

# Planning Committee

Minutes of the meeting held on Wednesday 8 November 2023 at Shire Hall, Warwick at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Collins, Cron, R Dickson, B Gifford, Kang, Luckhurst, Margrave, Noonan, Phillips, Sullivan, Tangri, and Williams.

**Also Present:** Principal Committee Services Officer – Lesley Dury; Head of Governance & Monitoring Officer – Graham Leach; Legal Advisor – Sue Mullins; Business Manager – Rob Young; Principal Planning Officer – Adam Walker and Planning Officer – Jack Lynch.

## 88. **Apologies and Substitutes**

There were no apologies for absence or substitutions made.

## 89. **Declarations of Interest**

Minute Number 93 – W/23/0740 – 4b Fieldgate Lane, Kenilworth

Councillor Williams declared an interest because he knew one of the interested parties involved and lived in proximity to the property. He left the room whilst this application was considered.

## 90. **Site Visits**

W/23/0740 – 4b Fieldgate Lane, Kenilworth

Councillor Dickson visited the site before the last time the application was due to come before the Committee.

## 91. **W/22/2017 – Barns on Pit Hill, Bubbenhall**

This application was withdrawn by the applicant.

## 92. **W/23/0988 – The Old Nursery, 6, Mill Road, Royal Leamington Spa**

This application was withdrawn from the agenda pending the submission of further information in relation to ecology.

## 93. **W/23/0740 – 4b Fieldgate Lane, Kenilworth**

The Committee considered an application from Mrs Sarjeant for a proposed remodelling of the existing dwelling house to include a proposed infill extension at ground floor level, a proposed erection of a detached garage to the rear, a proposed extension of the gravel driveway, a proposed installation of solar array and roof lights, a proposed internal remodelling including garage conversion, a proposed revision to fenestration and replacement doors and the proposed rendering and stone/larch cladding.

The application was presented to Committee because of the number of objections received.

## PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the application constituted good quality design and did not result in material harm to the amenity of neighbouring uses. The proposal did not cause any harm to the significance of a designated heritage asset and was in accordance with relevant policies and it was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised that the driveway to be extended was gravel, not block paving and Condition 2 had been amended with the new wording stated in the addendum.

The following people addressed the Committee:

- Councillor Jones, Kenilworth Town Council, objecting;
- Mr Griffiths, objector; and
- Mr Smith, the owner of the property, speaking in support.

A concern was raised by a Member about the objection raised in the Ecologist's report about bats and asked for a condition to require an inspection for bats at the property. The Chairman referred Members to page 6 of the report where a reason was given why there should not be an ecological report because of the limited work to the roof and the surrounding trees. Officers explained that the stated works to the roof could be done without the need to apply for planning permission and therefore it would be unreasonable to impose a condition in this instance, but officers would include an informative note to the applicant to ensure no harm to those species if some were discovered when the works were carried out; this did not need to form part of any decision to grant the Committee made because it would be done should permission be granted.

Officers also confirmed that the works to the driveway did not require planning permission. Concerns raised by residents about boundaries were a private matter and not a matter over which the Council had any authority.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Sullivan that the application should be granted in accordance with the recommendation in the report and the amendment to Condition 2 detailed in the addendum.

The Committee therefore

**Resolved** that W/23/0740 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission. <b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2)        | the development hereby permitted shall be carried out strictly in accordance with the  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | details shown on the site location plan, submitted on 30/10/2023, and approved drawings;   |
|            | DR-22.705-A-200-P3 (submitted on 25/10/2023),<br>DR-22.705-A-201-P2 (submitted on 21/09/2023),<br>DR-22.705-A-202-P1 (submitted on 21/09/2023),<br>DR-22.705-A-203-P2 (submitted on 21/09/2023), and<br>DR-22.705-A-204-P1 (submitted on 21/09/2023),  |
|            | and specification contained therein. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;  |
| (3)        | prior to the commencement of the development hereby approved (including all preparatory work), a sufficiently detailed and proportionate Tree Protection Plan and Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how all the retained trees within the site, where they might be impacted by the development, are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan should be overlaid upon the approved plan of the development.<br><br>The development thereafter shall be implemented in strict accordance with the approved scheme of protection.<br><br><b>Reason:</b> In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and |
| (4)        | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those shown on drawing number DR-22.705-A-203-P2.<br><b>Reason:</b> To ensure that the visual amenities of the area are protected, and to satisfy the  |

## **PLANNING COMMITTEE MINUTES (Continued)**

| <b>No.</b> | <b>Condition</b>   |
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|            | requirements of Policy BE1 of the Warwick District Local Plan 2011-2029. |

(Councillor Williams re-entered the room to join the Committee. The meeting was adjourned at 6.40pm for two minutes at the request of a Councillor who required a comfort break.)

### **94. W/23/0880 – Land south of Stoneleigh Road, Stoneleigh**

The Committee considered an application from High Speed 2 (HS2) Limited for the extension of the A46 main compound for HS2 construction purposes for a temporary period, including site clearance works, stockpiling of soil, materials storage, security cabins, plant and wheel wash facilities, HGV/plant parking, drainage infrastructure, internal spine and haul roads with access from Stoneleigh Road.

