

North Yorkshire Council

Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 25 July, 2023 commencing at 2.00 pm at Harrogate Civic Centre

Councillor Pat Marsh in the Chair. plus Councillors Philip Broadbank, Hannah Gostlow, Paul Haslam, John Mann, and Robert Windass.

Officers present: Stuart Mills, Planning Manager, Nick Turpin, Planning Manager, Glenn Sharpe, Planning Solicitor, Kate Lavelle, Assistant Lawyer Property and Planning, Charles Casey, Democratic Services Officer, Elizabeth Jackson, Democratic Services Manager

Apologies: Councillor Chris Aldred

Copies of all documents considered are in the Minute Book

15 Apologies for Absence

Apologies noted (see above).

16 Minutes for the Meeting held on 31 May 2023

The minutes of the meeting held on Tuesday 31 May 2023 were confirmed and signed as an accurate record.

Councillor Paul Haslam had requested that his apologies be recorded in the minutes.

17 Declarations of Interests

There were no declarations of interest.

18 Public Questions and Statements

The Chair advised that one notice had been received from a member of the public who wished to ask a question at this meeting.

The following public question was read out by Adele Laurie-Wilson:

I was in attendance at the previous planning meeting 31 May 2023.

Missing information in draft minutes

I am concerned about the brevity and lack of detail in the published draft minutes arising from that meeting. In my opinion, they fall well below the standard that a public body accountable to the electorate should maintain.

Due to technical issues the meeting was not live streamed, disappointing given the huge number of local objections raised against the controversial planning application, which was the only application on this agenda.

Given the usual livestream was unavailable, and no alternative recording was made and the huge numbers of parties interested in this planning application, I would expect more detailed minutes would have been taken.

Omitted content

I have read the minutes, but where is the summary of the speakers' content, there is nothing recording what councillor Haslam spoke about, neither anything giving any clue as to what Messers Readman, Bowen and Hesmondhalgh covered in their speeches.

The minutes omit any content of the fairly tense debate that took place, including what I consider to be undemocratic manipulations of the voting process by the council solicitor and Mr Turpin.

The motion to reject the application was put forwarded and seconded, is not noted in the draft minutes? It was not voted on due to the intervention by the council solicitor and Mr Turpin. There isn't any indication of the solicitor being in attendance, therefore I cannot even refer to him by name.

I am aware that there were at least two observers in the room that made detailed notes of the meeting.

Inaccuracies

In addition, due to the speakers no longer being able to question anyone, I wish to bring to your attention two errors in the information that was provided to the planning committee, which may have swayed the Committee:

1 Nick Turpin is recorded in the minutes as saying "No residential development is proposed on the SLA itself" This is wrong, H2 is all in the SLA, so the previous planning appeal is very relevant as it is the same SLA.

2 The planning committee were told by the Planning officer that all the land that might be contaminated would be removed offsite so the issue is not relevant. Dr Bowen wished to make the point that the correct method is to test on site, to determine if there are any contaminants, this will then determine any safe removal methods. Otherwise, the local residents could be put at risk.

Minute taking guidance.

The UK Government "Guide to minute taking" states:

"The minutes should set out the names of all those attended, distinguishing between the members...others invited to attend....the secretaries."

"The first purpose of a minute is to set out the conclusions reached so that those who have to take action will know precisely what they have to do. The second is to give the reasons why the conclusions were reached. A minute should, therefore, fall clearly into the following parts:

- i. Statement of the problem;
- ii. discussion;
- iii. chair's summing up;
- iv. conclusion

Other guidance is published by Information Commissioner's Office and Askyourcouncil.uk which both refer to the minutes must be accurate.

QUESTION

My question to the Committee is –

Why do the draft minutes omit large important parts of the meeting such as

- the debate,
- all proposed and seconded motions,

- who was in attendance and
- the correct requirements re the treatment of the potential contaminated land? and
- **include** uncorrected inaccurate statements in relation to the SLA area

Could the observer's notes be provided to the council and published alongside these draft minutes to give a more complete picture of what actually happened in the meeting if the council no longer has any notes of the proceedings? I urge the committee to request the minutes be expanded to give a more accurate record of the meeting that took place.

