

PCF 24th April 2017 Questions.

A) DEVELOPMENT CONTROL

1. Communications between Development Control and the Parishes

- 1.1 Clarification of the role of the Parish Council in the planning application process.
- 1.2 What weight is given to consultation input provided by Parish Councils and meetings?
- 1.3 Is the weight given to Parish responses different if the PC/PM has a Neighbourhood Plan? If so, in what way is the consideration given different?
- 1.4 Could feedback be given to PC's and PM's on the reasons for decisions made, especially where the PC/PM has made a comment and where the planning decision runs counter to the comments received?
- 1.5 Why are reasons for decisions not published on the PCC Planning portal? Could they be?
- 1.6 When applicants' detailed plans are changed from those originally submitted, either during the approval process or afterwards could the Parish please be informed?

2. The Process of Decision Making in Conservation Areas

- 2.1 Could you please explain how the status of Conservation Area impacts decisions in the following circumstances?
 - The application of permitted development rights
 - The application of the Government's Prior Approval legislation class Q
 - The application of the new "permission in principle" proposals
 - The application of "planned limits of development"
 - The consideration of a "retrospective application" in a Conservation Area.

3. The Conservation Officer

- 3.1 Before his retirement, Mr Trubshaw indicated at a Parish Council Forum that he would be looking to update the review of parish land and particularly those areas which were valued by Parishes to give further consideration to the wider definition of Conservation areas.
 - How is this work now going to be resourced in Rutland alongside the ongoing work of the Conservation Officer in overseeing heritage conservation application approvals, investigation of planning irregularities on listed buildings and monitoring complaints from Parishes concerning development in their conservation areas?
 - What monitoring work is currently being done in conservation areas? Please give examples.
 - Is the part time Conservation Officer currently writing any supplementary planning guidance or assisting parishes in the preparation of more protective neighbourhood plans?
 - There are perceived inconsistencies in RCC Planning interest in and decisions on planning applications in Conservation Areas. Please could you comment on this?
 - Concern is being expressed that the reduced staffing level of the Conservation Officer post from a full time position to about one day per week, is not adequate to properly ensure the conservation of listed

buildings. Do you feel this is adequate? What work is not now being done? What is going to be done about this?

4. "Permission in Principle"

- 4.1 How will RCC handle the new Government Guidance when dealing with small developments in villages? Such developments can have significant impact on villages and therefore should still be subject to proper planning assessment, not just a "light touch". Planning law is already framed in such a way that development should normally be permitted unless material planning considerations dictate otherwise. **Will the Council be producing Supplementary Planning Guidance and public "Guidance to Applicants" in order to maintain a safe measure of local control over these future applications on behalf of the village communities?**
- 4.2 Will section 106 Agreements or Community Infrastructure levy be applied to these "Permission in Principle" Developments? Is it the case that Permission in Principle does not support local infrastructure and therefore puts more strain on it?
- 4.3 Will "Permission in Principle" legislation defer to and respect conservation areas and planned limits of development already in place in our Local Plan?

5. Major Applications and other potentially problematic applications.

- 5.1 Please describe the criteria for deciding whether or not an application is referred to the Development Control Committee for decision.
- 5.2 Is this criteria documented and approved as part of Council Standing Orders?
- 5.3 What influence do objections received from Parishes have on the decision to refer the application to Committee for a decision?
- 5.4 What are the arrangements for providing legal support to planning case officers before a case officer decision notice is issued, and what is the process for decision making on whether legal advice is required?
- 5.5 Concerning the principal of "no net loss of biodiversity" what are the Council doing to introduce a measuring tool for biodiversity and thus to implement the adopted local Core Strategy Policy and the NPPF policy of mitigating any biodiversity loss and arranging compensation for any balance of unavoidable net loss? Why are you not using objective standards produced by the Government experts?

6. Prior Approval (Class Q) Applications.

This Government legislation gives permission for conversion of isolated barns in open countryside to residential accommodation, subject to certain conditions. It over-rides Rutland Local Plan Policies. It is considered that there are certain "grey areas" not fully defined in the national legislation. The legislation was intended to apply to Victorian structurally enclosed barns. Why are Rutland permitting the conversion of modern Dutch barns requiring significant new structural elements?

- 6.1 Validation requirements for applicants are introduced by some other Local Planning Authorities to ascertain whether Government conditions have been met and whether new structural elements will be required for the conversion. Why are

validation requirements not introduced in Rutland to define locally the “grey areas” that are undefined in the national policy?

- 6.2 Once a Prior Approval application has been validated what are the planning regulations to be observed before the conversion works commence if the development requires new structural elements?
- 6.3 What are Rutland CC’s regulations concerning the actions to be taken by Development Control in order to validate the accuracy of information supplied by the applicant before registering the application as valid, and starting the time clock for decision?

7. Breaches of Conditions:

- 7.1 What is the Council procedure to be followed when an approved planning application is not started within the stipulated time frame (normally 5 years) and after that time, the applicant then proceeds to commence work on the development without re-applying for permission? How has the formal procedure been authorised?
- 7.2 If the applicant claims that work had been started at the application site within the allowed time frame, what checks to the Planning Office carry out to verify that the claim is valid?
- 7.3 What is the Council procedure to be followed when a development is reported and acknowledged to be not in accordance with approved plans, or not in accordance with any of the conditions imposed upon the development by the planning application approval? What are the RCC LPA regulations on this subject and what is the process to be followed? How have they been authorised?
- 7.4 How and why does the need for a retrospective application apply?
- 7.5 What factors constitute the dividing line between:
 - Retrospective approval as applied for
 - Retrospective approval with modifications.
 - Refusal and enforcement action.
- 7.6 There is concern that RCC does not appear to have enough resources to ensure that buildings are constructed to the required standard. Can reassurance be given that where there are breaches, enforcement will be consistently followed up and corrective measures applied?

B) PLANNING POLICY

1. In the course of developing its Neighbourhood Plan, a village may wish to consider extending its Planned Limits of Development (PLD) to include certain new areas and so to render them potentially available for development. Could you please explain how this subject should be approached through consultation within the village community and what material planning considerations would apply to any changes proposed to the PLD?
2. Please may we have an update on what has happened concerning the Local Plan Review process since the Newsletter of October 2016?
3. What relevant legislation and/or official reports have been published since then which will impact the Local Plan Review?
4. Which evidence bases have been updated since January 2016?

5. What are the next steps and the estimated timetable for those steps?

Compiled by CJB

2nd April 2017