The application was presented to Committee because of the number of objections received, including an objection from Stoneleigh & Ashow Parish Council.

The officer was of the opinion that the proposed development was required in connection with the delivery of HS2, a nationally important infrastructure project. There was an existing construction compound being used to deliver a section of the route and the proposal would allow for an extension of the existing compound to facilitate storage and management of materials as well as providing a new access off Stoneleigh Road for all associated construction traffic. The proposal would provide several benefits, including reducing construction traffic on local roads and minimising interaction with peak times on the road network.

The proposal would give rise to a series of environmental impacts which had been considered within the assessment. It was considered that the potential impacts of the development could be mitigated to an acceptable extent and, importantly, there would not be any permanent adverse impacts because of the temporary nature of the development. As such, the benefits of the proposal in terms of facilitating the delivery of HS2 and the other benefits identified within the application were considered to clearly outweigh the temporary harm that would arise, including harm to the Green Belt. This was subject to the satisfactory resolution of drainage and biodiversity issues as detailed within the assessment and subject to the conditions set out in the report.

An addendum circulated at the meeting advised that following the removal of the Lead Local Flood Authority's holding objection, the officer recommendation had been amended. The recommendation was now that the application should be granted subject to the conditions set out within the report and the addendum.

The Lead Local Flood Authority no longer objected to the application subject to a condition requiring the submission and approval of a detailed surface water drainage scheme. It was therefore considered that drainage matters had been satisfactorily resolved.

## **PLANNING COMMITTEE MINUTES (Continued)**

The updated drainage proposals included a low bund adjacent to the stockpile mounds in the eastern part of the site to channel run-off water towards the attenuation pond. The bund would be a maximum height of 0.5m and constructed from site-won material.

The bund would be parallel to the eastern site boundary and located on the edge of the root protection area. The Tree Officer had confirmed that the inclusion of this feature would not have any significant implications for the adjacent trees.

WCC Ecology had provided further comments on the application in response to the additional information previously provided by the applicant. No specific concerns had been raised and conditions had been recommended to secure the proposed mitigation and compensation measures for the protected species present on the site and to secure the delivery of a biodiversity net gain.

Condition 6 provided for biodiversity net gain and condition 12 secured the proposed biodiversity mitigation measures. It was, however, considered necessary to amend the wording of condition 12 to explicitly reference protected species and the proposed compensation measures. Subject to these conditions (as amended), the proposal was considered acceptable in terms of ecological matters.

The applicant had provided an update on progress with the ongoing trial trenching on the site. A Summary Notice document dated 7 November 2023 had been submitted which confirmed that as of that date 94 trenches had been excavated out of a total of 98 planned trenches. 93 of the trenches contained no archaeological features / deposits and one of the trenches contained the remains of a post-medieval field boundary ditch. The final four trenches were to be excavated between 7 – 10 November.

The investigation work undertaken helped to confirm that the use of a planning condition was appropriate to address archaeological matters. The full findings of the archaeological investigation and any necessary mitigation would need to be submitted for approval by the Local Planning Authority as part of Condition 3.

The trial trenching was being undertaken in accordance with an agreed written scheme of investigation which detailed an appropriate programme of archaeological evaluative work. An amendment to the wording of Condition 3 was therefore recommended to reflect the fact that an appropriate scheme had already been agreed with Officers. This also necessitated a minor change to the wording of Condition 2.

The report stated that “the trip generation for the proposed development is to be 272 two-way HGV trips per day”. For clarification, the extension itself would not add any additional HGV movements over and above that allowed for under the HS2 Act and the number of movements was controlled as part of an existing, separate consent under HS2 legislation.

The report mentioned a roadhead that was originally planned to be created directly onto the A46 Kenilworth Bypass and which was no longer intended to be formed. It was important to clarify that this was entirely unrelated to

## **PLANNING COMMITTEE MINUTES (Continued)**

the proposed compound extension and reflected a downward trajectory in HGV movements compared with those envisaged at the time of the 2017 HS2 Act coming into force.

The applicant had requested a minor amendment to the wording of Condition 8 to alter the timing for the submission and approval of the temporary landscape and maintenance scheme for the outer faces of the stockpiles. It had been requested that such details were required before any of the stockpiles were formed on the site instead of before the development was brought into use.

Officers had no concerns with the applicant's proposed amended wording. It would still ensure that relevant details for the stockpiles were agreed at an appropriate time while affording the developer some greater flexibility.

The addendum gave details of a pre-meeting question and the corresponding response from Councillor Dickson.

An additional Condition was advised for surface water drainage and the wording for amended Conditions 2, 3, 8 and 12 was given.

The Chairman informed the Committee that a representative from Stoneleigh & Ashow Parish Council was present at the meeting, but the Parish Council had not registered to speak so there would not be any speakers addressing the Committee on this application.

