

## **D Code of Planning Conduct and Practice**

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## **D Code of Planning Conduct and Practice**

The term 'Planning Committee' in this Code is used in a generic sense and applies to the Council or any committee of the Council when considering a planning matter.

### **1. Introduction**

- 1) Planning affects land and property interests, including the financial value of land and the quality of their settings. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. It has a quasi-judicial role which particularly distinguishes the service from most other local government business.
- 2) The planning system can only function effectively if there is trust among those involved. There must be trust between Members and officers and between the public and the Council.
- 3) The Council is committed to open and accountable decision making. Planning decisions should be made impartially, with sound judgement and for justifiable reasons.
- 4) This Code of Conduct sets out practices and procedures that Members and officers of the Council shall follow when involved in planning matters. Planning matters include the consideration of planning and related applications, the preparation of development plans and other planning policy documents and the enforcement of planning control.
- 5) Failure to follow this code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual Members and officers.

### **2. The Roles and Conduct of Members and Officers**

- 1) Members and officers have different, but complementary roles. Both serve the public but members are responsible to the electorate, while officers are responsible to the Council as a whole.
- 2) Whilst Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to Members involved in making planning decisions. The basis of the planning system is the consideration of proposals against wider public interests. Much is often at stake and opposing views are often strongly held by those involved.
- 3) Members' decisions shall not discriminate against or in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members, therefore, must represent their constituents as a body and vote in the interests of the whole district from the land use and development perspective.

- 4) Whilst Members should take account of all views expressed, they shall not favour any person, company, or group, nor put themselves in a position where they appear to do so.
- 5) Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 6) That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, will have an opinion about a planning proposal, but this must be on the basis of professional judgement. This judgement must not be arrived at because an authority, its Members or other officers, have prevailed upon the officer to put forward his or her professional view as something contrary to what it really is.
- 7) The Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 8) The Council employs officers who are Chartered Town Planners holding corporate membership of the RTPI and such an officer should have direct access to Members in the event of his being the professional adviser on planning matters. Another officer shall not have the power to overrule the professional advice of the advisor on planning matters.

### **3. Declaration and Registration of Interests**

- 1) Officers must always act impartially. An officer who believes he or she may be seen to have a personal interest in a planning matter, shall declare it at the earliest opportunity to the ~~Deputy Chief Executive~~Director of Corporate and Legal Services Governance and have no further involvement in the processing or consideration of that matter. The ~~Deputy Chief Executive~~Director of Corporate and Legal Services Governance will advise the Head of Planning Services of the declaration. By way of example, an officer will have a personal interest in a planning matter if they have made an application; or a close friend or relative has made an application; or an organisation of which they are a member has made an application; or if an application is made in respect of property in which they have an interest; or if they object to a planning application.
- 2) Serving Members involved in the consideration and determination of applications shall not act as agents for persons pursuing a planning matter within Eden. Serving officers of the Planning Services and Planning Policy Sections shall not act as agents for persons pursuing planning matters either within or outside Eden. Officers may, within their own time, serve in a voluntary capacity on a Royal Town Planning Institute Planning Aid panel for cases outside Eden.
- 3) Any serving Member or officer upon making representations in a personal capacity on any planning proposal shall declare their interest to the ~~Director~~

~~of Corporate and Legal Services~~Deputy Chief Executive and take no part in any processing or decision making associated with the proposal.

- 4) Members who have substantial property interests, or other interests that would prevent them from voting on a regular basis, should avoid serving on the Planning Committee. It is suggested that if a Member finds the need to regularly declare interests requiring removal from the committee meeting on two or more occasions per committee or 25 occasions in a full year he or she should give consideration to vacating the place on the Planning Committee.
- 5) Proposals to their own authority by serving and former Members and officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted. It is, however, vital to ensure that they are handled in a way which gives no grounds for accusations of favouritism.
- 6) A serving Member or officer shall take no part in the processing consideration or determination of an application in the following circumstances:
  - a) when the submission is their own proposal;
  - b) when the submission concerns property in which they have an interest;
  - c) when the submission is by a close friend or relative or by an organisation in which they are a member.
- 7) Any application for which interests have been declared under this section, but which does not fall within the above paragraph shall, subject to the following section, otherwise be processed and determined within normal provisions, including appropriate officer delegations.

