

The Planning Committee meets regularly every two weeks usually on a Tuesday in the Council Offices, Crescent Gardens, Harrogate.

DISTRICT DEVELOPMENT SUB-COMMITTEE meets only when needed to determine an application of District-wide importance or one referred up to it by Planning Committee.

A list of meeting dates can be found on our website at: www.harrogate.gov.uk/planning

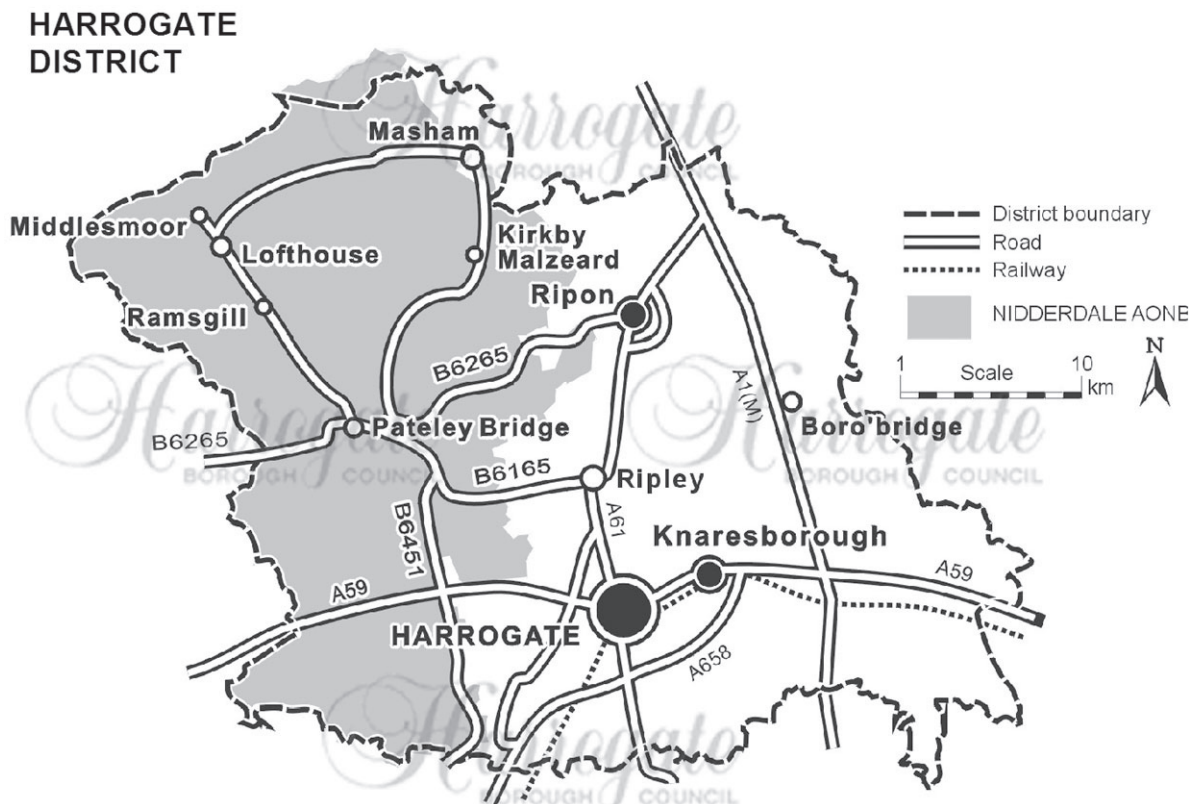
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Email: dds@harrogate.gov.uk

Planning Enquiries' office hours are:
Mon-Fri 8.30am - 4.00pm
Web: www.harrogate.gov.uk/planning

Copies of agendas and reports: to purchase a hard copy please contact: the Member Services Section, Crescent Gardens, Harrogate HG1 2SG. Tel. (01423) 556007.
To view, go to our website or visit Planning Enquiries at Knapping Mount.

What happens at Planning Committee

a guide to procedures



Welcome to this meeting of the Council's Planning Committee.¹

If you are here for a particular application or Tree Preservation Order, please let the Member Services Officer know, before the start of the meeting if you intend to speak.

