

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 11 December 2013

Subject: Operation of Appendix A (Paragraph g) of Officer Delegation of Powers to Determine Planning Applications.

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Committee Secretary: S Hill Ext 4249

Recommendation:

That the circumstances that officers will report planning applications made under Appendix A (paragraph g) of Officer Delegation of Powers to Determine Planning Applications to planning committees be noted.

Report

Background

1. (Director of Planning and Economic Development) The Committee, at the last meeting on 16 October 2013, agreed to extend the current scheme of delegation to allow the Director of Planning and Economic Development to also determine all prior approval applications types, following the recent changes to permitted development rights through the introduction of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

2. The revised scheme of delegation was reported and agreed at Council meeting on 5 November 2013, but with a small change to Appendix A - Matters to be Determined by the Relevant Committee (paragraph g), which changed its wording as follows:

From:-

Applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;

To:-

Applications and Certificate of Existing Lawful Use or Development recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;

3. This prompted a request from Council for District Development Control Committee to consider how often a planning objection by a parish or town council has not been regarded as grounds to report a planning application to a planning committee.

4. The delegated terms are set out in the Constitution and state when planning application are to be reported to the relevant planning committees in Schedule 1, Appendix A of Officer Delegation.

5. Appendix A (paragraph g) is one such requirement of when matters are to be determined by the relevant planning committee, should the planning officers be recommending a grant of permission.

6. The Assistant Director of Planning (Development) advises that there is no held record of when it is decided that an objection from a parish or town council does not trigger a planning application being reported to a planning committee. However, a local council's reply stating "objection" with a commentary afterwards will always be reported to a planning committee meeting, unless the comments are of no relevance to the planning merits of the proposal or indeed to planning in general. However, it is rare comments are received in this way. All the local council's were recently reminded how to respond, given it is set out in the section of the Council's Constitution, which states:

- (i) Objection with valid planning reasons;
- (ii) No comment/ no objection (neutral);
- (iii) Support with valid planning reasons: and
- (iv) Identification of local issues relevant to the planning decision, but without necessarily offering a definite view one way or another.

7. Therefore planning officers would not prepare a report for a planning committee if the objection does not contain valid planning reasons. So for example, "Objection" alone or no reference to the word "objection" despite concerns made, run the risk of the application not being reported. Similarly, in the case of a comment such as "Objection: this should be reported to the area planning committee" would not because it does not state why.

8. On the odd occasion where comments received are not clear in (i) to (iv) above, the officer will contact the parish or town clerk's for clarification, but in any case the parish and town council's have been advised that the following are generally not planning considerations and therefore not material to the planning merits of the proposal:

- loss of view
- negative effect on the value of properties
- land ownership or restrictive covenants
- applicant's personal circumstances (unless exceptional such as relating to a physical disability)
- business competition
- matters controlled under building regulations or other non-planning legislation.

Conclusion

9. Parish and Town Council's are aware of what are and are not material planning considerations. There are very few examples of objections from them being ruled out of consideration on grounds of not being material to the planning merits of a particular planning application proposal. However, if unclear comments are received, the relevant planning case officer will seek clarification from the clerk of that local council.

Background Papers:

Scheme of Delegation to Officers (Appendix A) - As amended

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013