

Minutes of Parish Council Planning Advice Sessions
12th November 2009 - Charnwood Borough Council Offices
17 November 2009 - Woodhouse Eaves Village Hall
3rd December 2009 - Birstall Parish Hall

Attendees:

Brian Rowlinson (Anstey Parish Council)
Mr John Alexander (Anstey Parish Council)
Mr Roger Peat (Anstey Parish Council)
Mr Nigel Aston (Anstey Parish Council)
Mr Mike Roe (Anstey Parish Council)
Mr Mike Parker (Anstey Parish Council)
Mrs Sarah Taylor (Anstey Parish Council)
Lesley M Bell (Barrow Upon Soar Parish Council)
Marie Slater (Barrow Upon Soar Parish Council)
Pauline Ranson (Barrow Upon Soar Parish Council)
Edward J Rodgers (Barrow Upon Soar Parish Council)
Sue Rodgers (Barrow Upon Soar Parish Council)
Judith Spence (Barrow Upon Soar Parish Council)
Hilary Fryer (Barrow Upon Soar Parish Council)
Helen Duxbury (Barrow Upon Soar Parish Council)
Sarah Best (Burton on the Wolds, Cotes and Prestwold Parish Council)
Alan Carr (Burton on the Wolds Parish Council)
David McDermott (Burton on the Wolds Parish Council)
David Irving (Burton on the Wolds Parish Council)
Mr Derry Walton (East Goscote Parish Council)
Mr Robert Black (East Goscote Parish Council)
Geoff Dilks (Hoton Parish Council)
Kevin Castledine (Hoton Parish Council)
Graeme Chessum (Hoton Parish Council)
Fred Newett (Mountsorrel Parish Council)
Lynda Knott (Newtown Linford Parish Council)
Ken Waterfall (Newtown Linford Parish Council)
Janet Neaverson (Newtown Linford Parish Council)
Virginia Toon (Newtown Linford Parish Council)
Philip M Baker (Newtown Linford Parish Council)
Mrs P Jones (Queniborough Parish Council)
Mr Terry Sterling (Quorn Parish Council)
Peter French (Rearsby Parish Council)
Maggi Litchfield (Rearsby Parish Council)
Carol Collett (Rothley Parish Council)
Mr Brian Popple (Rothley Parish Council)

Mr Alfred Harold Wise (Rothley Parish Council)
Christopher Hill (Seagrave Parish Council)
Brenda Snape (Shepshed Town Council)
Mrs Cynthia Popley (Shepshed Town Council)
John Popley (Shepshed Town Council)
Mrs Christine Radford (Shepshed Town Council)
Mrs Joan Tassell (Shepshed Town Council)
Tracey Kunne (Thurmaston Parish Council)
Mr M D Lowe (Thurmaston Parish Council)
Mr D J Hill (Thurmaston Parish Council)
Mr P S Hartley (Thurmaston Parish Council)
Alix Bates (Thurmaston Parish Council)
Mr Ian Procter-Blain (Thrussington Parish Council)
Mrs J Martin (Woodhouse Parish Council)
Mr A J Siddons (Woodhouse Parish Council)
M Nobel (Wymeswold Parish Council)
Mrs Rosie McConachie – PCA

Officers

Mr Neal Chantrill
Mr Steven Holmes
Miss Amy Watts
Mr Mick Morley
Mrs Maureen Jackson
Mr Graham Smith
Mr Neil Thompson

A presentation was given by Mick Morley.

The presentation can be viewed by visiting http://www.charnwood.gov.uk/pages/parish_council_guidance

Issues raised

Web site

Q. Whether PC competency was expected and required in order to be able to navigate the Council's website.

A. Basic website navigation skills are all that is required to find information online rather than a detailed knowledge of computers. We also offer help and assistance to access the information that we display on our website. Contact us.

Car parking

Q. 1.5 Car parking spaces allocated to new developments is insufficient.

A. This is central government policy, Charnwood BC are obliged to implement this in determining new applications. The County Highways section are able to submit objections to the number of spaces proposed on new developments if they can produce evidence that the proposed number is insufficient, however this has not been the case.