#### **4. Development Proposals in which Member or Certain Officers have an Interest**

- 1) Any serving Member or Affected Officer of the Council shall advise the ~~Head of~~ Planning Services Development Manager of any planning proposal in which they have an interest falling within paragraph 3 (6) above. These interests will be specifically recorded as soon as they are identified and the ~~Deputy Chief Executive~~ Director of Corporate and Legal Services~~Governance~~ advised by the ~~Head of~~ Planning Services Development Manager.
- 2) Any such proposal is to be reported to the Planning Committee for determination and not dealt with under officer delegated powers.
- 3) An officer shall be an Affected Officer if he or she is a Chief Officer, or an officer in the Planning Services Section, or an officer who would ordinarily be consulted in relation to the application concerned, or would otherwise normally be involved in the processing, consideration or determination of the application.

#### **5. Development Proposed by the District Council**

- 1) Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself.
- 2) Proposals submitted by the Council shall be considered in the same way as those by private developers, except that proposals which are the subject of objections on material planning grounds, which objections have not been resolved by negotiation or the imposition of conditions, shall be reported to the Planning Committee for determination.
- 3) In the event that the delegated jurisdiction of Planning Committee is withdrawn for any reason and retained by Council the various provisions of this code shall apply to Council proceedings when dealing with planning matters.

## **6. Lobbying of and by Members**

- 1) Lobbying is a legitimate part of the political process. Those who may be affected by a proposal will often seek to influence the decision by an approach to their local Member or to a Member serving on the Planning Committee. The information provided by lobbyists is likely, however, to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered, before a Member is in a position to make a balanced judgement on the merits of a case.
- 2) A Member is permitted to listen to the points being raised by a lobbyist and to agree to transmit them impartially to the Planning Committee. The Member is not permitted to offer a concluding view or opinion on the matter to the lobbyist. Reaction, to lobbying can however, lead to the impartiality of a Member being called into question and require that Member to declare an interest.
- 3) In transmitting points raised a Member may record details of any lobbying associated with a planning application or other planning matter. A copy of those details can then be supplied to the ~~Head of~~ Planning Services Development Manager. These will be included as public documents on the application file and if the application is reported to the committee, will be referred to in the report.
- 4) Alternatively, it will be the duty of a Member to report a lobby if they take part in the committee meeting that considers an application about which they have been lobbied. The report must identify the lobbyist and the substance of the lobby and be delivered as a point of information to committee when declarations of interest are made or immediately after the application has been presented or during the course of a public hearing. Provision will be made for that purpose in the committee process. Once the lobby has been reported the Member is then free to contribute to debate about the application and come to whatever individual conclusion he or she decides, picking up on any relevant issues raised in the committee report or presentation.

- 5) A Member is not entitled to act as a delegate for any outside interest when contributing to the consideration of any matter under the jurisdiction of the Planning Committee.
- 6) Some Members attend Parish Councils or Parish Meetings in their capacity as District Members and become privy to conclusions reached and individual views expressed about planning applications which are subsequently considered by the Planning Committee. Active contribution at such meetings to the consideration of such applications shall be treated in the way set out in 6 (2) above, as a lobby.

(Note: For the avoidance of doubt it is to be expected that if a District Member is also an elected member or an officer of a Parish Council they will be able to contribute fully, in their parish capacity, to the work of that Council, including work associated with planning issues. However members should not form or express a concluding view or opinion on the matter at a meeting of a Parish Council or Parish Meeting).

- 7) The time for individual Members of the Planning Committee to make a decision on a proposal is at the Committee meeting when all available information is to hand and has been duly considered.
- 8) Members who serve on the Planning Committee shall not organise support or opposition for a proposal, lobby other Members (other than when addressing the Planning Committee) or put pressure on officers for a particular recommendation.
- 9) Members who serve on the Planning Committee must be free to vote as they consider appropriate on planning matters. Political group meetings prior to the Committee meeting shall not be used to decide how Members should vote.

