

STRATEGIC PLANNING BOARD

Date of meeting: 4 March 2009
Report of: Philippa Lowe, Development Management,
CWIEP Project Sponsor
Title: Site Inspection Protocol & Call-in Procedure

1.0 Purpose of Report

- 1.1 To ensure that a consistent approach is in place by Vesting Day for a Member Committee Site Inspection Protocol and Call-in Procedure.

2.0 Decision Required

- 2.1 To confirm the recommendation to enable adoption of the single approach for Cheshire East Council.

3.0 Financial Implications for Transition Costs

- 3.1 The proposed protocol and procedure are based on existing practice and therefore there should not be any significant transitional costs. Training and guidance for Members should be undertaken before vesting day to ensure that the same practices are adopted.

4.0 Financial Implications 2009/10 and beyond

- 4.1 On-going review of implementation and compliance with policy and training as required.

5.0 Legal Implications

- 5.1 Operations of Committee and Members must be in accordance with the Council's Governance arrangements; must be compliant with legislation and follow the principle of best practice in relation to probity issues.

6.0 Risk Assessment

- 6.2 Failure to adopt a consistent approach to Call-in Procedure and Site Inspection Protocol will leave the Authority open to challenge and investigations by Standards Board and Local Government Ombudsman.

7.0 Proposals

- 7.1 Appendix A and B provides detail of the proposed procedures for Cheshire East which should be adopted prior to Vesting Day.

8.0 Reasons for Recommendation

- 8.1 That prior to 1 April 2009 the Council adopts a standardised approach to Member Call-in Procedure and Site Inspection Protocol to ensure consistency on Day 1.

For further information:

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CALL IN PROCEDURE

- a) Applications and development proposals vary in their complexity, and some are particularly contentious and generate considerable local interest.
- b) If the item has not already been identified by an officer as a Committee item, a Member can request that the item be considered by the next available Planning Committee.
- c) In order to satisfy the requirements for a Development Management service, which is fair and transparent, and to ensure that performance targets are not compromised, any request by a Member for an applications to be referred to Committee should be made in accordance with the following procedure.

Procedure:

- 1. Members shall complete the electronic call-in form on the intranet or notify the Head of Planning and Policy or an officer designated by him (HPP) on the attached form of the request for a call-in.
- 2. The 'call-in' request must be made no later than the expiry of 10 working days of the issue of the electronic notification of the application.
- 3. Call-in should not be requested unless it is strictly necessary because of significant concerns or potential significant impact of the development. Valid planning reasons must be given; stating which of the requirements (a-c) set out below are being met.
 - a) issues relating to highways, including access/visibility problems,
 - b) the design, scale, character and/or relationship of existing buildings and proposed buildings,
 - c) the effect of the proposal upon the character or amenity of adjoining impact on surrounding area, and/or
 - d) there are significant policy or precedent implications.
- 4. Call-in request must state details of the need for a committee decision, making reference to the valid planning reasons and the significant concerns or potential significant impact of the development.

5. The HPP, in consultation with the Chairman or Vice Chairman of the Planning Committee will confirm or reject the 'call-in' based on significance of the development and valid planning reasons. Members who request a call-in will only be notified if their request has been rejected.
6. In accordance with good practice, Members requesting a call-in should attend the Committee meeting.



To: HPP

**REQUEST FOR APPLICATIONS TO BE REFERRED TO
PLANNING COMMITTEE**

Application No:

Location:

Proposal:

☐ I would like to request the application described above to be reported to Planning Committee. My reasons are as follows (Please note that these must be **valid planning reasons**):

☐ The significant concerns or potential significant impact of the development and need for a Planning Committee decision are as follows:

☐ I confirm that I have sent a copy of this request to the Chairman of the Committee for their agreement to the application being determined by the Committee.

☐ I confirm that I will be attending the Committee meeting.

