

Document 4.2

MEMBERS' GUIDE TO INTEGRITY IN PLANNING MATTERS

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1 Introduction

- 1.1 Under the relevant planning legislation, Hertford Town Council is entitled to be notified of every planning application lodged for development in Hertford unless they have waived the requirement. East Herts Council has to inform the Town Council in writing of the application, indicating the nature of the development and identifying the land to which it relates. If the Town Council wishes to make representations it must normally do so within 14 days of the notification to them.
- 1.2 If a member of the Town Council is also a member of East Herts Council Planning Committee that they need to be careful to not to have pre-judged an application as a result of any prior involvement with the application as a member of the Town Council. If in doubt, the Councillor should consult the Monitoring Officer at East Herts Council.

2 The Purpose of Planning

- 2.1 Appropriate management of new development is in the public interest. East Herts Council, as the local planning authority, has responsibility for formulating a district-wide development strategy in line with the National Planning Policy Framework (NPPF). East Herts Council takes decisions on behalf of the whole community. Hertford Town Council is a consultee and currently has no other statutory role in the development control process. However, if the Town Council feels that amendments to a scheme would make it more acceptable it is appropriate that comments are made to East Herts Council for their consideration.

The Town Council also comments on applications from Hertfordshire County Council in regard to County matters and 1.2 above applies.

3. Decision Making

- 3.1 East Herts Council is required to make decisions openly, fairly, with sound judgement and for justifiable planning reasons. It can consider applications on planning grounds only
- 3.2 Views of local residents are always considered, but local opposition or support on its own is not a reason for refusing or granting planning permission. Opposition or support must be backed up by valid planning reasons.
- 3.3 In addition to the NPPF, Government policies and advice are also provided in circulars, technical documents and ministerial statements. East Herts Council must also consider these.
- 3.4 Many planning applications become the subject of court proceedings. East Herts Council must take the courts' decisions into account, as they are also material planning considerations.
- 3.5 Listed below are examples of other issues that East Herts Council can and cannot consider. This list does not show everything; it is meant as a guide to help the Town Council when preparing its observations on an application

Issues the local planning authority can normally consider

- ▶ Overshadowing
- ▶ Overlooking and loss of privacy
- ▶ Adequate parking and servicing
- ▶ Overbearing nature of proposal
- ▶ Loss of trees
- ▶ Loss of ecological habitats
- ▶ Design and appearance

- ▶ Layout and density of buildings
- ▶ Effect on listed building(s) and conservation areas
- ▶ Access and highways safety
- ▶ Traffic generation
- ▶ Noise and disturbance from the scheme
- ▶ Disturbance from smells
- ▶ Public visual amenity (not loss of private individual's view)
- ▶ Flood risk

Issues the local planning authority cannot normally consider

- ▶ Loss of value to private individual property
- ▶ Loss of view
- ▶ Boundary disputes including encroachment of foundations or gutters
- ▶ Private covenants or agreements
- ▶ The applicant's personal conduct or history
- ▶ The applicant's motives
- ▶ Potential profit for the applicant or from the application
- ▶ Private rights to light
- ▶ Private rights of way
- ▶ Damage to property
- ▶ Disruption during any construction phase
- ▶ Loss of trade and competitors
- ▶ Age, health, status, background and work patterns of objector
- ▶ Time taken to do the work
- ▶ Capacity of private drains
- ▶ Building and structural techniques