## **7. Discussions and Negotiations Concerning Applications, Including Pre and Post Application Discussions**

- 1) Discussions between an applicant and a planning authority, prior to the submission of an application, can be of considerable benefit to both parties ~~and is encouraged by the Audit Commission~~. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process.
- 2) Members of the Planning Committee need to preserve their role as impartial decision makers and should not take part in pre or post submission discussions and negotiations with applicants regarding development proposals. If occasions arise when Members are involved, these should be part of a structured arrangement with officers, including a senior planning officer. The Member's role in such an arrangement must not extend beyond that of receiving information.
- 3) Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating.

- 4) Any application in which the ~~Head of~~ Planning Services Development Manager has personally contributed to the negotiation must be decided by Planning Committee and not under his general delegated powers.
- 5) Pre, post or general application discussions or negotiations shall be conducted in accordance with the following guidelines:
  - a) it should always be made clear at the outset that the discussions will not bind a council to making a particular decision and that any views expressed are those of the officer only;
  - b) advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies between planning officers;
  - c) all advice given should reflect material planning issues only and must not include observations of a financial nature or others that relate to specialist consultant interests;
  - d) a written note should be made of the meeting. Two or more officers should attend potentially contentious or controversial meetings. In exceptional cases when a meeting is attended by a Member this should also be recorded;
  - e) whilst discretionary a copy of the note or a letter may be circulated confirming the content and results of the meeting; and
  - f) written notes should be made of telephone conversations concerning development where negotiations are undertaken.

## 8. Planning Obligations

- 1) Planning Obligations (Section 106 Agreements) connected with application proposals are only to be sought where they fulfil criteria of being:
  - a) necessary to make a proposal acceptable in planning terms;
  - b) relevant to planning;
  - c) directly related to the proposed development;
  - d) fairly and reasonably related in scale and kind to the development
  - e) reasonable in all other respects;
- 2) Any such Obligation, which requires to be completed in advance of the related planning consent, may be negotiated under officer delegation by the ~~Head of~~ Planning Services Development Manager and the Deputy Chief Executive~~Director of Corporate and Legal Services~~Governance. The Council's signing and sealing of any Obligation will be by the Chairman of Council and Deputy Chief Executive~~Director of Corporate and Legal Services~~Governance. In general, developers entering into an obligation with the Council will be required to pay a proportion of the Council's costs of negotiating and preparing the Obligation. The proportion payable will be determined by the Deputy Chief Executive~~Director of Corporate and Legal~~



Services Governance in consultation with the Chairman and Vice-Chairman of the Planning Committee.

- 3) Where an Obligation involves a financial consideration impacting in some way on the Council or other public body the terms of that consideration shall be assessed by the Director of Finance and certified as complying within the financial framework of the measure. The certification will be retained in the Council's Register of Planning Obligations along with copies of completed Obligations.

## **9. Publicity About Applications**

- 1) A considerable degree of publicity can be associated with a planning application. This in the main involves a range of consultations with statutory bodies and Parish Councils, the requirements of which are set down in legislation.
- 2) In respect of consultations these are undertaken by specific individual letters to each consultee, as appropriate, about each application consulted upon.
- 3) The Council also has a duty to publicise planning applications so that interested parties who are not consultees, become aware of proposals and are provided with the opportunity to make representations.
- 4) Notification on applications generally has a 21 day response period and includes the following procedures:
  - a) Brief details of every application are recorded on a list which is available for purchase and perusal at the Council offices.
  - b) A site notice is displayed on or near every site for which a planning application has been submitted. This gives brief details of the proposal and provides the opportunity for the application and plans to be viewed at the Mansion House in Penrith.
  - c) Some proposals are additionally made the subject of individual letters to adjoining and nearby residents. With such a procedure each adjoining property should as a minimum be notified.
  - d) Some more significant applications are required, by statute, to be subject to formal advertisement in the local newspaper.
- 5) Comparable procedures apply with respect to significant amendment proposals for applications.
- 6) It should be noted that both the Cumberland & Westmorland Herald and the Cumberland News publish details of new applications from the list. Whilst this publication is helpful this does not form part of the formal procedures for application publicity.

