

# An Introduction to Local Authority Planning

16<sup>th</sup> May 2019

# Aims and Objectives

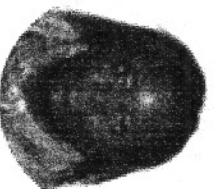
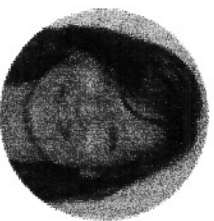
- To give Members an introduction to the various aspects of Local Authority Planning to enable them to fulfil their role as a Member of the Development Committee.
- Overview of Planning Policy
- Development Management - Types of Planning Applications/Appeals
- Planning Enforcement
- Guide for Members – Frequently Asked Questions
- BREAK
- Determination of Applications – Delegated Powers, Weekly List and Development Committee
- Material Planning Considerations – Policy, Conditions, s106
- The Operation of the Development Committee – Timetable, Officer and Members Role (Probity in Planning)

# Planning Department

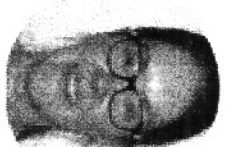
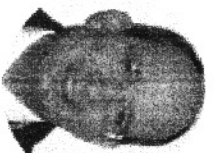


Assistant Director – Marcus Hotten

## Planning Enforcement



## Development Management



## Planning Policy



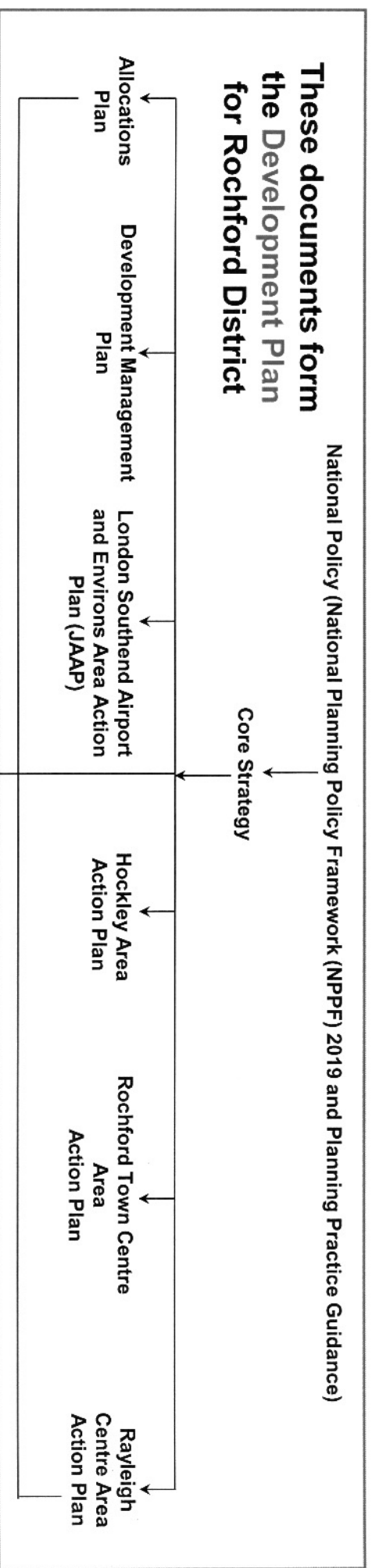
### Contact details:

