

# Guide to the Planning and Regeneration Service in Charnwood 2012

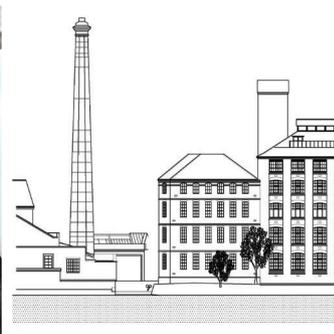


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# Foreword

## by the Leader of the Council

Helping Charnwood to grow and prosper is one of Charnwood Borough Council's top priorities.

As a Planning Authority, we have a responsibility to ensure the competing interests in the use of land and buildings are properly balanced.

We are committed to sound, sustainable planning in consultation with local communities to achieve high quality development while protecting our heritage.

Planning for the future of the Borough is an important job and contributes significantly to the Council's vision of promoting growth and prosperity.

We hope this guide will raise awareness of what we do and be of interest to those who use our services and those who are concerned about the local environment.

The Council has delivered many quality development projects and this guide is a further step in ensuring we continue to deliver improved performance in the future.



**Councillor David Slater**  
Leader of the Council



**Councillor Matthew Blain**  
Lead Member  
for Planning



**Councillor Eric Vardy**  
Support Member  
for Planning



# Planning and Regeneration in Charnwood

The primary role of the Planning and Regeneration Service is to guide, encourage and manage development that helps to conserve and enhance the best and most valued aspects of our built and natural heritage. At the same time, the service helps to protect and promote well designed, accessible, comfortable, safe and sustainable places in which to live, work and enjoy our leisure time.

We are committed to delivering high quality services for all our customers and strive to continually improve the way we do things. We work with openness and integrity and take pride in Charnwood.

## How do we provide our services?

The Planning and Regeneration Service is split into two parts with services grouped according to their functions:

The **Development Management Team** regulates the development and use of land and buildings. It involves handling and determining applications for planning permission and Building Regulations approval, taking enforcement action to tackle breaches of legislation, and providing information and advice.

It is a process that often directly affects individual members of the public. Its primary objective is to ensure changes to our surroundings, buildings and land are right for their purpose and location, and are safe and sustainable.

The **Plans, Policies and Place Making Team** prepares the long term planning framework for Charnwood and the policies to guide future decisions. It also provides advice and support to neighbourhoods.

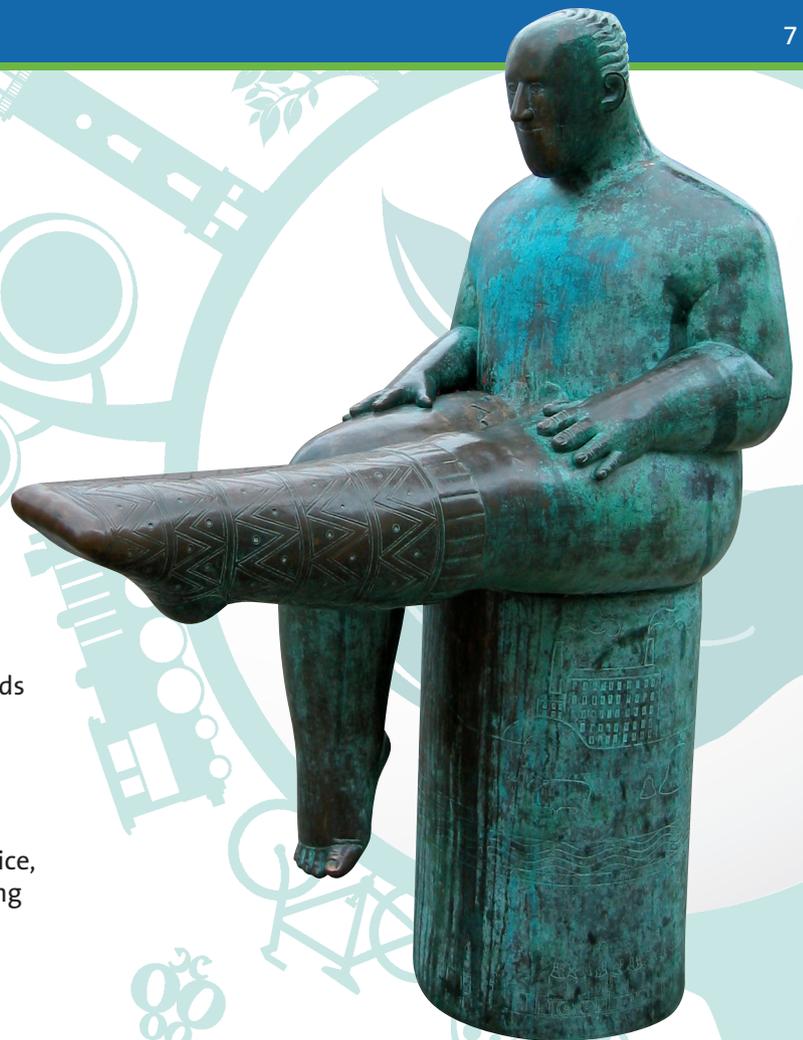


In addition, the Council's **Customer Service Centre** provides information and general guidance to customers visiting the Council offices. There is always a member of staff on duty to help you check your application is properly made or to help you understand an application that has been made by somebody else.