## **10. Liaison with Parish Councils and Parish Meetings**

- 1) It is important that a good relationship exists between the Council and Eden's Parish Councils and Meetings. These bodies have elected to



participate in the planning process, as is their right, and many consider responding to consultation on planning to be their most important role.

- 2) Planning can be controversial from time to time and open to lobbying pressures. The pressures that exist at district council level also beset the work at Parish level in responding to planning applications and other planning issues.
- 3) From time to time the decisions reached about planning proposals by the Council will be at variance with the recommendations of a Parish Council or Meeting. The cause of such variance is not always clear although often there may be a lack of appreciation of the material planning issues.
- 4) Responses from the Parish are often not from professionals providing advice on a specialist interest but come from a mandate to represent the local community interest in a particular proposal.
- 5) The Council is committed to ensure that good relationships and levels of understanding exist with the Parish Councils and Meetings in Eden. The Council has signed up to a Parish Charter for Eden, and this incorporates a Planning Services Parish Charter.

## **11. Public Meetings and Attendance at Meetings of Parish Councils**

- 1) Public meetings may be held at the behest of the Planning Committee for major contentious applications where significant planning issues arise. The holding of such meetings will be agreed between the Planning Committee, the Chairman of the Committee and the ~~Head of~~ Planning Services Development Manager. Any such meeting will be duly advertised and will ordinarily take place in a venue local to the application site.
- 2) A public meeting is seen as providing an opportunity on the one hand for a proposed development to be described together with the planning issues being considered. On the other hand there is a purpose in obtaining views on the development. Views so obtained may, where material, be taken into account in the consideration and reporting on the application.
- 3) Any public meeting arranged on behalf of the Planning Committee will be chaired by the Chairman or Vice Chairman of that committee. The meeting will provide the opportunity for the proposals to be explained together with any planning considerations that have to be taken into account. Any party interested in the proposal will be permitted to address the meeting, including the applicant, and offer their views. Such presentations will normally be limited to a maximum of five minutes per person, and the Chairman shall have discretion to determine the number and length of any presentations in the interests of the efficient conduct of the business of the meeting. Neither an officer nor any Member who serves on the Planning Committee may express a concluded view about the application to such a meeting.
- 4) If a public meeting is called by a Parish Council or any other third party about a proposed development it will be permissible for officers and Members to attend and participate but again neither an officer nor any

Member who serves on the Planning Committee may express a concluded view about the application or development proposal to such a meeting.

## **12. Officer Reports to Committee**

- 1) Written reports of the ~~Head of~~ Planning Services Development Manager to Committee shall be accurate, succinct and provide all relevant information. They should have a reasoned assessment of the proposal, a justified written recommendation and be structured as follows to the extent judged necessary by the development proposal:
  - a) Description of the proposed development;
  - b) Description of the application site and surroundings;
  - c) Details of relevant planning history for site;
  - d) Information on relevant development plan policies;
  - e) Information about any legal requirements relating to the proposed development;
  - f) Advice about the method of publicity adopted in connection with the application and a summary of any material third party representations received;
  - g) Full text of any response received from any Parish Meeting, Parish Council or Town Council;
  - h) Formal consultation responses received;
  - i) List of the main planning issue headings raised by the application;
  - j) Planning assessment broken down against the main planning issue headings;
  - k) Statement about Human Rights Act compliance;
  - l) Summary conclusions;
  - m) Recommendation;
  - n) Contact officer.
- 2) Report texts should avoid referring to issues that are not material and in particular should not stray into offering opinions about people, their characters and their motives. Disparaging remarks should be avoided.
- 3) If the recommendation in a report is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 4) Oral reports (except to present and update a report) should be extremely rare and carefully minuted when they do occur. The ~~Head of~~ Planning Services Development Manager will notify the minuting officer prior to the meeting of any occasion when such minuting will be required.