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# Planning Policy



## Supplementary Planning Guidance Conservation Area Appraisals and Management Plans

Links to plans and documents

NPPF - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

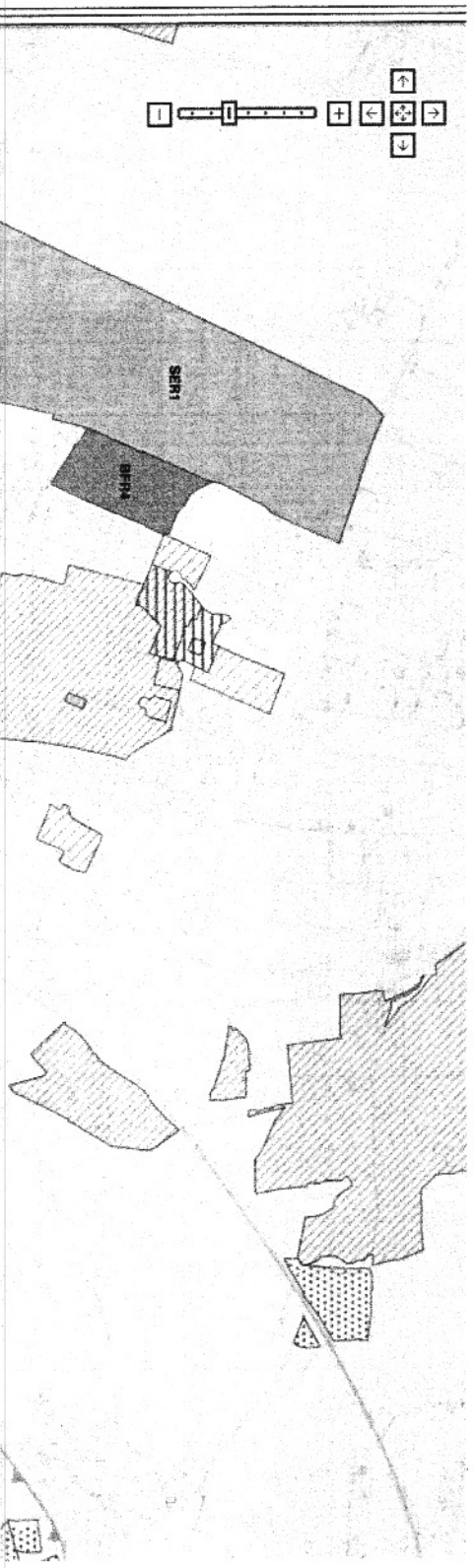
RDC – Core Strategy/ Allocations Plan etc <https://www.rochford.gov.uk/planning-and-building/planning-policy>

# Why the need for a Local Plan?

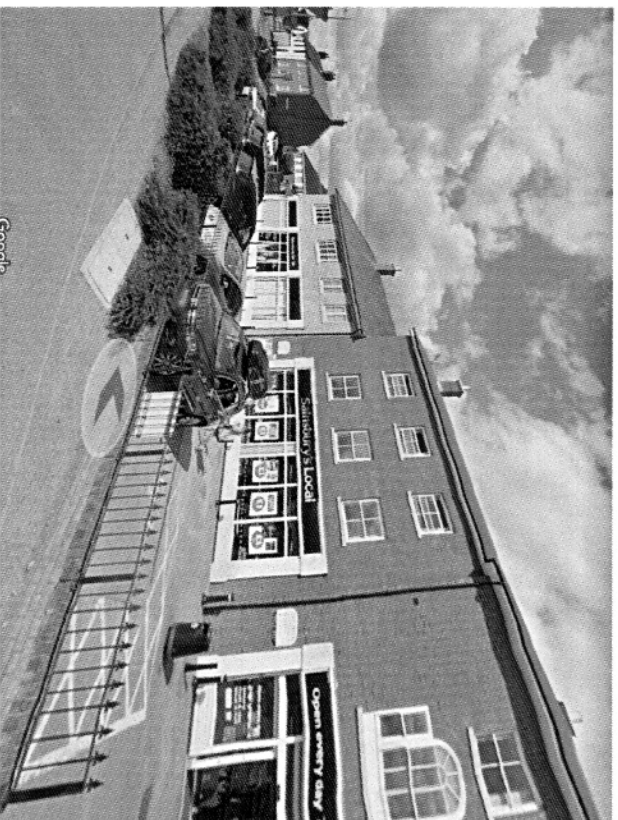
- Guide the delivery of homes and jobs
- Identify infrastructure needs and delivery mechanisms
- Protect important areas or structures e.g. historic or environmental importance
- Promote sustainable development – social, environmental and economic