We are based at the Council's main office on Southfields Road, Loughborough and our office hours are:

**8.30am until 5pm Monday to Thursday and  
8.30am until 4.30pm Fridays.**

If you wish to meet with specific members of the Service, you are advised to make an appointment before visiting the office. You can telephone **01509 634745** to make an appointment.



# Development Management

Development Management is about the regulation and use of land and buildings within the wider public interest. The Service has a dedicated team of professionals and support staff within the Development Management Team who deal with applications for planning permission, other planning matters and Building Regulation approval.

The fundamental principle of the planning system is that decisions on planning applications are taken, in accordance with planning policies set out in the Council's development plan unless there are other material considerations for not doing so (see section on material considerations).

Where planning applicants appeal against refusal of planning permission, the Development Management Team presents the Council's case at a Planning Appeal Hearing. The Team also investigates alleged breaches of planning control.

Another aspect of Development Management is ensuring the health and safety of people in and around buildings.

## The team also:

- Deal with applications made under Building Regulations;
- Promote conservation of energy; and
- Ensure access to buildings and facilities is provided for all, including visitors, and people who live or work in them.





# Applications for Planning Permission

Development is defined in law as:

*“... the carrying out of building, engineering or mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land...”*

## Is Planning Permission required?

Most new developments require planning permission. Small proposals like sheds, fences and conservatories, as well as bigger projects such as building leisure centres, offices or new houses; changes of use, for example, from a shop to a restaurant or a dwelling to a shop and the demolition of buildings, require planning permission. There are, however, certain exceptions, which are explained below.

Whilst in most cases you are required to notify Building Control before buildings are demolished, planning permission will be required to demolish buildings within Conservation Areas or for altering listed buildings.

The felling of trees or tree surgery works, where they are within a Conservation Area or subject to a Preservation Order, the removal of some hedgerows and the display of certain advertisements also require the Council's approval.

However, minor buildings may not require planning permission and these are referred to as 'permitted development'. This generally allows domestic properties

and certain other properties to be altered or extended within prescribed limits, provided that specific criteria are met.

In respect of changes of use, there is legislation known as the Use Classes Order which groups uses together. This allows the use of a building or land to change, provided the existing and proposed use fall within the same specified class, without the need for planning permission. An example is a shop to a hairdressers or travel agency.

If works are proposed to a dwelling house and it is not clear whether planning permission is required, the Council's **Self Assessment Forms** will provide the answer. If written confirmation is needed to show that planning permission is not required, then an application for a Certificate of Proposed Lawful Development should be submitted.

## FACTS & FIGURES 2011/12

1,298 planning applications determined  
(82% within 8 weeks)



General advice may be given in respect of works not relating to a dwelling house; however, if a legal determination is required then an application for a Certificate of Lawful Development should be submitted.

### Pre-application advice

We are always happy to offer informal help and advice to our customers before they make an application for planning permission. For householders this service is free. We encourage pre-application discussion because this can help clarify if permission is required or improve the quality of the application. In many cases it can help speed up the process once the planning application has been registered.

If planning permission is required you will be encouraged to submit sketches to help us form a view about the proposal. Any pre-application advice will provide an officer's opinion on the likely outcome of the proposal and on the information that the planning application should include. In some cases a meeting will be offered or a planning officer may contact you to discuss the matter. Any advice given does not prejudice a different decision being made by the Council.

Further information on our pre-application advice service and the standard scale of fees for pre-application advice is available on the Council's web site at: [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

## FACTS & FIGURES 2011/12

570 pre-application advice enquiries received

### Building Control

Even if planning permission is not required most building work requires approval under the Building Regulations. If planning permission is granted for your proposal it is important to remember that approval may also be required under the Building Regulations and vice versa.

# Types of Planning Applications

There are **three main types** of application for planning permission:

**1. Outline Application:** The purpose of an Outline application is to establish the appropriateness of the principle of a particular development, without the applicant becoming involved in the expense of preparing detailed drawings.

If approved, conditions are normally attached setting out the details required to be approved in a further submission, known as a 'Reserved Matters application'. One or more of the reserved matters may be submitted with an Outline application.

You cannot apply for a change of use of buildings or land using an Outline application. In certain circumstances, and in Conservation Areas in particular, outline applications will be inappropriate. This is because further detail will be required to allow proper consideration of the issues.

**2. Reserved Matters Application:** Following the granting of Outline planning permission, detailed matters about the development proposal, which have been reserved for further consideration must be submitted to the planning authority. A Reserved Matters application must be submitted for approval within three years of the date that outline planning permission is approved.

**3. Full Application:** All details of the development proposal are submitted in one planning application.

Most extensions and all changes of use are dealt with in this way. A planning permission remains valid for three years from the date it was approved.

## Other types of Planning Application

**Listed Building Consent:** If the proposal involves the alteration, extension or demolition of a listed building then Listed Building Consent will be required. The requirement for Listed Building Consent is relevant to internal and external alterations.

**Conservation Area Consent:** This is required if the proposal is the demolition, in a Conservation Area, of:

- an unlisted building which exceeds 115 cubic metres (external dimensions)
- walls that would have required planning permission

**Advertisement Consent:** Signage is controlled under the Advertisement Regulations and many signs require Advertisement Consent. It is an offence to display an advert without consent if consent is required.