During the presentation, officers advised that should the Committee grant the application, an additional condition was recommended to secure full details of a scheme for the proposed biodiversity or habitat enhancement areas. The Chairman advised that following removal of the Lead Flood Local Authority's holding objection, the officer recommendation had been amended and Planning Committee were recommended to grant planning permission subject to the conditions set out in the main Committee report and the addendum to that report, plus the biodiversity statement.

Members sought absolute certainty that the land would be restored to its pre-development state and that a piece of the Green Belt would not be lost. A Member suggested that Condition 1 could be strengthened by explicitly adding to the condition a requirement that the land was to be restored to its previous state no later than seven years.

Concerns raised about surface water were mitigated by Condition 15; officers advised that the full details on drainage were still to be agreed.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Margrave and seconded by Councillor Collins that the application should be granted in accordance with the recommendation in the report, and the revisions as set out in the addendum and the revised recommendation stated in the meeting subject to the revision to Condition 1 to require the land to be restored, no later than seven years, to its former state.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/23/0880 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | <p><u>Time limit:</u></p> <p>the development hereby permitted is limited for a period of seven years from the date of this permission. Before the expiration of the planning permission, all structures, buildings, construction materials, hard surfacing and ancillary works associated with the compound shall be removed from the application site and the land restored to its pre-development condition and land use. The land shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority within five years of the date of this permission. The site shall be restored to its pre-development condition no later than seven years from date of this permission.</p> <p><b>Reason:</b> The proposed development is for a temporary period and is only acceptable on this basis. This is in the interests of preserving the Green Belt, local landscape character, the land resource, ecology, amenity and highway safety;</p> |
| (2)        | <p><u>Approved plans:</u></p> <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings listed below and specification contained therein, subject to any variations required in connection with Condition 3(b).</p> <ul style="list-style-type: none"><li>• HS2 A46 MAIN COMPOUND EXTENSION PROPOSED LAYOUT</li><li>• HS2 A46 MAIN COMPOUND EXTENSION SECTIONS</li><li>• HS2 A46 MAIN COMPOUND EXTENSION PROPOSED TEMPORARY BUILDINGS</li></ul> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>  |
| (3)        | <p><u>Archaeology:</u></p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | no development shall take place until:  |
| a)         | the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production as detailed within the Location Specific Written Scheme of Investigation for A46 Link Road and Compound Extension Trial Trenching (Document Number: MC08-BBV_AEC-EV-PLN-N001-000001) and Project Plan A46 Link Road and Compound Extension Trail Trenching (Document Number: 1MC08-BBV-EV-PLN-NS01_NL03-000005) has been undertaken, and a report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to and approved in writing by the Local Planning Authority; |
| b)         | a mitigation strategy, informed by the results of the archaeological evaluation, has been submitted to and approved in writing by the Local Planning Authority, to include any archaeological mitigation measures, including any necessary adjustment to the layout and details of the scheme.  |

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition, shall be undertaken in accordance with the approved archaeological mitigation strategy. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029 and guidance in the National Planning Policy Framework;

- (4) Tree protection measures:



## PLANNING COMMITTEE MINUTES (Continued)

| No. | Condition  |
|-----|--|
|     | <p>prior to the commencement of the development hereby approved (including site clearance or other preparatory works), the tree protection measures in the Arboricultural Assessment from HS2, reference TT12 dated June 2023, and shown on the appended Tree Constraints Plan, together referred to as the scheme of protection, shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.</p> <p><b>Reason:</b> In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p>  |
| (5) | <p>the existing trees as indicated on the submitted Tree Constraints Plan shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees removed, dying, or being severely damaged or diseased or becoming, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years of the cessation of the compound use shall be replaced within the next planting season with trees of the same size and species. All trees shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).</p> <p><b>Reason:</b> To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p><u>Biodiversity net gain:</u></p> <p>the development hereby permitted shall not be brought into use unless and until a detailed scheme for biodiversity</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>enhancements to achieve a net gain in biodiversity has been submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric 4.0. The scheme shall include full details of the type and location of the proposed biodiversity enhancements, a schedule detailing the timings for the provision of the enhancements and details of future maintenance and monitoring. The enhancement measures shall be provided in accordance with the approved scheme.</p> <p><b>Reason:</b> To ensure net gains in biodiversity, in accordance with the requirements of the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan;</p> |
| (7)        | <p><u>Mitigation measures:</u></p> <p>the development hereby approved shall be carried out in full accordance with the published Environmental Minimum Requirements for HS2 Phase One, the submitted Code of Construction Practice and Related Documents (Ref: TT15, June 2023) and all mitigation measures contained within the Environmental Statement and Appendices (Ref: TT6, TT8 &amp; TT9, June 2023).</p> <p><b>Reason:</b> To mitigate the impacts of the development as detailed within the Environmental Statement;</p>  |
| (8)        | <p><u>Landscape scheme for stock piles:</u></p> <p>before the formation of any of the stockpiles as shown on the approved layout plan, a temporary landscape scheme and maintenance thereof for the outer faces of the proposed stockpiles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the proposed landscape and visual mitigation measures, including the use of seeded wildflower grassland on the outer faces of the proposed stockpiles, as well as ground preparation prior to seeding and the proposed use of the arisings generated by the established swards. The landscape and visual amenity mitigation measures shall be</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | implemented in accordance with the approved scheme and as detailed on drawing numbers TT25 and TT26.<br><br><b>Reason:</b> To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;  |
| (9)        | <u>Travel plan</u><br><br>the development hereby permitted shall be carried out in accordance with the measures detailed within the Framework Workforce Travel Plan contained within the submitted Transport Assessment and any approved Workforce Travel Plans associated with the operation of the existing compound.<br><br><b>Reason:</b> In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029; |
| (10)       | <u>Access:</u><br><br>the temporary access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.<br><br><b>Reason:</b> In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan;  |
| (11)       | <u>Removal of temporary access:</u><br><br>upon completion of the access arrangements permitted under planning permission W/20/2013 (or any approval that modifies that permission) all parts of the access onto Stoneleigh Road hereby approved shall be closed and the kerb and verge reinstated in accordance with the standard specification of the Highway Authority.   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | Reason: In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan;  |
| (12)       | <p><u>Biodiversity mitigation:</u></p> <p>the development shall be carried out strictly in accordance with the proposed mitigation and compensation measures for protected and notable species as detailed within the Biodiversity Statement (Ref TT14, June 2023) and the Environmental Statement. All species specific mitigation and compensation features shall be provided and retained in accordance with the approved details.</p> <p>Reason: To mitigate the impact of the development on biodiversity and to accord with Policies NE2 and NE3 of the Warwick District Local Plan and guidance in the National Planning Policy Framework;</p>   |
| (13)       | <p><u>Unexpected contamination:</u></p> <p>in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority;</p> <p><b>Reason:</b> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework;</p> |