**Rochford District Council**  
Local Development Framework  
Allocations Plan Policies Map  
Allocations Plan Constraints Map  
Hockley Area Action Plan Map  
Southend Airport  
Joint Area Action Plan Proposals Map

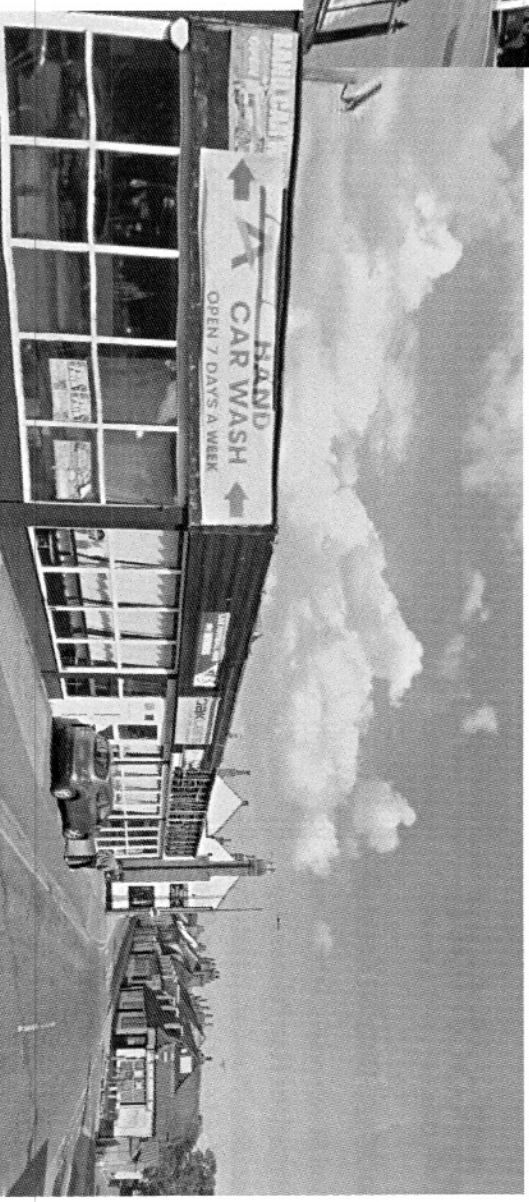


# Protecting Heritage



- Relevant Planning Policy
- NPPF – Part 15 – Conserving and Enhancing the Historic Environment
  - Policy DM1 (viii) – Impact on the Historic Environment including Conservation Areas
  - Supplementary Planning Guidance 6 – Design Guidelines for Conservation Areas
  - Rochford Conservation Area Appraisal and Management Plan

Scale and form  
Window types/size  
Traditional materials – timber/ brickwork  
Boundary treatments – metal railings



# Development Management

When is planning permission required?

Planning permission is required for all 'Development' which is defined in Section 55 of the Town and Country Planning Act 1990 as;

- building operations (e.g. structural alterations, construction, rebuilding, most demolition);
- material changes of use of land and buildings;
- engineering operations (e.g. groundworks);
- mining operations;
- subdivision of a building (including any part it) used as a dwellinghouse for use as 2 or more separate dwelling houses.

Does all 'development' require permission via application to the Local Authority?

No – some 'development' is 'permitted development'. A home owner/applicant can apply to the LPA for a legal determination as to whether a proposal qualifies as permitted development in a Lawful Development Certificate (LDC) application.

# Types of Planning Application

- Lawful Development Certificate (LDC)
- Larger Home Extension Application (DPDP1)
- Prior Approval Application (DPDP3) (e.g. change of use of agricultural barn to dwellinghouse)
- Householder Planning Application (FUL)
- Minor/Major Full Planning Application (FUL)
- Non-Material Amendment Applications (NMA)
- Outline Planning Application – option for the applicant to ask that only the principle of development is initially considered (OUT)
- Reserved Matters Application – must follow a grant of outline pp (to consider Scale, Appearance, Landscaping, Layout and Access) (REM)
- Advertisement Application (ADV)
- County Matter Consultations (CM)
- Listed Building Consents (LBC)



