



Leigh-on-Sea Town Council

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Leigh-on-Sea Town Council – Planning Considerations Help Sheet

Do Town Councils grant planning permission?

- Town and parish councils are not Planning Authorities. Town and parish councils are only statutory consultees in the planning process and have no powers to approve or reject planning applications, they can only comment or not on applications.
- This means that they only have the right to be informed of planning applications within the parish.
- They cannot approve or reject planning applications.
- They can only comment on planning applications in the same way that individuals can comment.
- Consequently, the length of time taken to determine a planning application is governed by the local planning authority and not the Town Council.
- A Town council can request that it be given extra time to comment on an application in some circumstances.
- The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.

What powers does Leigh-on-Sea Town Council have with respect to planning applications?

Leigh-on-Sea Town Council has chosen to be a consultee regarding planning applications submitted within the area, we have no power to determine planning applications. Southend Borough Council notify us of all the applications within the Town Council area. These will be considered at the meeting of the Planning, Highways & Licensing Committee, which take place every 3 weeks. Members of this committee should view the planning applications prior to the meetings in order to enable informed discussions. Members of the public are permitted to attend meetings and send in written communication prior to the meeting to express their views.

Any comments made by the Committee will be sent to the planning department at Southend Borough Council. Our views are then taken into account when the Borough Council are making a decision, providing the objections made are relevant to the determination of a planning application. Leigh-on-Sea Town Council will only comment on what are known as “material considerations” – issues, for example, such as boundary disputes between neighbours, effect on values of property, or loss of views will not be considered.

The final decision is made by the Planning Authority, **not** the Town Council.

How do Town Councils comment on planning applications?

- Town councils can only agree to comment on planning applications in properly called Committee meetings which are open to the public. The quorum of the Committee shall be three members with one officer in attendance. Where a meeting is not quorate Standing Order 30 applies.
- The comments agreed in the Committee meeting are submitted in writing by the Assistant Town Clerk to Southend Borough Council, the planning authority.
- The process is the same as that of an individual wishing to comment on a planning application.

What are valid reasons for commenting on a Planning Application?

- Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.
- The Development Plan - and any review of the Development Plan which is underway.
- Adopted supplementary guidance - for example, conservation area appraisals, car parking standards.
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply (these are governed by third part companies and their views will be sought by the Borough Council on relevant applications).
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way
- Flooding or pollution.
- A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for the development
- Prevention of crime and disorder
- Presence of a hazardous substance directly associated with a development
- Human Rights Act
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

Comments that are clear, concise, accurate and backed up by planning policy hold more weight than those that are not. When planning applications are considered, the following matters can all be relevant. These are usually referred to as 'material planning considerations':

What are not valid reasons for objection?

There are certain matters which are not considered 'material planning considerations' under current legislation and guidance. These matters cannot be taken into account in considering a planning application and should not be included in objections:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes
- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates
- The fact that an objector is a tenant of land where the development is proposed
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. (People can carry out development at their own risk before getting planning permission).
- The developer's motives, record or reputation

Other Matters – “concerns and issues”

The person making a planning application has to provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission given by the Planning Authority.

Accordingly, certain issues may not be considered as ‘objections’ but it is entirely reasonable for you to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

- The proposed type and colour of the materials to be used
- The exact nature of any proposed planting or boundary treatment