## PLANNING COMMITTEE MINUTES (Continued)

| No.                                 | Condition   |
|-------------------------------------|---|
| (14) <u>Lighting:</u>               | <p>a detailed design for the proposed lighting of the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The lighting scheme shall be designed in accordance with the principles set out within the submitted Light Pollution Assessment (Ref: TT21, June 2023). The approved lighting shall be provided and operated in accordance with the approved detailed design.</p> <p><b>Reason:</b> In the interests of biodiversity, the visual amenity of the landscape and residential amenity and to accord with policies NE3, NE4 and BE3 of the Warwick District Local Plan;</p>   |
| (15) <u>Surface water drainage:</u> | <p>notwithstanding the submitted information, no development shall take place until a surface water drainage scheme for the site, that is based on the drainage principles detailed within the application submission, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use. The scheme to be submitted shall:</p> <ol style="list-style-type: none"><li data-bbox="783 1400 1390 1603">1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the agreed QBar Greenfield runoff rate of 108.7 l/s for the site.</li><li data-bbox="783 1615 1406 2065">2. Provide revised drawings / plans illustrating the proposed attenuation basin. It's recognised in an extreme event, the wider earthworks will be utilised to retain water and this should be demonstrated / illustrated through drawings including cross sections, of proposed features These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.</li></ol> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | 3. Provide revised detailed, network level calculations demonstrating the performance of the holistic system.   |
|            | 4. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date including the proposed bund.   |
|            | 5. Provide information regarding maintenance including: <ul style="list-style-type: none"><li>a. The name of the party responsible, including contact name, address, email address and phone number.</li><li>b. Relevant plans (such as showing the locations of features), and how these should be accessed and how surface water each relevant feature shall be maintained.</li></ul> |

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity and to accord with Local Plan Policy FW2 and guidance in the NPPF; and

- (16) an additional condition to secure full details of a scheme for the proposed biodiversity or habitat enhancement areas.

### 95. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

**Resolved** that the report be noted.

### 96. **Probity in Planning Report**

The Committee considered a report from the Head of Governance & Monitoring Officer which brought forward the probity in planning document of Warwick District Council for consideration by the Committee and referral to Council.

Appendix 1 to the report set out the Probity in Planning document.

An addendum circulated at the meeting advised changes to the wording of the Probity in Planning document that had been made as a result of feedback from Members.

The document was based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarified how Councillors could get involved in planning discussions on plan making and

## **PLANNING COMMITTEE MINUTES (Continued)**

on applications, on behalf of their communities in a fair, impartial and transparent way.

The guide had been written for Councillors and officers involved in planning and operated alongside Councillors' and officers' own Codes of Conduct and guidance.

The guide was not intended to, nor did it constitute, legal advice. Councillors and officers would need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

To help develop the skills and knowledge of the Committee, Group Leaders supported that site visits should be held regularly before the Committee met. If there were no specific applications on the agenda that met the test, as set out in the Probity document, a previous granted and since developed application should be visited. This would help to develop understanding for both Councillors and officers of the more challenging applications.

The Head of Governance & Monitoring Officer introduced the report. He had included a section on site visits because previously site visits had not been made on a regular basis and following feedback the decision had been taken that these should be more frequent. These would include visits to sites of previous applications which had been granted, especially the more difficult applications that had been determined. A balance had to be found to ensure that the Members were not overburdened with site visits but that they were often enough so that a standing contract could be arranged with a taxi firm to guarantee that site visits were easy to administer and arrange.

