

# What happens at Planning Committee – a guide to procedures

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**The Planning Committee** meets regularly every three weeks usually on a Tuesday in the Civic Centre, St Lukes Avenue, Harrogate.

## What does Planning Committee do?

Most applications are decided by the Executive Officer Development Management and Building Control under powers delegated to him under the Planning Scheme of Delegation. The remainder are determined by Committee.

## Who are the people here?

In the centre at the front sits the Chair 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 Chair's right is a **Solicitor** (or Legal Officer) and the Democratic Services Officer. To the left are Planning Officers:

- A Development Control Manager
- Relevant case officers dealing with individual applications
- Sometimes specialist officers eg Planning Policy or Design officers
- Sometimes officers from other organisations eg Local Highway Authority

Members of the Committee sit in the main body of the room. 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. Those participating in the Scheme sit in the Council Chamber. Members of the public who are observing the committee proceedings sit in the public gallery in the adjoining Stray Room. A video feed is provided on the two screens for members of the public to watch. Sitting with the public are the Press.

## How is business dealt with?

The Chair 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 screens. The Chair 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 Chair 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 Chair has a second or casting vote. There are four possible decisions on planning applications:

- **Approve**
- **Refuse**
- **Defer**
- **Defer** on the advice of the Solicitor to the Council - this will happen if the Committee wish to make a decision which is contrary to an objective Development Plan policy (and the recommendation is for refusal) or where costs may be awarded against the Council.

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 (for 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.