



PLANNING COMMITTEE PROCEDURES - 2004 /2005

**Planning applications, amendments and post decision
amendments can all be viewed at:
www.hart.go.uk**

1 Target list, Agenda and Addendum Papers

- A Target List (sent by email only) detailing the likely applications to be considered at the meeting will be sent to Members 10 days prior to the Committee meeting. Items may be removed from this list by officers prior to the formal agenda but not added.
- In accordance with Access to Information Act (2002) requiring the papers to be made available at least five working days prior to the Committee, the Agenda for the Committee meeting shall be sent to Members 5 days prior to the first meeting. The front page of the lighter green papers identifies the deadline for both presentations and site visits.
- An addendum sheet will be reported in writing and introduced verbally when and if applications are being presented to the Committee. The addendum sheet will identify, in summary, additional comments received and any significant changes on planning applications. The addendum sheet will be made available to Members at 18:45 on the evening of the Committee.
- Occasionally the Chairman may ask for the Committee to suspend the meeting to allow for Members to read the addendum sheet.

2 Requests for Site Visits

- Site visits on planning application take place prior to the Committee meeting (normally on the Tuesday preceding the first Committee). Members should request site visits within the deadlines outlined on the cover of the light green agenda.
- Members and officers should give reasons for their request and what, in particular is to be viewed.
- **All requests for site visits must be through the Committee Services Officer.**

3 Presentation of Items at Committee

- The Head of Planning Services' report, accompanying the Agenda, is divided into two sections.
- Items in the FIRST section - minor applications - shall not be formally presented unless the Chairman or the local Ward Member requests otherwise; there has been a request for a Members' site visit on the planning application or there is a public speaker. Members' request for a site visit or presentation may be done either orally or in writing (see next paragraph).
- As far as items in the FIRST section are concerned a Member (or the Chairman) must advise the **Committee Services Officer** that he or she wishes a particular application to be presented within the timescale identified on the light green agenda. If no such request has been made then it will be assumed that no presentation is necessary at Committee. To help Members, the Head of

Planning Services has identified new applications, by Ward, in the weekly list of applications received. (Sent by email only)

- A Member should make every possible effort to view the plan and discuss his or her concerns with the Case Officer before writing in. Note the application will only appear in Part 1 if there is a disagreement between the views of the local Ward Member and the Head of Planning Services unless a delegated refusal as been taken (procedure applies) or it is an application where Members or officers consider that the Planning Committee should be making the decision.

Footnote

- At the Committee the Chairman shall first identify those items which are to be presented. They shall be dealt with last before leaving the section.
- The Chairman will then deal with the other items.
- An officer shall update the Committee on any other items in the sections if necessary. Members may ask questions about this extra information.
- There shall be no further debate. Those items shall be voted en bloc. Prior to the vote the Chairman shall read out the Application reference numbers of the items to be voted on.
- For the benefit of the public attending the Committee meeting the Chairman will ask officers to read out the address and decisions of these applications taken en bloc.
- The presentation items shall then be presented in turn in the order they appear on the agenda unless otherwise directed by the Chairman.
- Items in the SECOND section - major applications -shall be presented individually by the officers. Part II applications are normally considered at the planned adjourned Committee meeting.
- Only those views expressed by Members, not on Planning Committee, in writing, shall be recorded in a Committee report.
- Officers presenting applications will normally follow a format, which provides –
 1. The description of the development proposed;
 2. A summary of the plans submitted and any relevant supporting plans and or reports;
 3. Any information on the addendum sheet;
 4. The recommendation; and
 5. Confirmation if there is any public speakers. Officers will keep their presentation as brief as possible and will not repeat the information already reported in the addendum. (Procedure note applies).

4 Public Speaking at Committee

- Neighbours and others that have commented on a planning application are invited to give their views to the Planning Committee. An initial agenda will be sent to Members prior to the Committee meeting and the addendum sheet will re-identify that member of the public wishing to speak.

- The first speaker will be one who will speak in favour of the application and will be followed by a speaker who opposes the application. Therefore the normal arrangement will be for the applicant to speak first followed by an objector.