In response to questions from Members, the Head of Governance & Monitoring Officer and the Chairman advised that:

- Any questions submitted by Members on planning applications ahead of the meeting, no matter by what means these questions were submitted would be recorded together with the officer response and made available to all Members. The process should be transparent, and Members were asked to keep telephone enquiries to a minimum to help the process of keeping a complete record.
- The role of the Chair should be added to the document and should detail the interaction between the Chair and officers ahead of meetings. This would help future Chairs. The Head of Governance & Monitoring Officer advised that both the Chair and the Vice-Chair received a briefing ahead of each meeting. These briefings were to look at the presentations and the Chair would often suggest additional helpful material that could be included. They were not to make any decisions on the applications. The briefings helped the Committee meetings flow better.
- Policing on the use of mobile phones in meetings was within the purview of the Chair. The section on mobile phones in the document was included to draw attention to the need for respecting the meeting in the same way as Members would not be expected to be holding private conversations with others whilst the meeting was in progress. It was accepted that mobile phones could be a useful resource at times, but Members were provided with WDC devices for

## **PLANNING COMMITTEE MINUTES (Continued)**

use in meetings. Members' attention was drawn to the fact that meetings were video recorded, and the camera did not just film the person speaking, others were captured on film also.

- External officers such as WCC Highways Officers were asked to attend meetings, when necessary, but they could not always accommodate these requests. The use of pre-meeting questions was suggested as a possible way to mitigate the impact on the meeting when the officer could not be present.
- The pre-presentation stage needed to be referenced in the document because this allowed Members to comment prior to the meeting to allow for meaningful presentations at the meeting. Members were advised to make these comments promptly to allow sufficient time to provide the requested information. Presentations helped evaluate whether a site visit was beneficial.
- Officers would investigate software to help navigate presentations better, some software allowed 3D presentation. Officers would also look at where video presentations would help.

### **Recommended to Council that:**

- (1) the adoption of the Warwick District Council Probity in Planning document as Annex to the Constitution, as set out at Appendix 1 as amended by the addendum to the report and with the following additional additions:
  - a. the inclusion of the Chair and Vice Chair briefing
  - b. reference to access for the Committee to officers' presentations ahead of the meeting; and
  - c. that any telephone enquiries from Members of the Committee are also, as per emails, recorded in the addendum.

*(See Appendix 1 to these minutes for the Warwick District Council Probity in Planning document agreed by Planning Committee.)*

**Resolved** that the document be reviewed after 12 months operation with views sought from the Committee and Officers and brought back to Committee for consideration.

(The meeting ended at 7.32pm)

CHAIRMAN  
16 January 2024



**Warwick District Council  
Probity in Planning**

**Foreword**

This is based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

This guide has been written for Councillors and officers involved in planning, who both should be familiar with their respective codes of conduct and appropriate guidance.

This guide is not intended to, nor does it constitute, legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

**Introduction**

Planning has a positive and proactive role to play at the heart of local government. It helps to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic, and environmental needs to achieve sustainable development.

The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.

Planning decisions involve balancing many competing interests. In doing this, decision makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.

It is recommended that Councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

**The general role and conduct of Councillors and officers**

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. At Planning Committee officers advise based on their professional training and experience, Councillors and the Council decisions. Officers are employed by the Council, not by individual Councillors. A successful relationship between Councillors and officers is based upon mutual trust, understanding and respect for each other's positions.

Both Councillors and officers are guided by their respective codes of conduct. The 2011 Localism Act sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a local code of conduct. In line with this, Warwick District Council, along with all Parish & Town Councils in Warwick District, has adopted the Local Government Association Model Code of Conduct.

## **PLANNING COMMITTEE MINUTES (Continued)**

The adopted codes of conduct for both Councillors and officers are consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

All Councillors and Officers should embrace the standards within the Code of Conduct central to the preservation of an ethical approach to Council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff, and the public.

Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute.

In addition to these codes, the Council Procedure Rules set down the rules which govern the conduct of Council business.

Within their adopted Codes of Conduct, Councillors and officers are advised not to accept gifts and hospitality. Any Councillor or officer receiving any such offers over and above an agreed value must let the Council's Monitoring Officer know, in writing. Guidance on these issues for both Councillors and officers are set out in the Council's adopted code of conduct.

Serving Councillors and officers must not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on it.

The determination of a planning application is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review of the Council's decision and/or complain to the Ombudsman on grounds of maladministration or a breach of the Council's codes of conduct.

### **Registration and disclosure of interests**

The Code of Conduct for Councillors, adopted under the Localism Act, places requirements on Councillors regarding the registration and disclosure of their pecuniary interests and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The failure to register a disclosable pecuniary interest, participation in discussion or voting in a meeting on a matter in which a Councillor has a disclosable pecuniary interest, are criminal offences. Advice should always be sought from the Council's Monitoring Officer. Ultimately, responsibility for fulfilling the requirements rests with each Councillor.