Please note:

¹ The information in this leaflet also applies to the District Development Sub-Committee which meets to determine applications of District-wide importance or ones referred to it by Planning Committee.

www.harrogate.gov.uk/planning

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What does Planning Committee do?

Subject to safeguards, minor and non-controversial applications are decided by the professional planning staff. These are reported for information only in a list attached to the agenda. The Planning Committee has the responsibility to determine all other applications in the District and to consider certain Tree Preservation Orders (TPOs).

Who are the people here?

In the centre at the front sits the **Chairman** who has been appointed by the Council for this role. To each side are **Officers** who are employed by the Council to advise on Planning, Legal and Administrative matters.

To the Chairman's right is a **Solicitor** (or Legal Officer) and the **Member Services Officer**.

To the left are **Planning Officers**:

- The Principal Officer or deputy in charge of the major applications team
- A more Senior Officer (either the Chief Planner [Development Control] or the Head of Planning Services)
- Case Officers who deal with individual applications and sometimes specialist Policy or Design Officers.

Members of the Committee sit in the main body of the room, facing the Chairman. They are all elected Borough Councillors.

Members of the public are entitled to be present and, subject to the Council's 'Opportunity to Speak' Scheme*, may speak. Sitting with the public are the **Press**.

How is business dealt with?

The Chairman will announce each item. There is normally a comprehensive written report circulated with the agenda; copies are available for your use at the meeting or they may be bought, or viewed, in advance. Plans and photographs are displayed on the screen. S/he will then ask an Officer to present the report, bringing it up to date if necessary, and call upon members of the public to speak (Ward Councillors, Parish Council - objector(s) - Applicant/supporter(s)). The Chairman

will then invite questions from Members and the officer and speakers will reply. Members of the public are not allowed to speak except within the limits of the 'Opportunity to Speak' Scheme.

The submission of documentation and material on the day of a meeting by applicants, agents and persons making representations to the Committee is not permitted and cannot be circulated during the meeting.

Next, a motion will be proposed and seconded, debated if necessary, and a vote taken. In the event of a tie the Chairman has a second or casting vote. There are four possible decisions on planning applications:

- **Approve** usually subject to conditions, which must be reasonable and may be challenged at appeal:
- **Refuse** sound planning reasons must be given which the authority may have to substantiate at appeal:
- **Defer** if all the information needed to make a decision is not available or to allow time for further action such as a Committee site visit or preparation of a legal agreement before the decision is finally made.
- **Refer up** to the District Development Sub-Committee for determination. This will happen if the Committee wish to make a decision which is either:
 - contrary to an objective policy, or
 - the solicitor advises that it may result in a payment of compensation or an award of costs on appeal

Where a decision is made contrary to the Officer's recommendation the Committee's reasons are minuted. There are strict rules about the declaration of interests, affecting both Councillors and Officers.

Possible decisions on TPOs are to: **Confirm**, **Confirm with modifications**, **Not confirm** or **Revoke**.

What is the basis for decisions?

Decisions must be based on planning issues, e.g.

- *the Local Plan/Local Development Framework*
- *other planning policies*

- *Central Government advice*
- *highway safety*
- *landscape impact*
- *local amenity, noise, privacy*
- *case law and previous decisions*
- *conservation of buildings, trees etc.*

The following examples are **not** planning issues:

- *reduction in property values*
- *ownership disputes*
- *business competition*
- *moral considerations*
- *restrictive covenants*
- *personal circumstances or private rights*
- *matters controlled by other legislation* (e.g. licensing)

An application submitted after work has been carried out has to be determined on its planning merits like any other. Even if many people object, permission cannot be refused without good planning reasons.

What if I don't like the decision?

The **APPLICANT** may appeal to the Secretary of State against refusal or the imposition of conditions. If at appeal either the appellant or the Council is held to have behaved unreasonably, costs may be awarded.

A **THIRD PARTY** (e.g. a neighbour) has no right of appeal to the Secretary of State. There are other options:

- the Council's internal complaints procedure (complaints about the conduct of Councillors or Officers)
- the Ombudsman (complaints about the way a matter has been handled - not about the decision itself)
- Judicial review

Further information about the first two is available from Council Offices; the third requires expert advice from a solicitor.