**Certificate of Lawful Development:** There are two types of certificate - 'proposed' and 'existing'. Development may be "permitted development" or become immune from any enforcement action by the Council if; for residential development (including house extensions) four years has lapsed since the development was completed. Or in the case of other types of use or



development 10 years have passed. When an application is made to the Council a legal judgment is made by the Solicitor to the Council based on the submitted evidence.

**Prior Notification applications:** Development that is “permitted development” may require confirmation that certain details do not need to be submitted for approval by the Council.

This is mainly in respect of telecommunications development, agricultural development or demolition. Decisions have to be made within a certain period of time, otherwise the development is permitted. There are limitations as to which types of development these rules apply. These applications are decided by planning officers under delegated powers.

**Hedgerow Removal Notice:** Notice is required to remove a hedge (but not to manage a hedge or remove a residential hedge) that is 20 metres or more in length (less if connected to other hedges), over 30 years old and either of historic or wildlife value. It is an offence to remove a hedge without consent, the penalty if carried out is up to a £1,000 fine.

**Works to trees in a Conservation Area:** All trees located in a Conservation Area are protected and six weeks notification is required before **any** works are carried out to trees. The Council may issue a Tree Preservation Order within the six-week period. The works can be carried out after the six weeks if no decision is made. It is an offence to carry out works without complying with these requirements and the penalty on summary conviction is up to a £20,000 fine.

#### **Works to trees subject to a Tree Preservation Order (TPO):**

An application is required to carry out any works to a tree where a Preservation Order has been made. It is an

offence to carry out any works to these trees without consent and the penalty on summary conviction is up to a £20,000 fine.

#### **Extension to the time limits to commence development:**

If the development has not commenced or the details that are reserved on an outline planning permission have not been submitted within the time period specified in the outline planning permission, then it is possible to submit an application to extend the time limit for the commencement of development or submission of details. If the time period has expired, a new application, including details as required by the current planning application requirement list and the appropriate fee, are required to be submitted.

#### **Variation or removal of a condition attached to a planning permission:**

This application can be submitted in respect of any condition other than the time limit conditions imposed on the commencement of the development or submission of reserved matters on an outline permission.

**Non-material amendment:** Any amendment to a permitted scheme requires the consent of the Council. This application can be submitted for the Council to consider whether the changes are minor and not material to the decision previously taken. If the amendments are not acceptable because they are considered to be material changes, it is still possible to submit a further application for a revised scheme and gain a new planning permission.

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# Submitting an application for planning permission?

A planning application can be submitted to the Council electronically through the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk). After registering, an on-line form is completed, documents can be attached electronically and the application fee paid or these can be sent separately. The planning portal also has a tool to assist you in working out the fee.

Forms and guidance notes are also available from the Council's Customer Service Centre and from our website

[www.charnwood.gov.uk](http://www.charnwood.gov.uk) or a form can be sent the next working day if you telephone **01509 634745**.

If not submitted electronically Charnwood Borough Council normally requires only **one** copy of a completed form and **one** copy of all the documents (see check list and guidance information which explains what is required for the type of application being submitted [www.charnwood.gov.uk](http://www.charnwood.gov.uk)).



# Typical pre-application process for major development proposals

(minimum 10 weeks)

<b>Day 0</b>	APPLICANT SUBMITS DETAILS (at least site boundaries and sketch plans including proposed development type/mix of uses etc.).
<b>Week 1</b>	Establish whether proposed development is likely to be acceptable in principle. Identify key practical and policy issues to be addressed. Development Team and key consultees identified (including community groups where appropriate).
<b>Week 2</b>	Timetable for pre-application discussions and submission of planning application agreed. Meeting arranged.
<b>Week 3</b>	Agree project plan for further pre-application discussions. Emerging scheme discussed with Development Team. Main features of development proposal agreed. Screening opinion sought on need for Environmental Statement if appropriate. Information required to support planning application agreed. Section 106 planning obligation <sup>2</sup> requirements discussed. Council confirms information and section 106 requirements in writing.
<b>Weeks 4-7</b>	Applicant prepares draft supporting technical reports and submits for comment. Draft reports circulated to Development Team and relevant external consultees for informal comments (21 days maximum). Planning Authority prepares project plan for handling planning application. Applicant submits draft Section 106 Heads of Terms for discussion.
<b>Weeks 8-9</b>	Final Meeting. Council feeds back response to draft reports and Section 106 draft Heads of Terms. Agree project plan for handling planning application. Applicant prepares any agreed amendments.
<b>Week 10</b>	<b>SUBMIT PLANNING APPLICATION.</b>

*This is only a guide and time periods can be shorter or longer depending on the enquiry. <sup>1</sup>Major development consists of  $\geq 10$  dwellings, or  $\geq 0.5$  hectares or 1000sqm <sup>2</sup>Section 106 planning obligation/agreement is a legally enforceable obligation entered into by the land owner(s) under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a major development proposal and provide any necessary infrastructure, community facilities and affordable housing requirements as required to enable the development to be carried out.*



# Ideal application process for major development proposals

(minimum 13 weeks)