Nick Turpin, Planning Manager gave the following response:

Missing information in draft minutes

It is not the Council's practice that verbatim minutes be produced on planning committee meetings, the minutes accurately reflect the decision taken and reflect good practice. The published minutes meet all legal requirements and follow the Council's standard agreed format, which does not include providing a verbatim account of the statements of public speakers or the members' debate. The Council cannot publish additional notes written by members of the public on its website.

The names of the officers' present at the meeting are detailed in the published minutes and are distinguished from the list of committee members present. Going forwards Democratic Services will ensure that the job titles of officers are also included to provide further clarity.

Inaccuracies

You are correct that residential development is proposed on the Special Landscape Area (SLA). Local Plan Allocation H2 is indeed all within the SLA. The SLA designation of the site was accurately set out in paragraph 10.45 of the report to the Committee and the application will be brought back to Committee in due course, where this will be clarified again:

10.45. The majority of the site falls within the development limits for the town, with the exception of the northern section which falls within an area of land designated as a Special Landscape Area (SLA). The SLA includes that area also within the development limit for the town. The countryside to the north and west of the application site is an intimate landscape of local valleys and hills above the River Nidd flood plain and its tributaries, including Oak Beck. The site falls within Harrogate Landscape Character Assessment Area 24 (Lower Nidderdale Valley).

The other point raised relates to land contamination. The application (20/01333/FULMAJ) was deferred "for a further report regarding land contamination to include further sampling including sampling specifically in the area of the former railway line". I was referring to the information which had been put forward by the developer, as to how the developer had reached their conclusions as to why the further sampling work had not been undertaken. When the application is returned to Committee in due course, an updated report on this matter will be provided.

It was queried whether the previous minutes of 31 May 2023 were accurate. It was confirmed that that as part of application 20/01333/FULMAJ, residential development was proposed on the SLA. Local Plan Allocation H2 is indeed all within the SLA. The SLA designation of the site was accurately set out in paragraph 10.45 of the report to the Committee and the application will be brought back to the Committee in due course, where this matter would be clarified again. It was agreed that the minutes of 31 May 2023 would be amended to reflect these changes.

As a supplementary question, Adele Laurie-Wilson asked why the Council was not recording all motions that were put forward and seconded in the minutes and commented that this had occurred the last time this particular application was brought to the Committee. Adele Laurie-Wilson explained that she felt this should be recorded in the minutes for the public to see the full and accurate recording of what had happened.

Glenn Sharpe, Planning Solicitor, responded that North Yorkshire Council's minutes were produced in a similar way to other Councils and followed best practice. The minutes were not meant to be a transcript of the debate but to reflect the decision that was made and the individuals concerned with that decision. There was now a transcript of many Council meetings via the audio or visual recordings however in this particular incidence due to unforeseen technical difficulties this meeting could not be streamed or recorded.

Planning Applications

The Committee considered a report of the Assistant Director Planning – Community Development Services relating to an application for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

19 23/01169/FUL - Change of Use of the Building from a Building Society to an Adult Gaming Centre at 30 High Street, Knaresborough, HG5 0EQ:

Considered :-

The Corporate Director of Community Development Services sought determination of a planning application for change of use of a Building from a Building Society to an Adult Gaming Centre at 30 High Street, Knaresborough, HG5 0EQ.

During consideration of the above application, the Committee discussed the following issues:-

- Members debated the merits of the application and discussed matters such as the

- suitability of having a site such as this in that area of Knaresborough.
- Officers were asked whether noise from the site could be monitored and if agreed levels of noise were breached what powers the Council would have to enforce the noise conditions. Officers explained that the Council would respond to any concerns raised about the level of noise and could take enforcement action if there was a breach.

The decision :-

That planning permission be GRANTED subject to conditions detailed in the Committee report and an amendment to condition 3 as set out below.

Voting Record

A vote was taken and the motion was declared carried with four votes for and two against.

Amended Conditions

Condition 3 - The development shall not operate between 21:00 and 09:00 hours.

Reason: In the interests of residential amenity.

20 Any other items

There were no urgent items of business.

21 Date of Next Meeting

Tuesday, 29 August 2023 – Harrogate Civic Centre

The meeting concluded at 3.13 pm.