5 Response to Significant Changes and Changes in Recommendations

- There is a range of options open both to the Head of Planning Services and the Members in dealing with changes to recommendations. The choice of option shall depend on the nature and complexity of the amendments. The options are:-
- The Head of Planning Services may take the view that a change is so significant as to justify a fresh planning application, in which case he shall ask the applicant to withdraw his/her current application. If the applicant does not, he shall advise the Committee to determine the application as submitted.
- The Head of Planning Services may wish to recommend deferral because he wishes to carry out further consultations etc;
- The Head of Planning Services could offer the applicant the opportunity of agreeing to a deferral on the basis that his/her best interests would be served by permitting the Committee to take a more considered view of his/her amendment.
- Where Members are uncertain or unclear of the changes then the application may be deferred for a further written report or, in appropriate cases, for a site visit;
- Where there is general acceptance of the principles being recommended but uncertainty over detail, the application may be delegated to the Head of Planning Services, in consultation with the Chairman and local Ward Member who shall have the opportunity of satisfying themselves on detailed matters;
- Members accept the oral presentation of officers and/or answers to questions and determine the application in accordance with the amended recommendation to Committee; and
- If important consultation responses are still not received by the Committee date then an item should be deferred for later presentation. Important consultations are those which are necessary for a decision to be made.

Footnote

- Given the time between the publication of the Agenda and the meeting, the Head of Planning Services will inform Members of any significant changes to include changes to the recommendation, through the Committee Services Officer. (Officer Procedure Note applies)
- The Head of Planning Services or one of his team or the Committee Services Officer, shall make every effort to contact a Ward Member prior to a meeting on last minute amendments which fundamentally alter the recommendation in his report although he cannot guarantee that contact can be made every time and he shall need to exercise some discretion as to what constitutes a fundamental alteration.
- The Head of Planning Services shall continue to brief the Chairman and Vice-Chairman at the pre-meeting on any changes that he intends to make so that the former are able to guide Members through the debate.
- The Head of Planning Services shall prepare a written synopsis of any proposed changes to recommendations although last minute changes shall still need to be reported orally.

- The Head of Planning Services shall also provide a short written synopsis of all updated information on applications as well, although, once again last minute information may still need to be reported orally.

6 Rules of Debate in Committee

- The local Ward Member shall open the debate and give his/her initial view and the reasons for it. The Local Ward Member shall close the debate by summing it up. New issues should not be introduced at this stage.
- If the Local Ward Member is absent, he/she should send written comments to the Chairman, who will ensure that these are given to the Committee.
- The Local Ward Member may request a colleague to speak on his/her behalf.
- The local Ward Member shall be in an informed position of the relevant issues and material considerations in advance of the meeting.
- After the Ward Member, the Chairman should ask if anyone has a contrary view to the recommendation to that given on the order paper or have a question that needs clarification and shall take those issues first. The Chairman should then ask for views against the recommendation listed on the order paper (and any other questions or requests for clarification).
- Members shall confine their comments to material planning issues. Where policy issues are under consideration, Members shall consider the principle of development first and then, once that has been dealt with, move on to consider details. Members shall endeavour to be concise whilst seeking to cover all relevant points. Members shall avoid repeating earlier remarks.
- Members shall contribute to the debate in the order set by the Chairman. The Committee Services Officer shall keep a record of those Members wishing to speak in order to assist the Chairman.
- In the event that a Proposer or a Secunder wishes to withdraw a motion (or support for a motion) after listening to the debate then that Member shall call to speak on a point of order.
- Requests for site visits should be made in accordance with the procedure outlined above and prior to the Committee meeting. In the event that the value of a site visit becomes evident during Members' debate, then Members should express a reason why the determination of the application should be delayed. Members should avoid asking for a site visit unless it is necessary, although it is realised that sometimes Ward Members and other Members cannot reach the conclusion that a site visit is necessary until after the debate has started. In these cases the Local Ward Member should recommend a site visit as soon as possible.

Footnote

- Members can help the process by giving advance notice to the Head of Planning Services or one of his team, of questions relating to points of detail.
- Members are asked to remember that Members and Officers should be seen to be working in partnership and that the Committee forum should not be seen as a confrontation between officers and Members.

7 Viewing Panel

- The viewing panel will normally visit the site on the Tuesday morning immediately preceding the Committee meeting. Members are asked to co-ordinate with others to ensure the minimum numbers of cars are used for site visits. Officers attending the visits are there to explain the cases to Members and not to facilitate the organisation of Members using different modes of transport.
- Members will be responsible for his/ her own route planning, directions and timing.
- Although it is recognised that an individual Member may need to leave site visits before the session ends, or arrive late, through work or other commitments, each Member should nevertheless endeavour to visit all sites in any site visit session. The value of a site visit, given Members' own request to have the site viewed is of high importance. While competing demands on time are recognised all Members of the Planning Committee are asked to attend all site visits.
- No decisions can be made on site.