<b>Day 0</b>	PLANNING APPLICATION SUBMITTED
<b>Week 1</b>	Application checked for validity by Technician. Application checked against pre-application discussions by Case Officer. If application invalid information is requested and time period does not commence until received, 21 day consultation period commences. Legal Services instructed to draft S106 agreement from submitted Heads of Terms.
<b>Week 2</b>	Letter to applicant identifying any clarifications required (14 days to submit further information).
<b>Week 4</b>	End of statutory consultation period. Submission of outstanding information from applicant.
<b>Week 5</b>	Letter to applicant/agent detailing minor amendments/further information required in response to consultations/appraisal (10 days to respond). (Any significant amendments will require application to be withdrawn and resubmitted).
<b>Week 7</b>	Submission of minor amendments/further information by applicant. Carry out any consultations necessary as a result of minor amendments/further information (14 days) S106 planning obligation details agreed.
<b>Week 9</b>	Final consultation responses received.
<b>Week 10</b>	Finalise recommendation for Planning Committee or carryout Ward referral if necessary.
<b>Week 11</b>	Committee report finalized or delegated decision subject to S106 agreement. Planning Committee consider application, officer report and draft S106 agreement.
<b>Week 12</b>	If application approved with conditions/refused, issue decision notice. If application approved subject to completion of S106 agreement, complete agreement and prepare decision notice.
<b>Week 13</b>	Completion of S106 agreement. Issue decision notice. <b>PLANNING APPLICATION RESOLVED.</b>

*This is only a guide and time periods can be shorter or longer depending on the application.*



# Ideal application process for householder development

(6 - 8 weeks)

	Day 0	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
Planning application submitted.	•								
Application checked for validity by Technician.		•							
Information requested if invalid.									
Acknowledgement sent to agent/applicant when valid.		•							
Case Officer allocated.		•							
Neighbours and consultees identified.		•							
21 day consultation period commences.		•							
Advert placed on site and in local newspaper if required.		•							
End of statutory consultation period.					•				
Site visit by Case Officer.					•				
Appraisal by Case Officer.					•				
Minor amendments/further information requested.**									
Minor amendments/further information submitted.									
Officer recommendation.					•				
Ward referral report.									
Committee report.									
Decision.					•				
Decision Notice issued.					•				

\* Optimal path of application where proposal acceptable, no comments received and delegated decision.

\*\* (10 days to respond) (Any significant amendments will require application to be withdrawn and resubmitted)

This is only a guide and time periods can be shorter or longer depending on the application.





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# Processing an application for planning permission

Once the application has been checked and accepted as being valid, the application is registered and an acknowledgement is sent out to the applicant or agent.

The application is entered onto the public register. The Council has a duty to consult a variety of people about development proposals so that their views can be taken into account when the application is formally considered. These may include the Parish or Town Council, occupiers of neighbouring properties by letter or site notice, and other appropriate bodies such as the Highway Authority, the Wildlife Trust or the Environment Agency.

Depending on the proposal, some applications are advertised on or near the development site and in the Loughborough Echo or Leicester Mercury. Comments may

be made within 21 days; however, any comments received before the application is decided will be taken into consideration. The extent of consultations depends on the nature and complexity of the application.

Once consultation responses have been received and the Case Officer has visited the site, the Officer may wish to seek additional information or suggest improvements. This will only usually take place when the changes sought are minor. If significant changes are required a decision will normally be made on the application as submitted, or the application could be withdrawn and re-submitted with the changes included. When the process is complete a decision will be made on the application.



# Viewing and making comments on a planning application

All submitted applications can be viewed on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk) or at the Council's Customer Service Centre Southfields Offices, at Parish Councils and at Public Libraries via the internet.

Anyone can make comments on a planning application via the website, or by e-mailing [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk) or by writing to the Development Management Team, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TN.

It is a good idea to look at the plans before making comments and always quote the reference number. All comments are viewable on the Council's website within 48 hours of being received. You are therefore able to read all the comments received on an application and check that we have received yours.

Anyone with concerns about a proposal should make them in writing at the application stage since once a decision is made there is no right to appeal against the decision taken by the Council, except by the applicant.

All comments received are taken into account when the application

is decided. The Council in deciding applications have to consider all material considerations as well as the planning policies of the Council and central government. Therefore objections may not always result in planning permission being refused, because there are other factors which outweigh the objections. It is often a matter of judgement for the Council to take and all factors have to be weighed against each other.

Some issues raised by objectors are not always matters that the Council can use to refuse planning permission. The following is a list of typical issues (Material and Not Material) that the Council can and can not take account of when determining an application.

Material Considerations	Not Material Considerations
Highway safety, Flood risk	Business competition
Appearance and design	"Too many already"
Noise, dust, fumes, etc.	Loss of views
Loss of light/sunlight	Damage to property fears
Scale and dominance	Where other controls exist
Archaeology	Devaluation of property
Sustainability	Rights of way
Nature conservation	Covenants
Privacy	Other private rights
Impact on community & other services	Personal issues (rarely)
Impact on character – trees etc	Disturbance during development
Parking provision	Maintenance of property





Applicants and objectors have the right to **speak at the Plans Committee** if the proposal is to be considered at the committee.

Anyone wishing to speak at committee must request this in writing. One person will normally be allowed to speak both against and for (normally the applicant/agent) a proposal for a maximum of five minutes each. If there is more than one person, the five minutes is shared. Ward Councillors and a representative from the Parish Council also have a right to speak.

### Plans Committee Decision or a 'Delegated Decision'?

Applications must be determined in accordance with the policies of the development plan unless material considerations indicate otherwise.

In order to prevent unnecessary delays, approximately 95% of decisions are delegated to officers.