The provisions of the Code of Conduct for Councillors goes further than the legal requirements of the Localism Act and includes other interests which may impact on the finance or well-being of the Councillor, a relative or close associate or a body of which they are a member. These place further requirements on Councillors for disclosure and on participation in decision making. Councillors should always think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the Councillor's involvement would be appropriate. If members are unsure, they should always be cautious in their approach.

## **PLANNING COMMITTEE MINUTES (Continued)**

It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a particular matter to be discussed at Planning Committee they should seek advice from the Monitoring Officer as early as possible.

### **Predisposition, predetermination, or bias**

Members of a Planning Committee, (or Local Plan Advisory Group, Cabinet and Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the Committee's decision susceptible to challenge by Judicial Review.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the Committee before deciding on how to vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.

Section 25 of the Localism Act also provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.

This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

For example, a Councillor who states "the proposed development is a blot on the landscape and I will oppose each and every windfarm application that comes before the Committee" will be perceived very differently from a Councillor who states: "Many people fell the development is ugly and noisy and I will need a lot of persuading that this should be allowed in our area."

If a Councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter. They could, however, register to speak on this matter and could have a substitute take their place on the Committee for that meeting.

The Portfolio Holder responsible for Place can be a member of the Planning Committee, but significant caution needs to be applied and this should only be in limited circumstances, They should not participate in any Council application, ones from Council partners, or ones that come through as part of wider strategic projects or programmes. Like the Portfolio Holder for Place, other members of the Council, who have participated in the development of planning policies and proposals, need to exercise great caution during their involvement in decision making committees. This is because in both instances there is significant scope for predetermination or at least significant public concern of predetermination.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **Development proposals submitted by Councillors and officers, and Council development**

Proposals submitted by serving Councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be either planning applications or, for example, local plan allocation proposals. Such proposals must be handled in a way that gives no grounds for accusations of favouritism.

For that reason, Councillors should play no part in the consideration of any proposals they submit to the Council.

Any proposals submitted by serving Councillors or officers will be reported to the Planning Committee and not dealt with by officers under delegated powers.

A Councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but as an applicant, the Councillor should not seek to improperly influence the decision.

Proposals for the Council's own development ( which includes proposals from Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) of which the Council is a partner or Warwickshire County Council), other than for approval of routine minor developments will be treated with the same transparency and impartiality as those of private developers.

However unless the proposals are for minor routine developments, such proposals will be reported to Planning Committee for determination. The Cabinet will be recognised as the applicant in this instance and therefore no member of the Cabinet will be permitted to sit as a member of the Planning Committee for such an item.

### **Lobbying of and by Councillors**

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee.

The Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".

Lobbying can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.

As noted earlier in this guidance note, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, Councillors (members of the Planning Committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

## **PLANNING COMMITTEE MINUTES (Continued)**

In such situations, members of the Committee should restrict themselves to giving advice about the process and what can and can't be taken into account. Councillors can raise issues which have been raised by their constituents, with officers. If Councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at Committee.

If any Councillor, whether or not a Committee member, speaks at the decision-making committee, they should withdraw from the meeting room once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the Committee may have been influenced by their continuing presence.

The balance of roles between being a local Councillor and taking decisions with an open mind on Committee, is finely balanced and a significant challenge, but is the responsibility of the Councillor.

Planning decisions can only be made on the merits of the application, relevant national and local policies. They cannot be made on a party political basis and the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.

Planning Committee, local plan advisory group members and Cabinet members should, in general, avoid organising support for or against a planning application and avoid lobbying other Councillors.

Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

Members of the Council can request within the specified consultation period i.e. 21 days that an application is referred to Planning Committee for determination. All requests should clearly state the planning reasons why a Committee referral is required.

### **Pre-application discussions**

The Council has an adopted procedure for a Proposed Development Review Forum that can be requested by applicants to engage with the Council head of significant development coming forward. This is available via the Council's website.

Councillors can support applicants in pre-application advise with Officers, however in these instances the Councillor should not have any involvement in the determination of the application, though can address Committee if the matter comes before Planning Committee.

### **Prior to the meeting**

The agenda and reports will be published five clear working days in advance of the meeting, in line with legislation. The agenda will be available to access on the Warwick District Council website and also in paper form at the Town Hall, Parade, Royal Leamington Spa.

All Members of the Committee will be provided with access to the draft presentations by Officers to the Committee, normally at least five clear working

## **PLANNING COMMITTEE MINUTES (Continued)**

days, in advance of the Committee date. This is to enable Committee members to request the inclusion in the Officer presentation of any further information or images that they consider would be helpful/ would assist the Committee in reaching a decision.

All members will have considered the officers' reports prior to arriving at the meeting of the Committee.

The Chair and Vice-Chair will have a briefing on the items on the agenda ahead of the meeting, normally the Wednesday before the Committee. This will focus on the structure and administration of the meeting, key issues that may arise and a review of the officers' presentations. The Chair or Vice-Chair may request the inclusion of additional information in Officer presentations at this briefing.