- 5) Committee reports should, wherever possible, have a clear recommendation relating either to approval or refusal of planning permission. Exceptions may arise for example in cases where an application is being referred to the Secretary of State or, when a Planning Obligation (Section 106 Agreement) is in prospect. Normally however the Committee should be asked to consider the application when the processing is complete.
- 6) There will be occasions when it is considered appropriate to request the Committee to visit the site in advance of determining an application. It is perfectly permissible to recommend that a Committee site visit is held for an application which has not completed its processing.

### **13. Public Hearings at Planning Committee**

- 1) Many Local Planning Authorities permit members of the public to address the Committee about a particular proposal prior to the consideration of the application. Procedures vary across the country but all are designed to provide as fair an opportunity as possible for a balance of views to be provided between those supporting and those opposing an application.
- 2) Members of the public are permitted to address the Planning Committee and the following protocols relate to the procedures adopted:
- 3) Protocols:
  - a) In accordance with the Council Procedure Rules, any person (including Members, Parish representatives, applicants, objectors and supporters) may seek to address the Planning Committee by making representations, answering questions or giving evidence at a meeting, in relation to any matter which appears on the agenda for that meeting.
  - b) Any person who wishes to address the committee should request to do so in writing to the ~~Deputy Chief Executive~~~~Director of Corporate and Legal Services~~Governance by no later than midday one clear working day before the day of the meeting (that is not counting the day of the meeting or the day notice is given - so for a meeting on a Thursday, notice must be given by no later than midday on the preceding Tuesday).
  - c) In addition to the above provisions, on receipt, within the time frame given, of a material objection to a planning application the objector will be advised by the case officer, in acknowledging receipt of the objection, of the opportunity to address committee when the application is determined. They will be supplied with a form which they can return if they want to avail themselves of that opportunity. The request should be made promptly and in any event within ten days of the day the form referred to above is sent to the objector. A request under this paragraph (which is not withdrawn) will trigger the requirement that an application be determined by the Planning Committee rather than by the ~~Head of Planning Services~~ Development Manager under his delegated authority. However, if at any time it is decided to exercise delegated authority to determine the application in accordance with the

objection, the application will be determined by the ~~Head of~~ Planning Services Development Manager, rather than by the Planning Committee, and there will be no opportunity to address the committee.

- d) The participation of any Member or member of the public will in all cases be at the discretion of the Chairman of the Committee. Ordinarily approval will be granted, but on occasion the Chairman may refuse the request on the grounds mentioned in the Council Procedure Rules. A request will generally be refused if the representation does not relate to material planning considerations.
  - e) If a presentation from an objector is agreed the opportunity will also be given for the applicant to respond.
  - f) If a hearing is agreed the case officer will liaise with the person making the request and the applicant to set up the arrangement. Details of the procedure on the day will be sent to each party appearing. In the event that two or more requests are received from the public to make a presentation about a particular proposal, efforts will be made to reduce this to one person. Equally the applicant will be expected to be represented by one person. In the event of disagreement the Committee will ordinarily hear no more than two representations, which will usually be limited to the two parties living nearest to the application site. In respect of major applications generating significant public interest, the Chairman will give consideration to allowing more parties to speak.
  - g) On the day of the Committee, hearings will take place as the item arises on the agenda.
- 4) The following procedure will apply:
- a) The Planning Officer will briefly outline what the proposal is about;
  - b) Any person making representations objecting to the grant of permission or seeking the imposition of conditions will address the Committee for up to five minutes from the area of the top table. In the event that two representations are made these will each be for a maximum of 2.5 minutes;
  - c) Members may then ask questions to clarify any points that have been made;
  - d) Any person making representations in support of the application (other than the applicant or his/her representative) will then address the committee for up to five minutes. As in relation to objectors, up to five minutes shared between supporters will be permitted.
  - e) Members may then ask questions to clarify any points that have been made;
  - f) Any Parish representative will then be permitted to address the Committee for up to five minutes;