Public Transport

Q. Do Charnwood BC look into bus route provision?

A. Developers contribute to routes for a period, but if the routes are not viable then they will be discontinued by the Bus Companies and CBC have no control over their business operations.

Material considerations

Q. Do householders have the right to a nice view from their property?

A. Under planning legislation an application cannot be refused because it would be detrimental to the view from another neighbouring property. Further information is available at <http://www.charnwood.gov.uk/pages/materialandnon-materialconsiderations>

Q. Covenants

A. these are a private matter and not part of the determination of planning applications.

Q. What is the distinction between responsibilities for Planning Officers against those of Building Control Officers.

A. Discussion held on damage to footings of adjacent buildings as a result of poor developer practice. This is a Building Control issue rather than a Planning issue.

Enforcement

Q. Do we enforce demolition on new buildings not built to the original specifications for which they have obtained planning permission.

A. In these circumstances, the Council must treat this as if it were a new application, and look at whether permission would have been granted for the building if it were applied for on the basis of the changed development. Demolition would not be required if the new proposal would have been granted permission.

Q. Enforcement procedures

A. Where development has deviated from the original plans, Charnwood BC can issue a stop notice. However these are only issued in exceptional circumstances. If a stop notice is not served any further work carried out is at the developer's risk. Where an enforcement notice is issued and the works specified are not carried out the Council can carry out the works and recover the costs from the developer/land owner.

Q. What is the role of Parish Councillors in identifying developments without planning permission?

A. Parish Councillors can use the domestic [self assessment forms](#) to determine whether a development requires permission or pass to the site owner for completion. If an applicant wants written confirmation, they can get a Certificate of Lawful Proposed Development which is £75, or a Certificate of Lawful Existing Development for £150.

Appeals

Q. Can Charnwood BC overrule the Independent Inspector's decision.

A. A challenge can be made only on legal points.

Q. Are householders informed where an application goes to appeal.

A. Yes

Delegation

Q. Who decides whether an application is taken to Planning Committee – can a Ward member request that it gets taken?

A. A Councillor must give a reason in accordance with the Constitution for an application normally dealt with under delegated powers to go to Planning Committee – the application would not just go because it has been requested for this to happen.

If you want an application to go to committee, contact your Ward councillor.

Q: If a Parish Council objects to an application what happens then?

A: Any objection raised would cause the application to be referred to the ward councillor to make a decision on if he/she wants it to go to committee or agree with the officer recommendation.

Permitted Development

Q. What if a self assessment form is completed incorrectly?

A. Charnwood BC would request that the applicant applies for planning permission or would consider enforcement action if already built.

Q. Are self assessment forms only for extensions to domestic properties?

A. We have [7 separate self assessment](#) forms available on our website which cover the all types of development to domestic properties which benefit from permitted development rights. Commercial developments and other developments can have permitted development rights but these are currently under review by the government. Further self assessment forms will be produced when or if the legislation changes.

Q. Can we see information on Permitted Development?

A. All permitted development enquiries are available to view on our website through [Planning Explorer](#) if you search for "Self Assessment" in the proposal.

Q. Is the guttering included in property dimensions, particularly in any protrusion of a planned development over a boundary?

A. Yes. If any part projects over the boundary then it is not within curtilage and cannot be Permitted Development.

Q. Are outbuildings incidental to the house?

A. They cannot be considered a separate unit to the house.

Q. What is a principal elevation?

A. This is the elevation that faces a highway. An unadopted drive is still considered a highway. A highway is deemed such if people can pass and re-pass without going onto private property.

Q. Are Parish Councillors informed where a change of use is permitted?

A. Yes - however developers can make certain changes (ie to a use within the same class) without the need for an application to be submitted.

Q. Can BT and other telecom companies erect structures like cash machine or phone boxes without any permission?

A. There are permitted development rights but these do have limits.

Planning Policy

The Charnwood Local Plan is going to be replaced by the Local Development Plan (LDF).

Q. Why are planning policy guidance & supplements are given so much weight when making a decision when they are only guidance?

A. These documents are issued by central government and as such have to be considered but individual circumstances for each case denote how much weight should be given to them.

