



## **PLANNING COMMITTEE - 4TH NOVEMBER 2015**

**SUBJECT: MEMBERS' PLANNING SITE VISITS**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To advise Members of the Royal Town Planning Institute research in relation to the operation of Planning Committees in Wales and their recommendations in relation to site visits. In order to meet the requirements of the Planning Wales Act 2016, the views of the Committee are sought on the suggested changes to the current site visit process prior to the report being presented to Council for consideration.

### **2. SUMMARY**

- 2.1 In support of the Planning (Wales) Act 2015, the Royal Town Planning Institute (RTPI) undertook research into the operation of Planning Committees in Wales and made a number of recommendations in relation to site visits which impacts on this Planning Authorities current site visit practice as outlined in the Constitution.

### **3. LINKS TO STRATEGY**

- 3.1 Planning is a statutory tool which helps deliver the Council's regeneration objectives.

### **4. THE REPORT**

- 4.1 In support of the Planning (Wales) Act 2015 the Royal Town Planning Institute (RTPI) undertook research into the operation of planning committees in Wales to provide evidence on their efficiency and effectiveness. In recent consultations Welsh Government has proposed that submissions for planning permission should be made directly to them where LPAs are considered to be failing to determine applications within a reasonable timescale. In addition, as of October 2015 failure to determine 'householder' applications within 16 weeks, and all other applications within 24 weeks, will result in the return of the planning application fee. The determination of applications is often 'held up' because proposals have to be reported to Planning Committee first before a site visit is authorised and held. There is therefore an urgent need to consider an alternative. Once the Planning Committee have approved the recommended changes to the Protocol they will have to be referred to Council for final approval to amend the Council's Constitution.
- 4.2 The recommendations of the Royal Town Planning Institute are as follows and the report addresses how these can be achieved. Site visits should:
- Be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair, and based on clear published criteria;

- There should be provision for members to ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed;
- They should only be allowed where the benefit is expected to be substantial;
- They should take place prior to the first committee meeting at which the application is to be determined;
- Public speaking should not be allowed;
- Site visits should occur no more than a week prior to the committee meeting at which the application is being discussed;
- The full committee need not attend site visits, and all members attending the committee meeting at which the application is reported should be able to vote whether or not they attended the site visit.

4.3 To enable the introduction of a procedure compliant with those recommendations, the following changes are proposed:

- If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.
- At this time this will apply to all applications, not just major ones (the definition of major applications is detailed in paragraph 4.5) although that restriction may be imposed on the Council in due course if the RTPi recommendations are embodied in secondary legislation. A further Report will be presented to members regarding the progress of the RTPi recommendations in the future. The clear intention of the amended proposals is to reduce the number of formal site visits. Members will be encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.
- Any request for a formal site visit will have to comply with the following criteria:
  - Illustrative material is insufficient to convey the issues
  - A judgment is required on visual impact
  - The setting and surroundings are relevant to the determination of the application
  - The site has not been visited recently by the Planning Committee in relation to another planning application
- All site visits will take place on the Monday before Planning Committee for applications being reported to that committee.
- All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.
- Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.
- Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.
- Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. For reasons stated above, it is hoped that the current numbers of site visits will reduce significantly.
- The Planning Code of Practice, which was adopted on 31 July 2007, will still apply except where it is modified by the procedure set out above. An extract showing the changes is attached as an appendix.

4.4 These recommended changes will have to be agreed by Full Council. Site Visit protocol is part of the Planning Code of Practice and the guidelines for site visits is attached to the Planning Committee Terms of Reference at Article 8 of the Constitution.

4.5 Members are asked to note the definition of major development, as referred to on paragraph 4.3 above is:

- (a) The mining and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where –
  - (i) The number of dwelling houses to be provided is 10 or more; or
  - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more

## **5. EQUALITIES IMPLICATIONS**

5.1 As far as is possible, consideration will be given to the communication and physical access requirements to the site being visited, for elected members and members of the public. It must be recognised however that the site being visited may currently be physically inaccessible but be subject to a planning application that would make that site accessible.

## **6. FINANCIAL IMPLICATIONS**

6.1 None.

## **7. PERSONNEL IMPLICATIONS**

7.1 None.

## **8. CONSULTATIONS**

8.1 The report reflects the views of the consultees.

## **9. RECOMMENDATIONS**

9.1 Members are asked to consider the proposed changes to the site visit protocol as outlined in paragraph 4.3 and make their recommendation to Council.

9.2 To recommend to Council that the Council's Monitoring Officer be authorised to make the relevant changes to the Council's Constitution.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 As set out in the report.

## **11. STATUTORY POWER**

11.1 Town and Country Planning Act 1990 (as amended), Planning Wales Act 2015.

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Councillor Ken James – Cabinet Member, (Regeneration, Planning & Sustainable Development)  
Councillor David Carter – Chair of Planning  
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Emma Sullivan – Committee Services Officer  
Helen Morgan – Senior Committee Services Officer  
Gail Williams – Interim Head of Legal Services & Monitoring Officer  
Richard Crane – Senior Solicitor  
Ceri Edwards – Environmental Health Manager  
Clive Campbell – Transportation Engineering Manager  
David Thomas – Senior Policy Officer, Equalities  
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Appendix

Revised Draft Site Visit Protocol