### **Officer reports to Committee**

Over a number of years, decisions made by the courts and the ombudsman have clarified what should be contained in officer reports to Committee. To provide guidance, based on these wider clarifications, officer reports on planning applications will include the following:

- The substance of any objections and other responses received to the consultation.
- A clear assessment of the application against the relevant Development Plan policies, relevant parts of the National Planning Policy Framework (NPPF), any financial contributions required from the development (e.g. S106 agreement), and any other material planning considerations.
- a written recommendation for a decision to be made.
- technical appraisals which clearly justify the recommendation.

If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the Development Plan and the Council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

Any oral updates or changes to the report should be recorded.

### **Public speaking at Planning Committees**

Public confidence is generally enhanced and direct lobbying may be reduced by the ability to allow public speaking at meetings.

The Council's procedure rules set out who can speak at meetings. People wishing to speak will fall into five categories, and these are:

- Parish/Town Council;
- Warwick District Towns Conservation Area Advisory Forum;
- Objector(s) to the application;
- Applicants/Supporters of the application; and
- Warwick District Councillor.

Anyone wishing to speak at Planning Committee must register their request to do so by 10am on the working day before (not of) the Committee.

## **PLANNING COMMITTEE MINUTES (Continued)**

Members of the public are not permitted to circulate any new documents (i.e. documents that have not previously been submitted to the Council on the relevant application) to the Planning Committee at the meeting, This is because Councillors will not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This is made clear to those who intend to speak by the Civic & Committee Services Team when an individual register to speak.

At the Planning Committee meeting, messages including via mobile devices should never be passed to, or between individual Committee members, either from other Councillors, Committee members or from the public. Members should be mindful of the perception that may inadvertently be created by the use of mobile devices by Councillors within the meeting. The passing of messages could be seen as seeking to influence that member improperly and may create a perception of bias that would be difficult to overcome. It also creates the possibility for allegations being made that the Planning Committee did not take into account all the relevant information if members are seen to be using their devices and not paying attention to what is being said in the meeting.

### **Procedure at Planning Committee**

The ruling of the Chairman for the meeting on the interpretation of any of either this document and the Council Procedure Rules, will not be challenged at any meeting of the Committee.

All Planning applications with public speakers will be dealt with first, followed by consideration of the remaining items in the order in which they appear above. This may not be the order in which they appear on the published agenda.

The Planning Officer will introduce their report, giving any updates since the preparation of the report.

The names of those persons registered to speak will then be announced by the Chair, in the order of: Parish/Town Councils, Warwick District Towns Conservation Area Advisory Forum, Objectors, Applicants/Supporters and District Councillors.

There will not be a specific formal questions slot.

After all the speakers have finished, the Chair will open the item up to the Planning Committee for questions of clarification of officers and then debate. In the debate no Officer or Councillor will be permitted to address the Committee without the permission of the Chair.

Finally, the Committee will be asked to take a decision on the application.

### **Reasons for Decisions**

The law requires that decisions should be taken in accordance with the Development Plan, unless material planning considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).

This applies to all planning decisions. Any reasons for refusal must be justified by reference to relevant Development Plan policies and other material considerations.

## **PLANNING COMMITTEE MINUTES (Continued)**

The courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations, for example a significant number people have objected and the application might cause local controversy will rarely satisfy the relevant tests.

Planning Committees can, and sometimes do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome of the application, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of compliance of the application with relevant policies, or of the weight ascribed to material considerations.

Officers will provide advice to any member of the Committee on an application before it, either in advance of or during the meeting. In advance of the meeting Councillors are advised to do this by emailing the case officer and copying in [planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk). The responses to these enquiries will be included within the addendum to the agenda published before the meeting. A Councillor may also seek advice from officers via telephone if they so wish.

For any decision the proposer and seconder will identify relevant policies and/or other material considerations and give detailed reasons as to how and why they are applicable to the decision. In doing so, Members need to consider carefully any evidence for or against their reasons.

The Committee can consider adjourning for a few minutes to enable the proposer and seconder to take advice from relevant officers on framing the proposal they wish to put to the Committee.

When the Planning Committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a copy of the minute of the decision will be placed on the application file.

Officers will assist the Committee in formulating the reasons for a decision but to enable this, the Committee must identify the relevant policy and state how/why this is relevant to their decision. Councillors need to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'. The officers have a duty to provide advice to the Committee and protect the wider Council. Therefore, they will advise on the implications of a contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the Council, should one be made.

In proposing or seconding a decision, particularly where it is proposed to refuse planning permission contrary to the Officer recommendation, the proposer and seconder should understand they may be expected to contribute to written or verbal evidence at appeal including at Public Inquiries to support the Council's reason(s) for refusal.

All applications that are clearly contrary to the Development Plan must be advertised as such and are known as 'departure' applications. If it is intended to approve such an application, the material considerations leading to this conclusion



## **PLANNING COMMITTEE MINUTES (Continued)**

must be clearly identified, and how these considerations justify overriding the Development Plan must be clearly demonstrated.

The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officers' report recommends approval of such a departure, the justification for this must be included, in full, in that report.