8 Decision

- As detailed in the Members Code of Conduct, in making decisions on planning applications, Members should remember that the law requires decision-makers to have regard to the Development Plan, so far as it is material to the application and to any other material consideration. Where the Development Plan is material to the development proposal and must therefore be taken into account, Section 54A of the Town and Country Planning Act 1990 requires the application to be determined in accordance with the plan, unless material considerations indicate otherwise.
- A monitoring report should be prepared every six months, by the Council's Solicitor, recording the declaration of interests by Members in the preceding period. The same report shall also include reference to the number and type of departures to policy and the number and type of decisions against officers' advice considered in the preceding period.
- In overturning the Head of Planning Services' recommendation in order to refuse an application, reasons will be required from Members. Members must make clear their concerns and the relevant Local Plan Policies and if appropriate other material considerations. Members must be aware that refusing an application without relevant grounds or adding concerns which cannot be justified or are not planning matters can lead to the award of significant costs.
- Members should note that in overturning an application they should be available to input into any subsequent appeal, for example, by providing written comments and attending / appearing before Inspectors at Informal Hearings and Public Inquiries.
- In overturning the Head of Planning Services' recommendation in order to approve an application, reasons will now be required. The normal approach is to confirm that proposals are acceptable under relevant Local Plan Policies. Other material considerations may also apply as to why an application should be approved. In overturning a recommendation to refuse an application, Members will need to detail such and this is normally evident in the debate itself. However from time to time officers will seek clarification as to the reasons to approve.
- Agreement should be reached at the meeting on the reasons for decisions on all planning applications which are Departures from Policy or against officers' recommendations and the reasons should be recorded in the Minutes. Departures will need to be advertised in accordance with Article 8 of the General Development Procedure Order 1995. Officers' reports or Members' decision making should (in overturning a recommendation to approve) must clearly state the material considerations to justify overruling the development plan. It is

- important that the reason and implications are debated and minuted and these must be clear and convincing.
- Members are encouraged to consider discussing his or her concerns with the Head of Planning Services or a member of his staff before a meeting so that he or she is able to express planning reasons clearly when putting forward a motion to oppose the recommendation.

9 Planning Conditions

- Members shall seek to embody their particular requirements in a specific condition so that it may form part of the recommendation rather than rely on overseeing the compliance with conditions. Officers are in a position to offer help to Members to frame an appropriate condition or conditions.
- All conditions imposed on planning applications must comply with the advice in Circular 11/95.
- The officers will do their best to keep Members advised of discussions on conditions in those cases where there appears to be difficulties over compliance or where changes, likely to require the submission of a subsequent application, are being discussed.

10 Amendments to Planning Applications

- Except in those cases where amendments are received after a report has been prepared for Committee (see Section 5 for guidance on what happens in this instance) the Head of Planning Services will notify the local Ward Member, in writing, of any amendment to a major proposal submitted during the course of processing an application. For the purposes of this section "major" shall be defined as any proposal which is likely to be considered in Part II of the Head of Planning Services.

11 Working Files

- Members can see planning applications on the website. Information and comments received are added to the site. Information takes 5 days to appear on the system. Confidential information is not posted on the website.
- All planning application files to include working files and pre-application files are open to Members. Members would help officers by giving 24 hours' notice of their request to see a planning file. There is no guarantee that working files or pre-application submissions can be made available in this time scale given that officer may be working on these files or for example be on site with them.
- The Head of Planning Services or one of his team shall advise the Chairman, the relevant Ward Member and the Cabinet Holder for Fleet (where applications are within the central Fleet area of pre-application discussions on major proposals. For the purposes of this section "major" shall be defined as any proposal which, if followed up by an application, would be considered in Part II of the Head of Planning Services' report to Committee. Members must be aware that pre-application information is confidential. Members should not normally be involved with pre-application meetings (see local code) and should give their views orally or in writing to the Head of Planning Services or directly to his officers.

Review:

- That Members' Code of Conduct be reported to the last 2005 Planning Committee meeting in order to allow Members to review and update the Code of Conduct.

Development Control Guidance and Leaflets:

Advice Notes

1. Extending Your House
2. Shop Fronts and Signs
3. Protected Trees
4. Conservation Areas
5. Window Security
6. Listed Buildings

DC leaflets

Article 4 Directions – Improving Protection in Conservation Areas
Material Planning Considerations
Planning – Glossary of terms
Speaking at public meetings
Making Changes to your planning application
Pre application advice and the planning surgery
Fees for Planning applications
Running a business from home
Comments made on a planning application
Your planning application
Guide to using UK Planning Website

Service Charter

Planning: Neighbours
Planning: Applicants
Planning: Enforcement
Protected Trees

Internal Procedure Notes:

Various