# Key Information - Planning Applications

- The Council has a statutory 8 weeks to determine most planning applications except major applications where 13 weeks is allowed.
- The Council offers a pre-application service where officers can give advice on a proposal prior to submission of an application (a fee schedule applies).
- Statutory consultation – ECC Highways/ECC Lead Local Flood Authority/ Environment Agency etc (as appropriate).
- Non-statutory consultation – ECC Urban Design/ ECC Historic Environment / Viability Consultant to check affordable housing.
- Neighbour notification – site notice and/or letter to neighbouring properties with a boundary to the application site (statutory 21 days to respond)
- Senior officers have delegated authority to determine some planning applications (DPDP1/DPDP3/LDC/NMA/Advertisements (not in Conservation Area)/Green Belt Refusals/Householder).
- Members have a key role in the determination of other planning applications either via the Weekly List or Development Committee.
- Ward Members will be consulted on County Matter consultations directly by the case officer.

# Determining a Planning Application

- Planning Applications can be REFUSED or APPROVED.
- Approved applications are usually approved subject to Planning Conditions.
- Some applications are also approved subject to a s106 Legal Agreement.
- Planning Law requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.

# Planning Conditions

Planning conditions can only be imposed where they meet the 6 tests;

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

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# Planning Appeals

- 3 types of appeal
  - Written representations
  - Hearing
  - Public Inquiry
- Claiming Planning Appeal Costs
  - Either party (appellant or the Local Authority) can make a claim for an 'award of costs' to the Planning Inspectorate if they believe the other party has behaved unreasonably.
    - One example of unreasonable behaviour which has led directly to an unnecessary appeal would be where the LPA might be unable to produce evidence to support each of their reasons for refusing planning permission, or for imposing a condition on a grant of planning permission.

# Planning Enforcement

- Investigates breaches of planning control
  - Building without the required planning permission
  - Building not in accordance with approved plans
  - Non-compliance with a planning condition
- Prioritises cases based on harm assessment
  - Category A breaches will be visited very promptly e.g. unauthorised works to Listed Buildings where harm is potentially irreversible.
- Investigations include site visits and can include any of the following;
  - Invitation to apply for retrospective planning permission;
  - Service of a Planning Contravention Notice;
  - Service of a Temporary Stop Notice;
  - Service of an Enforcement Notice;
  - Service of a Breach of Condition Notice;
  - Prosecution for non-compliance with an Enforcement Notice/Breach of Condition Notice;
  - Direct Action.

# FAQ's – What if...

Q. What if a resident is very concerned about a proposed householder development and contacts their Ward Member?

Householder planning applications are delegated for determination by senior officers so will not appear as a recommendation on the Weekly List or be taken to a Development Committee. Members can advise residents to make representations which will be taken into consideration in the determination of the application or advise them to contact the case officer directly to discuss concerns. Case officers can visit sites adjoining an application site if specifically asked to do so. Members can contact the case officer directly to discuss any concerns in order to report back to their constituent.

Q. What if a resident approaches with a concern that a development currently underway does not benefit from planning permission?

Members should contact the planning enforcement team via email or by phone with details of the site address and the nature of the breach of planning control alleged or direct the resident to do this. Anonymous complaints are not usually investigated but complaints details are kept confidential and having a contact allows the team to report back to explain what action will be taken.

# FAQ's – What if...

Q. What if a recommendation appears on the Weekly List with one reason for refusal relating to inadequate car parking but the Member is concerned about the scale of development proposed and its impact on the character of the locality?

Members would be advised to call the application to a Development Committee. This should be done by email, quoting the site address, application reference and reasons for calling the application in; this must be received by 1pm on the Wednesday after the application appeared on the weekly list.

If an application clears off the Weekly List a decision will be issued in line with the recommendation. If this is a refusal, the decision notice will only list the reasons for refusal as recommended. If Members are concerned about other material considerations then these should be debated at a Development Committee. It is not possible to introduce additional reasons for refusal on a revised application at a later date.