Only the most controversial of proposals are reported to the Plans Committee. The Committee meets every four weeks. Applicants/agents, and those people that have expressed in writing their wish to speak, are

informed in advance if an application is to be considered by Committee.

The Committee consists of 13 elected Councillors and they have the authority to determine all matters presented to them.

Once an officer has formulated his recommendation on an application, the route for the decision has to be determined.

A decision is delegated to the Group Leader of Development Management if no comments have been received on the application or if the officer recommendation concurs with the comments received.

If there is a variance between the officer recommendation and the comments received on the application, it is referred to the Borough Councillor(s) representing the area in which the application is proposed.

The officer produces a report with a recommended decision and this is e-mailed to the Councillor(s) who have 7 days to request that the application is to be determined by the Plans Committee.



## FACTS & FIGURES 2011/12

1159 (90%) planning applications granted

The Councillor has to give a planning reason, such as they may have concerns about highway safety or the impact on neighbours, why the application has to be referred to the Plans Committee. There are some exceptions where the decision will not be delegated to the Development Management Group Leader and will be made by the Plans Committee without the Ward referral procedure being followed; an example of this is where the applicant is a Borough Councillor or an officer employed by the Borough Council.

### The Decision

When the application has been determined a decision notice will be issued to the applicant/agent. The decision will either grant planning permission, probably with conditions, or refuse planning permission.

Reasons for the decision are given whether the application is approved or refused. All third parties who have written in respect of an application will be informed of the outcome in writing or by e-mail. All decisions can be seen on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

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- **Local Searches and 'Con 29' drainage enquiries**
- **Sewer connection and construction**
- **Sewer survey and producing drainage plans**
- **Onsite drainage investigation**
- **Pollution and cross connection investigations**

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# Planning Appeals

If an applicant is not happy with the Council's decision, an appeal to the Secretary of State can be lodged against either a refusal or the imposition of conditions on an approval. Only the person who made the original application can appeal and there is no right of appeal by an objector against a decision of the Borough Council.

Appeals must be lodged with the **Planning Inspectorate** within six months of the decision date, three months for a householder development or within two months for refusals of advertisement consent. If an appeal is allowed the development can proceed, if it is dismissed the decision of the council will stand.

There are **four types of appeal processes**:

**1. Householder Appeal** - (only available for householder development). The appellant completes a form and the Council provides the Planning Inspectorate with access to all the documentation received on the original application including the officer reports. An Inspector visits the site (unaccompanied if clearly visible from public vantage points) and issues a decision.

**2. Written Representations** - which is the most common type. These appeals are decided on the basis of an exchange of written submissions from the Council and applicant and a site inspection by an Inspector.

**3. An Informal Hearing** - process which usually involves an open discussion led by an Inspector following the exchange of written comments.

**4. An Inquiry** - which is a formal procedure conducted by an Inspector following the exchange of written evidence. There are procedural rules that have to be followed for a Hearing or Inquiry.

## FACTS & FIGURES 2011/12

40 appeals determined (55% dismissed)



# Planning Enforcement

Development carried out without the benefit of planning permission or Listed Building Consent or the failure to comply with conditions can result in the Council serving an enforcement notice.

If a development has or is taking place which is suspected to be unauthorised, the Planning Enforcement Team needs to be informed in writing with details of the alleged breach. The Council will investigate where a breach occurs and follow the Council's enforcement policy which can be seen at [www.charnwood.gov.uk/pages/planningenforcement](http://www.charnwood.gov.uk/pages/planningenforcement)

## FACTS & FIGURES 2011/12

660 complaints about unauthorised development

### Enforcement Notice

This is a formal notice used to bring about the cessation of an activity or secure removal of an unauthorised development and requires specific steps to be taken within specific time limits. There is a right of appeal on specified grounds, which is dealt with by the Planning Inspectorate. If an enforcement notice is not appealed or is confirmed then the Council has the power to prosecute for non compliance.

### Stop Notice

If the Council considers it necessary having served an enforcement notice to ensure that the use or the activity stops as soon as possible, then it can serve a stop notice. Such action is only taken when significant adverse effects are being caused and immediate action is necessary. Failure to comply with such a notice is an offence.

### Breach of Condition Notice

This notice is used where the breach involves non-compliance with a condition on a planning permission. There is no right of appeal against such a notice and it is an offence not to comply.

### Planning Contravention Notice

This notice gives the Council the power to compulsorily obtain information from an individual about suspected breaches of planning control and to endeavour to secure co-operation and compliance.

### Untidy Site Notice

This notice can be served on a property owner when the condition of land or property is considered to be seriously damaging to the amenity of the locality. There is no right of appeal against such a notice other than to a court.

## FACTS & FIGURES 2011/12

18 enforcement notices were served,  
4 appeals decided and 1 appeal allowed

## What is required from a complainant?

A complainant is required to provide their name, address and contact telephone number and put their complaint in writing or send it by email to [development.control@charnwood.gov.uk](mailto:development.control@charnwood.gov.uk)

However, none of this information is disclosed and all complaints are registered and processed on a strictly confidential basis.

It is useful for the complainant to provide a clear statement of what they think is wrong. This can include, for example photographs or records of activities from the past. From the date of the complaint the Council will not request the complainant to 'spy on their neighbour'.

Where feasible, the complainant is requested to assist in trying to achieve a negotiated solution. Some enforcement cases take some time to resolve, particularly if they involve a planning appeal or a court hearing. Complainants will be kept informed of likely timescales.



