

**Landulph Parish Council meeting with a Cornwall Council Planning Officer
held on Monday 17th February 2020**

Landulph Parish Councillors met with Cornwall Planning Officers on Monday 17th February at 6pm (not a public meeting at their request), so that the Planning Officers could provide clarification on what is permissible (or not permissible) for listed buildings, and for properties within a conservation area and Area of Outstanding Natural Beauty. Parishioners were given the opportunity to put forward any questions in advance that they wanted to ask the Planning Officers via the Parish Clerk or Parish Councillors.

There was an item on the public Landulph Parish Council meeting agenda - so that Parish Councillors could provide an update on the discussions that took place at this meeting.

Questions put forward:

Q1: We currently have a development of 9 open value properties with outline planning in the Parish which has yet to be started, this received outline planning just before the Community Infrastructure Levy came into force. When this development is completed and the £91,200 affordable housing contribution is paid would we as a Parish Council receive any funds similar to a CIL Parish contribution?

A1: I would recommend you contact Laura Deverill the Affordable Housing Officer for the area, who will be able to provide advice and guidance on the possibility of Parish Councils and Local Community Groups receiving funding from off-site affordable housing contributions, in order to bring forward their own affordable housing schemes.

Q1a: Could the Parish identify a plot of land and develop in order to receive this funding?

A1a: I believe another Parish Council has done this, but will put you in contact with relevant Officers who can advise better on the use of off-site affordable housing contributions for community led affordable housing schemes.

Q2: Due to the new 2020 rules on septic tank discharge do planning officers ask for mains sewage connection for new housing project?

A2: General presumption for planning is to try and seek mains connection where reasonable and practicable, if not – then will look at other suitable treatments (waste water treatment plant is first option). Building Regulations – go into further detail. Environment Agency – consent to discharge. All 3 look at this in varying degrees of scrutiny. The following links will provide useful guidance:

<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

http://ecab.planningportal.co.uk/Uploads/EA_LPA_advice_non_major_dev_non_mains_drainage_2019.pdf

Any new residential development in the village/on the edge of the village and close to the mains system would be expected to connect to the mains system.

Q3: We recently received a complaint about the siting of two shipping containers from a resident within the Parish. Could we have a clarification on the current rules on the placing of shipping containers within an AONB.

A3: I can't discuss specific cases. Generally, it depends on the use of the land – ie. agricultural land – if the shipping container is not permanently fixed to the ground and is used for agricultural purposes – probably no change of use of land and classed as a temporary structure.

If, however, it is permanently fixed to the ground and it is the owners' intention to locate it permanently, it may well need permission.

There are a range of factors that need to be considered and each case must be assessed on its merits.

Q4: Application PA20/00478 to be discussed at tonight's meeting. This application is for the conversion of an outbuilding to form dwelling. This building was given permission in 2013 for conversion into a holiday unit (PA13/04020) and then subsequently refused permission in 2014 (PA13/04020) for removal of holiday home condition. I am aware the applicant has not been refused in the past for conversion to a dwelling but how much weight should we give when considering this case to previous applications? (Also refused in 2016).

A4: I cannot discuss individual cases, but in general terms, when considering previous planning history – if these decisions were made under older planning policy or before LNDP and the permission is no longer extant then the history wouldn't carry significant weight, so the new application should be looked at afresh and a judgement made based on up to date policy

Q5: With the drive towards increased Localism in 2020, what is the duty of a Parish Councillor who has attended recent planning training, particularly whose parish is in an Area of Outstanding Natural Beauty, to report perceived planning regulation breaches?

A5: Related to standards that Councillors have to uphold. From a planning perspective LPC's doesn't have a duty to report, but from a Standards Committee perspective this may be different – may need to seek guidance from Simon Mansell. Some Parish Councils have made a decision not to pass on complaints received from members of the public. Individuals can report (separate from the Council). Cornwall Council's Enforcement Officer can advise.

Q6: I note that there is no "Conservation Area Character Appraisal and Management Plan" yet in place for Cargreen. Will this meeting be the start of a process to put such a plan in place for Cargreen?

A6: Due to budget and resource issues, Cornwall Council is not actively commissioning Conservation Area Appraisals or Management Plans at this stage. Some Parishes have done this work themselves and added as an appendix to their NDP.

Could seek advice from Colin Sellers – Historic Environment Team, but the Parish may need to commission and fund this if it is something they feel is important and necessary.

They are useful documents to set out what elements of the conservation area are important. Cargreen isn't very big – you'd need to gauge how much of a threat to the character there may be.

Specialist Consultants in Historic Environment are available – probably not a cheap exercise (ie single dwelling Impact Assessments are c £4k)

Further discussion required by Landulph Parish Council on this.

Q7: Regarding rules for listed properties and those in the conservation area, I would be interested to know what restrictions there would be on replacing single-glazed wooden sash windows in a grade 2 listed building with wooded double-glazed windows?

A7: Any Grade 2 listed building will need Listed Building consent to replace windows and doors. Case by case assessment required, and will depend ie on what other alterations have already taken place, or due to take place. In most cases, the Council's preference is for a repair of the existing joinery. If beyond repair, like for like replacement are preferred with evidence to demonstrate the existing joinery is beyond repair. If the listed building has been subject to previous alterations, including perhaps the installation of some rather ugly 1970s windows that are not original and do not contribute positively to the character, fabric and integrity of the listed building, then it may be the case that timber double glazed windows are acceptable. However, must stress that each case must be carefully assessed on its merits.