- g) Members may again ask questions to clarify any points that have been made
- h) If a member of the Council (Planning Committee member or not) wishes to advise the Committee of any representation or lobby he or she has received about the application a similar presentation should then be given but in the case of a committee member the presentation should be purely factual and not opinionated;
- i) The applicant (or appointed agent or representative) will then be permitted to address the Committee for up to five minutes, again from the area of the top table;
- j) Members again may then ask questions to clarify any points that have been made;
- k) Representatives of the public will then be thanked for their contribution by the Chairman and advised that no further contribution will be permitted from them on the proposal as the Committee considers, then decides the application;
- l) The Planning Officer will then conclude the presentation on the application picking up on any points from the presentations that might be misleading in a non material manner;
- m) The opportunity will then be given for the officer to be questioned by the Committee; and
- n) The Committee will then debate the proposals and come to a decision.
- o) If, particularly in relation to applications generating major public interest, more persons are permitted to address the committee, no person will be allowed to address the committee for longer than five minutes and the applicant will normally be given the opportunity to address the committee for an equivalent amount of time to that afforded in total to those objecting to the application.

#### **14. Photographing Proposals and Visual Presentation**

- 1) Planning Committees can benefit from visual presentation in association with the applications and other issues they consider. Presentations will usually consist of plan display and selective projection of photographs taken at the time of a site inspection, which may be of considerable benefit in assisting the visual presentation of a scheme to the Committee.
- 2) Photographic presentations are provided to assist in portraying the existing factual situation at the site. Consideration will when appropriate be given to the use of technology to portray visually the development proposals and as appropriate their superimposition on the existing site conditions.
- 3) It is important to ensure that any photographic presentation is fair to the application, especially as it will not form part of the application. A poor presentation on which an application is judged could in certain circumstances open up the Council to criticism and possible litigation.

## 15. Decisions Contrary to Officer Recommendation

- 1) Members should recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 2) If a Member who serves on the Planning Committee is contemplating moving a motion about an application which is contrary to the recommendation of the ~~Head of Planning Services~~ Development Manager he or she should use his or her best endeavours, prior to the date of the meeting, to obtain advice from planning officers on the appropriate conditions or reasons that might apply if the decision accords with that motion. The Member will then incorporate conditions or reasons into the motion.
- ~~3) Where the Committee votes to decide a planning application contrary to the recommendation of the Head of Planning Services, that decision shall in the first instance be treated as one of a 'minded' nature and shall not be a definitive planning decision. It will be for the Committee to be clear in these circumstances of the planning reasoning for going against the recommendation. Members of the Committee should then establish the reasons to be used for either granting or refusing consent prior to the taking of a second definitive vote on the application at the same or a later meeting. The general planning reasoning that gave rise to the contrary decision in such an eventuality shall then be recorded in full in the Committee minutes along with the reasons for any conditions imposed on approving an application.~~
- 3) A Member who is proposing, seconding or supporting a decision contrary to the recommendation of the Planning Service Development Manager should clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Members can consider whether to defer an application to the next available committee in order to seek further information and advice from the Planning Service Development Manager before determining an application.
- 4) This procedure will allow time for confirmation that clear and convincing justification for approval or reasons for refusal of the application can be made, based on material planning considerations.