# High Hedge Control

The Council has powers to deal with **complaints relating to high hedges** which are evergreen or semi-evergreen and more than 2m in height, but only where a complainant has tried and exhausted all other avenues for resolving the dispute.

The role of the Council is not to mediate or negotiate between the complainant and the hedge owner, but to

adjudicate on whether “... the hedge is adversely affecting the complainant’s reasonable enjoyment of their property”. The result of which will not be to remove the hedge but it may be required for the hedge to be reduced to an acceptable height taking into account that the reduced height should not result in the hedge dying. There is a fee to submit this type of complaint.

# Street Naming and Numbering

Once Building Regulations consent or Planning Permission has been granted for any new development that involves the creation of any new road, cycleway, footpath, and/or the erection of a new building that requires a postal address, the process of **Street Naming and Numbering** commences.

This process is also applied to the renaming of such thoroughfares where the need arises.

All new addresses created through the Street Naming and Numbering process are included on the Council’s Local Land and Property Gazetteer.

## FACTS & FIGURES 2011/12

76 applications for street naming and numbering received

The gazetteers of other local authorities are in turn, linked up to form a definitive index of land and property in England and Wales known as the National Land and Property Gazetteer [www.nlpg.org.uk](http://www.nlpg.org.uk).

A fee is required from 2<sup>nd</sup> April 2012 to accompany an application to change addresses.

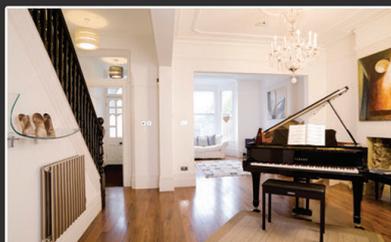
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# Building Control

The Building Control service carries out inspections to make sure that building works meet safety standards.

Nearly all building works and changes of use require Building Regulations approval. These regulations set out the minimum standards of safety to safeguard the interests of the intended occupiers of buildings, future purchasers and the community as a whole.

Building Control makes regular inspections during construction to make sure construction work is carried out in accordance with the Regulations.

## Scope of Building Regulations

The Building Regulations are minimum standards, which govern the design and construction of most new buildings and refurbishment work. They protect the occupiers of buildings and members of the public against dangers to health or personal safety, contribute substantially to the conservation of energy and ensure the reasonable provision of access to buildings for disabled persons.

It is in every client's interest that designers and contractors make sure the buildings they construct comply with the statutory requirements.

Most designers consider the implications of the Building Regulations in the very early stages of the design, and right through the construction period clients appreciate the significant role of Local Authority Building Control.

The requirements are expressed in broad functional terms, in order to give designers and builders maximum flexibility.

The Building Regulations are supported by Approved Documents, which indicate how compliance with the Regulations may be achieved. Alternative methods to demonstrate compliance are available.

If building work is intended to be carried out on a property, it is likely that Building Regulations consent will be required.

For assistance and further guidance refer to the Council's website,

[www.charnwood.gov.uk/environment/buildingcontrol1.html](http://www.charnwood.gov.uk/environment/buildingcontrol1.html)

## FACTS & FIGURES 2011/12

1,082 building regulations applications received.  
8,890 site inspections carried out.

# Plans, Policies and Place Making

This side of the Service produces and maintains the planning policy framework to guide development and use of land in the Borough. It also provides guidance and specialist advice on planning related matters and monitors development to ensure that changes to our surroundings, buildings and land are right for their purpose, location and are sustainable.

## The specialist advice ensures:

- the heritage of Charnwood is preserved and enhanced and the balance of the natural environment to the built environment is maintained;
- that help and advice is given to promote local businesses and encourage inward investment through regeneration schemes and new development;
- that development is sustainable and,
- mitigation measures are implemented to limit the effects of climate change.



# Planning Policies

Planning policies provide the basis against which applications for planning permission are assessed. The law says that planning decisions must be taken in light of the development plan having regard to any other material considerations. The development plan for Charnwood consists of:

- The Regional Spatial Strategy known as the **East Midlands Regional Plan** (2009);
- The **saved policies of the Borough of Charnwood Local Plan** (2004);
- The **Minerals Core Strategy and Development Control Documents** prepared by Leicestershire County Council and published in October 2009;
- The **Waste Core Strategy & Development Control Policies** up to 2010, prepared by Leicestershire County Council and Leicester City Council and published in October 2009; and
- The **saved policies of the Minerals Local Plan** (May 1995) and **Waste Local Plan** (1995-2026) prepared by Leicestershire County Council.

The government has said that it will revoke the Regional Spatial Strategy later in 2012 and at this point it will no longer form a part of the development plan.

## The National Planning Policy Framework (NPPF)

The government's view of sustainable development is set out in this document and it provides guidance for the production of development plans and decision taking. Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The **NPPF** is a material consideration in decision taking and makes it clear that there should be a presumption in favour of sustainable development. It expects development proposals that are in accordance with the development plan to be approved without delay. If the development plan is absent, silent or relevant policies are out of date, it says planning permission should be granted unless the proposal conflicts with its policies or the impact of approving the development would significantly and demonstrably outweigh the benefits when assessed against all of the policies in the NPPF.

## The Charnwood Borough Local Plan

This sets out the overall approach to development in Charnwood and allocates sites for housing, industry, shopping, leisure, open space, community facilities, healthcare and a range of other uses as well as containing the local planning policies against which applications for planning permission are assessed.