Signed..... Date:
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SITE INSPECTION PROTOCOL

- a) The purpose of a site inspection is to allow Members of the Strategic Planning Board/Planning Committee to inspect the sites of main agenda items or deferred planning applications, accompanied by a Planning Officer(s).
- b) Site inspections are intended to:
- Be fact-finding exercises,
 - enable officers to point out relevant features,
 - enable questions to be asked on site for clarification,
 - enable Members to see plans in the context of the site.
- c) Site inspections are not part of the formal consideration of the application and therefore **public** rights of attendance and public speaking rights by neighbouring residents or other parties do not apply.
- d) A site inspection will only include a visit to the application site. If an inspection to an adjacent site is considered necessary, this should be decided by the Head of Planning and Policy or an officer designated by him (HPP) or as agreed by him following consideration of written representations prior to a meeting or by the Strategic Planning Board/Planning Committee at the time the site inspection is requested.
- e) Members should not 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 inspection;
 - you have first spoken to the HPP about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with the good practice rules on site inspections in the Planning Protocol.

PROCEDURE:

1 PRIOR TO THE SITE INSPECTION

1.1 Site Inspections should not be requested unless it is strictly necessary because:

- e) 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 (such as issues relating to highways, including access/visibility problems, character of area, relationship of existing buildings and proposed buildings and impact on surrounding area); or
- f) there are significant policy or precedent implications and specific site factors need to be carefully addressed; or
- g) details of the proposed development cannot be ascertained from plans and any supporting information to Members satisfaction at the Strategic Planning Board/Planning Committee; or
- h) design considerations are of the highest importance particularly in relation to the surrounding locality.

1.2.1 Any request for a site inspection must be made either:

- a) in writing prior to the meeting, in consultation with the HPP, within 10 working days of notification if it is an item which is being referred to Strategic Planning Board/Planning Committee, or
- b) at a meeting of the Strategic Planning Board/Planning Committee and by a Member of the Committee or Planning Officer, when a majority of Members agree

In both these instances the Member/officer must state which of the three requirements (a-d) set out in 1.1 above is being met.

1.2.2 A site inspection may also be arranged by the HPP.

1.3 If a decision is taken to defer an application or if there is an agenda item for a site inspection, the inspection will, as a rule, take place on the Friday prior to the next Strategic Planning Board/Planning Committee meeting.

1.4 The Case Officer will notify the applicant's agent (or applicant where there is no agent) of the details of the site inspection and that the Protocol is available to view on the web site.

1.5 Where the applicant is not the owner of the site, he/she will be asked to advise the owner to arrange access (if required).

1.6 The Committee Officer will send notification of site inspections to Ward Member(s) and town/parish clerk/chairman as appropriate.

1.7 The Committee Officer will notify Members and Officers of the site inspection arrangements at least three clear days before the inspection is due to take place. Transport will be provided as appropriate and Members are actively encouraged to use the Council Transport.

2 THE SITE INSPECTION

- 2.1 If the Applicant or agent ("the applicant") is present, the Chairman or a Member nominated by him in advance of the site inspection ("the Chairman") and officer will introduce themselves. The Chairman will remind the applicant that the site inspection will be conducted in accordance with this protocol.
- 2.2 The Chairman will call the site inspection to order and will ask the planning officer in attendance to summarise:
 - the application
 - any relevant site history
 - the features of the site
 - any other matters the officer considers should be pointed out.
- 2.3 The Planning Officer may ask the applicant/agent to explain any discrepancies between the drawings and what can be seen on the site. No discussion of the merits of the case should take place.
- 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 proposals, but only as an aid to the explanation. No discussion of the merits of the case should take place.
- 2.5 Members may seek clarification from the Planning Officer on matters relevant to the site inspection. Any comments are restricted to facts, not opinions.
- 2.6 The Ward Member(s) and town/parish clerk or chairman may attend the site inspection but only for the purpose of clarifying factual matters and only under strict guidance from the Committee Chairman.
- 2.7 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 approached Members should direct people to the Officer and/or suggest they write to the Council. If Members have any concerns or suggestions about the proposals the appropriate forum for these concerns is the subsequent Committee meeting and not the site inspection.
- 2.8 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. Any comments are restricted to facts, not opinions.
- 2.9 At no time will the applicant or any member of the public be allowed to address or question Members of the Committee.
- 2.10 Members should remain in one group for the duration of the site inspection.
- 2.11 The Chairman will close the site inspection.
- 2.12 Amendments to a proposal should only arise following subsequent discussion between the Planning Officer and the applicant/agent or from an instruction from the Committee.