## 16. Committee Site Visits

- 1) A committee site visit, (to which all Members who serve on the Planning Committee will be invited) should be considered by the Planning Committee in relation to any site prior to the hearing of the application and particularly in any case where it is agreed that one or more of the following circumstances arise:
  - a) The application is complex in its site-based characteristics and a visit would better inform Committee before the decision is reached. Referred to in minutes as "Complex Site Characteristics"

- b) The application raises issues of conflict with policy for which a site related balancing need or other argument has been advanced to overcome the conflict. Referred to in minutes as “Policy Balance”
  - c) The application has raised site related planning issues of local concern where it would benefit the Committee to become directly aware of the issues before reaching its decision. Referred to in minutes as “Local Site Concerns”; and/or
  - d) The development proposed is of major potential significance locally in site-based terms. Referred to in minutes as “Local Significance”.
- 2) A request by a Parish Council for a site visit will normally be acceded to provided that a reasoned planning view is expressed for the request and one or more of the circumstances arise, as described above under i) to iv).
- a) A site visit will also be held in one or more of the above circumstances whenever a report or request to that effect is presented to Planning Committee by the ~~Head of~~ Planning Services Development Manager.
  - b) Site visits will be organised in accordance with the following site visit procedures:
    - i) The ~~Head of~~ Planning Services Development Manager will invite the Local District Ward Member(s) and Parish Council representative to the site visit. In the invitation it will be made clear that no Member (Parish or District) with a ~~personal or prejudicial~~ disclosable pecuniary interest in the proposal should attend the site visit.
    - ii) No specific invitation will be issued to the site visit but the applicant, objectors and other interested parties will be permitted to listen in but not participate in the site visit. If, however, the visit is held on private land there will be no guarantee of entry for third parties.
    - iii) The ~~Head of~~ Planning Services Development Manager will obtain the owner's permission to enter the site should that be necessary.
    - iv) On assembling at the site, at the time specified, the Chairman will first explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the Committee meeting.
    - v) A Planning Officer will first describe the application and outline the relevant policies and planning considerations that the Committee will need to address when determining the application.
    - vi) The Chairman will then invite the Parish Council spokesperson and local ward Member(s) in turn to address the meeting. The Parish Council representative and the ward Member shall deal with factual issues, related to the site and the proposal, and representations received, without expressing a view about whether the application should be refused or approved.



- i) The Chairman will then seek any questions on the proposal from Members who serve on the Planning Committee. These questions can be addressed to the officer or Parish Council.
- ii) The Chairman will bring the site visit to a close and inform those attending of when the application will be determined or further considered.

## **17. Planning Committee Following Site Visits**

- 1) Whenever possible a meeting of the Planning Committee shall be held after the conclusion of site visits in the Council Chamber, Penrith Town Hall or in a venue close to one or more of the sites visited. This meeting will address each application the subject of a site visit and, wherever appropriate, determine the application. If presentations have been made to an earlier meeting of the committee in respect of a particular application, no further presentations will generally be allowed following a site visit.
- 2) If a site visit has been held in connection with an application for which processing is not otherwise completed a decision will not be reached on that occasion but at a subsequent meeting of the Committee.
- 3) If Members have missed a Planning Committee where there is discussion upon and/or a presentation upon an item prior to the recommendation for a site visit they will be precluded from participating in the determination of that item during the site visit and at any following meeting on the ground that they have not heard all the evidence and are not necessarily in possession of all information with a regard to the matter. Members can however attend a site visit meeting and can take part in the determination of an application not having attended a previous meeting provided that there has been no presentation or prior discussion of the application.
- 4) When a site visit has been held in connection with an application ordinarily only those members of the Committee who attended the visit and viewed the site shall be entitled to debate the application and vote thereon at the Planning Committee held on the same day as the visit, unless the site is well known to the Member and in no issues arose on the site visit which could not be appreciated unless the Member was in attendance. Members will be expected to seek guidance from Officers in such circumstances.

## **18. Review of Decisions**

- 1) The Audit Commission's Report, 'Building in Quality', recommended that Members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 2) Visits by Members at the behest of the Planning Committee to selected completed developments shall take place under the co-ordination of the Assistant Director Technical Services (Planning Services) on at least one occasion each year. Briefing notes shall be prepared about each case visited.

- 3) The visits will take the form of a joint assessment of completed schemes between Council members, Planning and Building Control officers and Parish Council representatives. They will then be reported upon, with a presentation, to a subsequent Planning Committee meeting at which all those attending the assessment will be offered the opportunity to contribute.