The Local Plan was adopted on 12th January 2004. A direction issued by the Secretary of State in 2007 means that a number of policies in the Local Plan remain part of the development plan and will continue to inform planning decisions until they are replaced by new policies or where they conflict with the NPPF. A copy of the Local Plan can be viewed on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

## Supplementary Planning Documents and Guidance (SPD/SPG)

The Planning and Regeneration Service also produces a range of supporting documents giving detailed planning advice to guide the development of key sites and subject specific advice. These documents provide guidelines only and decisions taken on applications are judged against them, but individual circumstances may require other factors to be taken into account and they may not always be used as a set standard.

These include:

- **Devonshire Square Development Brief**
- **Former General Hospital and Aumberry Gap Development Brief**
- **Loughborough University East Park**
- **Affordable Housing**
- **Student Housing Provision in Loughborough**
- **Leading in Design**
- **Leading in Design - Shopfronts & Signs**
- **Leading in Design - Making it Easy**
- **S106 Developer Contributions**
- **Backland and Tandem Development**
- **House Extensions**
- **Planning and Lighting Proposals**
- **Public Art**

Other documents not prepared as SPD/SPG, but which also are taken into account when making decisions include:

- **Loughborough Town Centre Master Plan**
- **Village Design Statements**

## The Charnwood Local Development Framework (LDF)

Reforms to the planning system in 2004, 2008 and 2011 require new local plans to be prepared and supported where appropriate with other development plan documents including Area Action Plans and



Document	Start date	Pre-submission	Submit	Examination in public	Adopt
Core strategy	2004	Sept 2012	Dec 2012	Apr 2013	Dec 2013
Site Allocations & Development Management Policies	Apr 2013	Feb 2014	May 2014	Sept 2014	Feb 2015
Review Statement of Community Involvement	Apr 2013	Aug 2013			Dec 2013

Neighbourhood Plans. Supplementary Planning Documents may also be prepared where these help to provide further guidance and explanation to policies. These planning documents are collectively known as the **Local Development Framework** or LDF.

The detailed programme for preparing the LDF is described in the **Local Development Scheme**, which can be viewed on the Council's website. A Statement of Community Involvement is also available which sets out how people, organisations and businesses can participate when planning documents are being drawn up.

The programme as of April 2012 for the production of LDF documents is shown in the above table.

The Core Strategy will set out the strategic policies, **the location of the key strategic sites and areas for growth**

**including Sustainable Urban Extensions** to deliver the Council's vision for Charnwood up to 2028.

The Site Allocations and Development Management Policies will identify sites for housing, employment and other uses in the Borough needed to accommodate the range of land uses necessary to implement the objectives of the Core Strategy. It will also set out specific criteria against which planning applications for the development and use of land and buildings will be considered, along with details of developer contributions.

A new proposals map will replace the Charnwood Borough Local Plan proposals map when the Site Allocations and Development Management Policies are adopted.

The **Statement of Community Involvement** which was adopted in Jan 2006 will be reviewed.



# Conservation, Design and Landscape

Specialist advice and guidance is available in respect of the conservation and enhancement of the built and natural heritage of the Borough, together with the promotion of quality contemporary design solutions.

The Council's expertise includes historic buildings and conservation areas, urban design, landscape design, tree protection and biodiversity.

Details of all Conservation Areas, Listed Buildings, Local Listed Buildings, Scheduled Ancient Monuments and Historic Parks and Gardens are available to view on our website at [www.charnwood.gov.uk/pages/conservation-and-listed-buildings](http://www.charnwood.gov.uk/pages/conservation-and-listed-buildings) or can be viewed against your property using [www.my.charnwood.gov.uk](http://www.my.charnwood.gov.uk)

## Conservation Areas

There are 38 **Conservation Areas** in the Borough. They are areas of special architectural or historic interest and designation gives the Council extra powers to help preserve and enhance their character and appearance.

They include most of the traditional village and town centres in the Borough as well as some Victorian and Edwardian and 1920s residential suburbs in Loughborough.

Character appraisals and management plans have been produced for 30 of the Conservation Areas and there is a programme to complete the 8 remaining areas in the next three years. The Council is aware there may be further areas that warrant designation as a Conservation Area and these will be considered alongside reviews of the current areas.

## Listed Buildings

More than 1,000 buildings and structures in Charnwood are covered by statutory listing.

Statutory **Listed Buildings** are protected for their architectural and historic value as part of the nation's heritage. They include individual buildings and groups



of buildings, from modest cottages to stately houses, and structures such as bridges, monuments and milestones.

They have been listed by the Department of Culture, Media and Sport (DCMS), on the advice of English Heritage. The Council takes responsibility for ensuring their good condition and preservation.

### Locally Listed Buildings

In addition to the Statutory Listed Buildings the Council has identified more than 200 buildings of local historic or architectural interest.

While it may not be appropriate for DCMS to recognise these buildings nationally, they have been acknowledged for their contribution to the local environment.

These **Locally Listed Buildings** do not enjoy the full protection of statutory listing, but their inclusion will be a material consideration in the assessment of any proposals for development which may affect the buildings themselves or their settings.

