

APPLICATION NO.	P11/V2453
APPLICATION TYPE	FULL
REGISTERED	10.10.2011
PARISH	GARFORD
WARD MEMBER(S)	Cllr Matthew Barber
APPLICANT	Memoria Ltd
SITE	Garford Crematorium Site Garford Abingdon Oxfordshire
PROPOSAL	Erection of new crematorium together with associated highway works, car park, gardens of remembrance and provision of land for natural burials. (Re-submission of withdrawn application 11/01281/FUL)
AMENDMENTS	None
GRID REFERENCE	443198/195166
OFFICER	Mr M Deans

1.0 INTRODUCTION

- 1.1 The above planning application was presented to committee on 25 April 2012. At that meeting the committee resolved to delegate authority to grant planning permission (for the application proposal) to the head of planning in consultation with the chairman and vice-chairman subject to the completion of a section 106 obligation for financial contributions to public transport, and to conditions. A copy of the committee report and the minutes of the meeting are **attached** as appendix 1.
- 1.2 Following delegation of the application from committee, it was established that the financial contributions could alternatively be secured by agreement made under section 278 of the Highways Act 1980. This removed a requirement for the section 106 obligation. As such planning permission was granted by decision notice issued on 28 June 2012 without a section 106 obligation. A copy of the decision notice is **attached** as appendix 2.
- 1.3 On 6 July 2012 the council received notice of a potential legal challenge to the lawfulness of the decision notice and of the grant of planning permission, which drew attention to the omission from the decision notice of: (a) the summary reasons of the committee for resolving to delegate authority to grant planning permission; and (b) the summary of the policies and proposals in the development plan which are relevant to the decision to delegate authority to grant planning permission, as agreed upon by committee. Both are requirements under Article 31(1)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. Albeit that the omission of (a) and (b) from the decision notice was not intended, it amounts to a procedural defect in the notice.
- 1.4 Insofar as relevant, Article 31 (1)(a) provides:
- When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters -*
- (a) where planning permission is granted, the notice shall -*
- (i) include a summary of their reasons for the grant of permission:*

(ii) include a summary of the policies and proposals in the development plan which are relevant to the decision to grant permission; and

(iii) where the permission is granted subject to conditions, state clearly and precisely their full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision.

1.5 The omission of summary reasons and relevant policies and proposals from the decision notice was the result of technical problems experienced in connection with the council's recently implemented computer software which enables the automated generation of planning decision notices. Due to the aforementioned technical problems the printed decision notice issued on 28 June did not incorporate either the summary reasons or the summary of relevant policies and proposals.

1.6 Summary reasons were decided upon by committee on 25 April as set out in the conclusion section of the officer's report to the committee and the omission from the decision notice of those summary reasons has arisen as a consequence only of the technical problems detailed above. Similarly, a summary of the policies and proposals in the development plan which were considered relevant to the decision to delegate authority was also decided upon and agreed by the Committee, adopting paragraph 5.2 of the committee report.

1.7 In light of the omission referred to above, it is desirable for the planning committee to make good the decision notice by considering and confirming, in public session:

(a) the summary reasons for the grant of planning permission were those stated in the conclusion of the committee report; and

(b) a summary of the policies and proposals in the development plan which the committee considered relevant to the decision to grant planning permission was as contained in paragraph 5.2 of the committee report.

1.8 Members of the planning committee are advised that there may be no reconsideration of the planning application. The merits of the proposal cannot be retrospectively re-assessed or debated. Accordingly, councillors are invited only to consider the two omissions noted at paragraph 1.3 above.

2.0 **RECOMMENDATION**

2.1 **1. The committee is asked to confirm the summary reasons for the grant of planning permission as set out in the conclusion of the officers report and decided upon at the meeting of 25 April 2012. The summary reasons given were;**

“A need for the proposed crematorium is considered to exist. The location of the proposal is not in accordance with local plan policy, but other material considerations are considered to outweigh policy CF2 and the proposed location, although not adjacent to a settlement, is considered to be acceptable. The proposed landscaping strategy is of high quality and, within a relatively short time, the proposal is likely to be integrated into the surrounding landscape to an acceptable degree. The proposed access is considered to be safe, the level of parking to be acceptable, and there should be no harm to local ecology, archaeology or neighbours. As the proposal is not considered to have any significant adverse effects, there is no requirement to examine potential alternative sites”.

2. The committee is asked to consider and confirm that a summary of the policies and proposals in the development plan which the committee considered relevant to the decision to grant planning permission was as contained in paragraph 5.2 of the 25 April committee report, being policies CF2, DC1, DC5, DC9 and NE9 from the adopted Vale of White Horse Local Plan 2011.

Author / Officer: Martin Deans – Team Leader (Applications)
Contact number: 01235 540350
Email address: martin.deans@southandvale.gov.uk