planning Committee remains, but subject to a vote to enable the merits of a visit to be discussed. This ensures the process is able to respond to matters which may have been brought to Members attention at the meeting in a fair and reasonable manner.
- 6.3 It is considered the protocol creates a good mix of site visits and those not needing a visit. The number of visits is generally manageable on the morning of the Committee and gives Members adequate time to properly assess a proposal on site.
- 6.4 In most cases Planning Committee members will usually not be aware of the planned site visits until the schedule is published and this does lead to queries as to why an application is not a site visit, and conversely in some cases why a visit is needed. In practice however since its introduction it has rarely led to site visits being called at Committee, and the quality of decisions made is not diminished. Since April 2016 there have been 140 applications determined by Committee of which 91 (65%) have been pre-arranged site visits. 43 of those site visits were brought by the Chair in conjunction with the City Planning Manager (47%). There were 3 deferrals at committee for a site visit. The small number of deferrals indicates that the protocol has been working well and demonstrates 35% of applications have been able to be determined without a site visit.
- 6.5 There are options for amending the ways in which site visits are required but should amendments be required it is important that the primary aim of avoiding delayed applications without good cause is maintained. It should also remain transparent and fair.
- 6.6 Possible options include:-
 - (a) To visit every site. This would not be feasible for larger schedules unless site visits were arranged for a separate day. That has previously been recognised as leading to issues with attendance on both days and is not recommended. Also this may lead to visiting sites unnecessarily especially where sites are inaccessible or relate solely to change of use.
 - (b) Amend the delegation scheme to specify types of application subject to committee decisions or a set of circumstances (eg. all major applications) where a site visit should also be carried out. There are

some matters already identified for site visits within the delegation scheme, for example works to buildings on the Listed Buildings at Risk Register. A separate review of the delegation scheme would be required (it is reviewed annually) to assess whether that is needed and feasible. Trying to specify precisely in writing when a site visit is needed would be a complex and time consuming task which is likely to miss some site visits and lead to unnecessary ones.

- (c) Not to have site visits unless requested and agreed by members at the committee meeting. This would be fair as all Members agree the need for the visit, but is contrary to attempts to avoid delays to decisions. It can also be frustrating for applicants and members of the public attending Committee and is not recommended. This would build a month's delay into many decisions leading to determination targets subsequently being missed.
- (d) To require agreement of the schedule by all Members (or a limited number) prior to publication. Consulting all Members is likely to lead to delays and disagreements. There is also usually only a very short period of time between finalising the schedule contents and sending it for printing to meet the publication deadline and this could be compromised.
- (e) A list of likely applications for the next Development Management Committee are brought to the preceding policy committee for discussion and agreement for which applications require a site visit.

6.7 The City Planning Manager or Development Manager can request a site visit of a committee item following discussion with the Chair. This is usually done only when the number of requested visits is small and it is felt that it would assist Members in their deliberation, particularly where there are numerous representations for and against or specific characteristics of a site. Such visits can avoid deferral at Committee. Whilst there is discretion in when to suggest these visits it is felt that in general they do not add unduly to Members time on the day and are of benefit to the consideration of the application by Members. They help to demonstrate that a fair approach to understanding issues raised by objectors has been taken, thereby avoiding potential complaints.

6.8 At the current time it is recommended that the reasons for calling a site visit within the protocol do not need any further amendment.

6.9 The protocol also outlines expected conduct of Members or officers on site visits. It is important that this is adhered to, to ensure fairness and a transparent decision-making process. The contents themselves are clear and do not require to be amended. A copy of the protocol is however attached at Appendix A as a reminder to Members of the expectations during the site visits.

7. Options and Risk Assessment

7.1 The options available are either to continue with the current arrangements for site visits or to make amendments to the site visit protocol. Some possible options have been outlined at paragraph 6.6. Whilst there may be scope for further review of the delegation scheme at the next review the protocol is considered to be working well and requires no amendments at this time.

8. Risk Assessment

8.1 The protocol is designed to avoid applications being unduly delayed at a late stage. This appears to have been successful with most site visits now being requested within the 14 day period given. It is important that this remains to avoid missing targets given a persistent failure to meet targets could lead to Hull becoming a designated authority meaning applicants could choose to submit applications directly to the Planning Inspectorate for determination.

8.2 The conduct of Members and Officers on site visits has not caused any issues but it is important that the protocol is followed to avoid challenges to decisions.

9. Consultation

9.1 None.

10. Comments of the Town Clerk (Monitoring Officer)

10.1 The Committee has the power to require a site visit for the purposes of determining an application and the City Planning Manager has the authority to present a report to the Committee and make recommendations to enable the committee to discharge its functions of determining planning applications. The decision as to whether the Committee is required to undertake a site visit to determine an application must either be the decision of the Committee or the decision of the City Planning Manager.

10.2 Further, the statutory time limits imposed on the Council for the determination of planning applications are noted. It is therefore important that applications are not unduly delayed by requests for site visits.

10.3 The officer recommendation is supported.

11. Comments of the Section 151 Officer

11.1 The s151 Officer notes the report.

12. Comments of City HR Manager and compliance with the Equality Duty

12.1 The City Human Resources Manager notes the report and the importance of the site visit protocol. However, there appears to be no staffing implications for the Council

13. Comments of Overview and Scrutiny

13.1 This report has not been subject to pre-decision scrutiny. (Ref. Sc5065)

Alex Codd, City Planning Manager

Contact Officer: Graham Varley
 Telephone No.: Ext. 2332

Officer Interests: None

Background Documents: - None.

Implications Matrix

I have informed and sought advice from HR, Legal, Finance, Overview and Scrutiny and the Climate Change Advisor and any other key stakeholders i.e. Portfolio Holder, Area Committee etc prior to submitting this report for official comments	Yes (comments awaited)
Is this report proposing an amendment to the budget or policy framework?	No
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant Corporate Director	Yes
I have included any procurement/commercial issues/implications within the report	N/A
I have liaised with Communications and Marketing on any communications issues	No
I have completed an Equalities Impact Assessment and the outcomes are included within the report	N/A
I have included any equalities and diversity implications within the report	N/A
Any Health and Safety implications are included within the report	N/A
Any human rights implications are included within the report	N/A
I have included any community safety implications and paid regard to Section 17 of the Crime and Disorder Act within the report	N/A
I have liaised with the Climate Change Advisor and any environmental and climate change issues/sustainability implications are included within the report	N/A
I have included information about how this report contributes to City/Council/ Area priorities within	Secures an effective decision-making process.