### Scheduled Ancient Monuments

There are 21 **Scheduled Ancient Monuments** in the Borough. Some are also listed buildings. Where development proposals also involve Scheduled Ancient

Monuments, there is a requirement for a separate Scheduled Monument Consent application, which must be made to English Heritage at the East Midlands Office.

### Historic Parks and Gardens

Three **parks and gardens** in Charnwood (Bradgate Park, Garendon and Prestwold Hall) are included on the national register compiled by English Heritage and, while the inclusion of a park or garden on the register provides no statutory protection in itself, it is recognised that the impact of development on a registered park or garden is a material planning consideration.

### Tree Preservation Orders (TPO)

The Council has specific powers to protect trees by making **Tree Preservation Orders**. There are also special provisions which apply to trees within Conservation Areas in the Borough where they make a significant contribution to the visual amenity.

You can check whether a tree is protected or within a Conservation Area using [www.my.charnwood.gov.uk](http://www.my.charnwood.gov.uk)

# Economic Development and Regeneration

This team provides help and advice to businesses by promoting local businesses and advising potential inward investors and manages regeneration projects in priority areas. It also provides a wide variety of economic information and maintains an **online business directory**.

# Sustainable Development and Climate Change

This service also provides help and support to the Council to manage and improve its own environmental performance. It is responsible for the Council's Climate Change Strategy and works with various organisations and community groups to promote **Sustainable Development** and to reduce Charnwood's contribution to factors known to cause Climate Change.



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Utopia

# The Role of Elected Members

## Planning Applications

The **elected Councillors** of the Borough Council play a significant role in the planning application decision-making process.

The Councillor for the Ward in which they are elected receives notification by e-mail when a valid application is submitted. They are, therefore, made aware as early as possible of developments being proposed in the area they represent.

Depending on the responses received following the statutory consultation period and the recommendation of the Case Officer, a decision can be made under the powers delegated to the Group Leader of Development Management.

If, however, the comments received conflict with the Case Officer's recommended decision, a report explaining the proposal and the issues together with a recommendation is sent by e-mail to the Ward Councillors for the area in which the development is proposed.

They then have 7 days to provide a planning reason, such as concerns about highway safety or the impact on neighbours, why the application should be determined by the Plans Committee otherwise the application is determined under the delegated powers by the Group Leader of Development Management.

The local Ward Councillor can speak to the Plans Committee on an item, but if they are a member of the Committee, they can not take part in the debate or vote on the item.



## Planning Enforcement

In respect of enforcement matters, once the officer has investigated a complaint if there are any material planning issues, a report is produced for the local Ward Councillor with a recommendation to instigate enforcement proceedings, or that such action is not warranted.

The Councillor then has 7 days to provide a planning reason why the matter should be determined by the Plans Committee, otherwise the matter is dealt with under delegated powers.

Any decision to instigate enforcement action has to be considered in respect of its legal implications by the Council's legal advisors and although authorised, the legal processes could take sometime to resolve.

A monthly report is produced to inform Councillors on the progress of outstanding enforcement cases.

## Planning Committee Members

The role of a Councillor sitting on the Plans Committee is different to the role of a Ward Councillor (although they can be the same person).

**The Committee member receives a written report** by officers on each item to be decided. The report includes a recommended decision on applications or enforcement matters which are to be determined.



They will have read the detailed report before the meeting and may have visited the site. They also may have also sought guidance from officers on the matter before the meeting.

The officer at the meeting presents a slide show of relevant plans and photographs to outline the main planning issues. Councillors may also hear verbal presentations by public speakers at the meeting.

The Councillors then debate the item discussing the planning merits of the case. A motion is proposed and seconded by the members of the committee to determine the item and a vote is taken by the Committee members.

This can accord with the officer recommendation, accord with the recommendation with amendments or make a different decision.

A decision by the committee can only be taken on the planning merits of the case in an impartial (quasi-judicial) and non-political way. It is a legal requirement that decisions are taken in accordance with the Development Plan unless material considerations indicate otherwise.



In addition, decisions must be reasonable, take into account all relevant matters, be free from bias and not based on irrelevant non-material issues.

There are strict guidelines for Councillors to follow to ensure a decision can not be legally challenged. Councillors should always attend a meeting with an open mind and listen to all the matters put before them before deciding how they should vote on an item.

A decision by the Committee is the decision of the Council and the reasons for the decision should be clearly expressed by the committee, if the decision is different to the officer recommendation.

## FACTS & FIGURES 2011/12

62 applications determined by Plans Committee (95% delegated)

## The Role of Parish/Town Councils

**Parish/Town Councils** are consultees on the majority of applications received in respect of their area.

Where a Parish/Town Council is formally consulted they will have 21 days to respond to the consultation letter. Comments on an application should be restricted to the planning merits of the application (see material/non-material page) since other matters can not be considered in the determination of the application.

Because of Parish/Town Councils schedule of meetings, extensions to the 21 day consultation period can be agreed in certain circumstances.

Any comments made will be taken into account when the decision is made by Charnwood Borough Council, either under delegated powers or by the Plans Committee.

If the decision is to be made by the Plans Committee a representative of the Parish/Town Council can speak at Committee.

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# Further Information & Contacts

## Head of Planning and Regeneration Service

Richard Bennett *Dip TP MRTPI*

## Development Management

Group Leader - Steve Lewis Roberts *BA (Hons) MRTPI*

## Plans, Policies and Place Making

Group Leader - David Pendle *BA (Hons) MRTPI*

## Contact details

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