Following the meeting Officers have delegated Authority to "Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee." This is not to change the decision but used to amplify the decision and ensure standard phrases and reasoning are included, in doing so making the decisions as robust as possible. This is in instances where Committee have changed or added conditions/notes and or come to a contrary view to the recommendation in the report.

### **Committee site visits**

National standards and local codes of conduct also apply to site visits. Decisions to visit sites should be made on a clear and consistent basis to help avoid accusations that visits are arbitrary, unfair or a covert lobbying device. Officers will have visited the site and assessed the scheme against policies and material considerations already.

Site visits should only be used in exceptional circumstances where the benefit of carrying out a site visit is clear and substantial. A site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers or interested party; and/or
- the proposal is a significant regional or national development or particularly contentious.

Any Site visit undertaken by the Committee will be in accordance with the procedure set out at Appendix A to this document.

Procedures are in place to seek to minimise the deferral of planning applications to enable a site visit to take place. This is because such a deferral delays the determination of the application and increases both the financial and time costs of doing so.

Prior to the meeting, officers invite members to identify whether there are any sites that they consider necessitate a site visit and if so the reasons, as set out above, for that. This does not stop a site visit subsequently being requested at the meeting of the Committee as it may be further discussion at the meeting identifies a potential need to visit the site. A record of the reasons why a site visit is called will be recorded within the minutes of the Planning Committee.

When a site visit is proposed by a Committee member during debate, the Chair will ask for a seconder for that proposal and take a vote on it. If it is carried the item will stand deferred to enable a site visit. Prior to moving to the next item the Chair will seek any clarifications members of the committee would like to see on site and/or when the report comes back to Committee.

When a site visit is agreed, all Committee members are expected to attend.

## **PLANNING COMMITTEE MINUTES (Continued)**

A Councillor may visit an application site alone. In such a situation, a Councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. They should also not discuss the application in any form with anyone at the site. Whilst a Councillor might be invited to enter a site (either the application site or an adjoining site) by the owner, it is not good practice to do so on their own, as this can lead to the perception that the Councillor is no longer impartial.

### **Review of decisions**

It is good practice for Councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.

Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to ask Cabinet for any policies to be changed or for the Committee to review its procedures.

### **Training**

Planning is complex and as there are currently many changes in planning taking place, Warwick District Council has determined that all Councillors should attend relevant training before sitting on Planning Committee. The Council has also committed to having regular training sessions through the year for the Committee, which all District Councillors are invited to attend.

**Warwick District Council Planning Committee  
Site Visit Procedure**

A minibus will be provided for the members of the committee (and any known substitutes) to attend the site visit along with officers.

**Form of Site Visit**

A site inspection is not a formal meeting of the Planning Committee. It is an informal arrangement to provide members with information to enable a decision to be made at a subsequent Planning Committee in the light of all relevant information available.

**Attendance at Site Visits**

Officers will obtain the agreement of the applicant/landowner, normally via the agent, for a site inspection to take place on their land, where access is required.

All Members of the Planning Committee, or their substitute, will be expected to be present and relevant Officers of the District Council will attend.

The ward councillors for the ward in which the application site is located will also be informed of the inspection and can attend as an observer if they so wish. If a ward councillor is unable to attend, then they may request a parish/town council representative to attend on their behalf as an observer.

The applicant or their agent will be invited to attend the site visit and this will only be to answer factual questions where members require clarification.

Objectors/supporters/amenity group representatives will not be invited to site inspections.

Site inspection arrangements will be confirmed in writing, normally via email, to applicants/agents, Planning Committee members and relevant ward councillors.

**Procedure on Site**

The following procedural rules will be observed in the holding of all site inspections:-

(a) The Chair will control proceedings throughout.

(b) The Chair will explain that the purpose of the site inspection is to obtain information relevant to the determination of the application. They will summarise the proceedings and constraints as set out below.

(c) The Chair will introduce the Planning Officer who will describe the proposal with reference to features on the ground and the submitted plans and summarise the relevant issues and material considerations.

(d) Other Officers may be present to provide other relevant specialist information where required e.g. Highways and Environmental Health Officers.

## **PLANNING COMMITTEE MINUTES (Continued)**

(e) The Officers will provide clarification on matters relating to the proposal in response to questions from elected Members. The applicant/agent may be asked by the Chair to provide clarification on any factual details that are unclear.

(f) During the site inspection, no separate discussions must take place between Officers or Members and applicants.

(g) No hospitality will be accepted from the applicant or any other party present at the site inspection.

(h) Members may visit an adjoining site to view the impact of the development on an affected property, where a prior request has been made for such a visit and members consider it essential to make such a visit in order to properly determine the application. Such a visit will be subject to all the other provisions set out in this procedure. Requests to visit adjoining affected properties made on the day of the site visit will be at the discretion of the Chair.

(i) The Chair will conclude the site inspection. No indication of the views of Members or the likely outcome of the Planning Committee deliberations on the application will be given. If Members require further information or clarification of any aspect of the development, the Officer attending will be asked to ensure that such information is available by the time of the subsequent Planning Committee meeting.