Q. What actually is sustainable development?

A. Sustainable development is the aim to get neighbourhoods and in some cases single developments to have the correct balance between what is required at present and what maybe required in the future when it comes to social, economic and environmental issues.

Q. Does the strategic housing land availability assessment (SHLAA) give developers a green light to build or apply for outline permission?

A. The SHLAA was put together by CBC and that although it advises on the preferred areas for development it certainly doesn't give them a green light to build, it is just one factor to take into account.

Q. Is the SHLAA available to view?

A. It is located within the local development framework on our web site, not as a map but as a list of areas. <http://www.charnwood.gov.uk/pages/urbancapacitystudy>

Trees

Q. Can a Tree Protection Order only be put on when a tree is under threat?

A. A tree is a public amenity then a TPO can be put in place at any time. Chris Buckingham (our resident tree expert) should be contacted for further information. chris.buckingham@charnwood.gov.uk or telephone 634766.

Q. Will we be notified on works to trees in a conservation area?

A. We have a 6 week timescale on conservation trees; therefore you will be notified, but NOT consulted. You can however, still make comments if you feel it is necessary.

Q. Can we object to works proposed to a Tree covered by a Preservation Order?

A. Anyone can object to a TPO application, but we have a set time to deal with the application. It can however, go to committee if requested by a Ward Councillor, the same as a planning application.

Decisions

Decisions can set a precedent for other applications, but each one has to be, and is judged individually.

Councillors decide who sits on the planning committee. There is a tour of the sites before the meeting, and then all documents are presented to the committee. The committee report is circulated 5 working days before the meeting.

All borough councillors have committee training.

If you personally request to speak at committee (either as a parish representative or an individual) you will be notified 7 working days before the committee date. However you are not allowed to speak about any other issues other than those you have already raised.

Q. It was questioned whether new information should not be allowed to be introduced on the day of committee, this has not always been the case.

A. No new information should be submitted at all at committee and if there are concerns that this does happen to follow the formal complaints procedure.

Q. Are conditions imposed on applications are putting pressure on the enforcement team?

A. The use of conditions within a decision notice are present in order to control any granted development. The enforcement team make a judgement on the degree of deviation from the conditions before deciding whether to take action or request a new application, but not all breaches require action.

Q. What is the correct way to raise new items at committee?

A. New items need to be submitted up to 24hrs beforehand in order to be taken into account. Items can be elaborated on during the committee meeting but need to be contained within the report or extras report.

Q. Is it possible for tick lists to be made for parish councils on material considerations?

A. There is some concerns about leading the councils, but it can be looked into if (as mentioned) district councils were doing something similar. Guidance on material considerations is available on our web site

<http://www.charnwood.gov.uk/pages/materialandnon-materialconsidera>

General discussions took place and covered the following matters

A discussion was held on PD rights. An extension can only be made to cover 50% of your garden, or 7m away from the rear boundary, whichever is first.

PD rights are to protect adjacent neighbours – can apply for permission where rights have been removed – this application is processed free of charge.

The parish council, when raising issues to the Borough council are NOT always material, and should be thought about before being raised.

Don't be afraid to contact us, we are here to provide information and guidance if needed and requested.

We deal with minor amendments, but not all of them will require us to consult you.

Phasing- we can not force commercial development before anything else.

Parish council members can make comments as individuals, aside from the parish council comments.

We have a direct link to the Central Government website, which gives a vast bounty of information regarding planning changes, current and future. Follow this link

<http://www.charnwood.gov.uk/pages/planningpublications>

For further information on the planning process, please visit the Council's Planning website <http://www.charnwood.gov.uk/pages/planapps>

Suggested working practices

- Smaller groups of members of a “planning” parish council to perhaps comment on any planning applications, on behalf of the whole parish council.
- You have 21 days from the day we send you the application information, however, if you cant meet in time, let us know and we can usually extend the time scale by a couple of days.
- Forward our emails to all members.
- The parish council should maintain contact with the parish clerk- that’s who we send any information to.
- Use email-paper copies are too slow to arrive, where as email is much quicker, plus you can save a tree in the process!!