Unlisted dwellings in a Conservation Area can replace windows and doors without planning permission, as there is no Article 4 Direction in place in Cargreen.

Q8a: Regarding Consistency

There is a generally held view that Officers do not apply the rules consistently as regards one application to another and from one Officer to another. Examples ~ i) One applicant is allowed to build a garage with a balcony on top which overlooks all his neighbours whereas another applicant is not allowed to create a balcony on an existing roof as it overlooks their neighbours. ii) One Officer thinks that a replacement window is in keeping with the property whereas the Officer's successor thinks that it is not in keeping and would not have permitted it.

A8a: Planning, to a degree is subjective, ie impact on character (what one person might like another wouldn't like). We try to eliminate inconsistencies by holding regular team meetings to discuss; also the Area Team approach will help as the Team will know their areas better. Neighbourhood impact, balconies – Officers will resist schemes that have a clear adverse impact on neighbour amenities and this is supported by advice set out in the Cornwall Design Guide.

Q8b: How do the Officers propose to eliminate such inconsistencies ?

Regarding permitted development

When permitted development is withdrawn an application needs to be made for work which normally doesn't need permission. Furthermore, the withdrawal of permitted development is not a blanket stop on development. Example ~ Not allowing Upvc in replacement windows when 75% of properties within the Conservation Area (including historic waterside properties) already have Upvc and did not need permission to make such changes.

A8b: Need to use material planning reasons to refuse. Even if permitted development rights have been withdrawn, this alone is not a reason to refuse permission. Instead Officers must determine whether the proposed development would cause material harm or a would be contrary to planning policy. The withdrawal of permitted development rights just adds another element of control to the process by ensuring that those sites apply for planning permission for development which would normally be permitted.

Q8c: Why are the Officers using permitted development as a reason for rejecting applications and how do they justify their position?

Regarding Historic Environment Planning

Historic Environment Planning ("HEP") is part of Cornwall Council. As it only has 4 Officers it is highly unlikely that they either know or visit a particular site unless it involves a major development. HEP is sometimes a consultee to planning applications in Cargreen.

A8c: Vic Robinson is the Historic Environment Officer which currently covers this area. Planning Case Officers are not bound by HEP consultation responses, but must consider the responses in the same manner that other consultation responses must be considered. A recommendation must then be made by weighing up the planning balance of the case.

Q8d: How much reliance do the Officers place on HEP advice given that it is highly likely that the HEP Officer has little or no knowledge of Cargreen let alone an individual property ?

Public comments are an important part of the planning process as it allows interested parties to express their opinions. However, it is human nature that objectors will make a comment but people who have no objections will rarely make a comment unless they are a near neighbour trying to help the applicant. Furthermore, without an intimate knowledge of the responders, it is not possible to ascertain whether or not the responder resides near to or far from the application. Example ~ There is a recent case where an objector to a particular application got a sibling who lives over 200 miles away to object to an application.

A8d: Nature - the material considerations that the public make are a key part of the assessment when determining applications. Case Officers will assess public comments to identify the material planning considerations raised, and whether the development will cause material planning harm

Quantity – doesn't really make a difference.

Neighbour nextdoor raising an issue of privacy – very important to assess; whereas a neighbour who lives one mile up the road raising an issue of privacy is unlikely to be so important.

Q8e: How much reliance do the Officers place on the public comments either in nature or quantity? Do the Officers take into account the proximity of the responder to the applicant? Regarding Landulph Parish Council – Landulph Parish Council ("LPC") are required to make comments on all applications put before them. When LPC and Cornwall Council do not agree on an application, it appears to the public that it is automatically assumed that LPC is in the 'wrong' as it is asked to reconsider the matter.

Question ~ When this happens, could the Officers make it clearer as to why they disagree with LPC ? I.e why an application breaches a specific rule or conversely where there are no grounds to reject.

A8e: The protocol emails that are sent out to Local Councils explaining why Officers are making a contrary recommendation should set out the planning reasons. I can feed this back to the team to ask them to add in extra information if the Parish Council don't feel these communications provide enough information to explain why a contrary recommendation is being made. I would also say that on some occasions, if the Local Council feel very strongly about a case and confirm this in the protocol response, officers have indeed changed their recommendation to align with the Parish Council.

Q9: Simple question of planning rules, not Enforcement

I submitted a question to the Tamar AONB team a while ago and they suggested I forward my enquiry to the Cornwall Planning team. All I got back was a standard email stating *"Thank you for your email below, for the enforcement team to look into this for you can you please complete the enforcement complaint forms by using the link provided below, we will require 2 separate forms for each breach of planning."*

As a member of the public I have no idea if things like this constitute a breach in planning but it would be helpful if questions could be asked of the planning team without the need (or implication) that you have to make a formal complaint against someone.

A9: Difficult – as a service we don't have an Officer who can guide a member of the public through. We need the forms to be completed, so that an Enforcement Officer can then review; or alternatively a member of the public could contact the Parish Council who themselves could raise it with the Enforcement Officer for the area.

Q10: My question was in relation to walls that appear to have been built along the high water mark/boundary of at least one of the properties with gardens backing onto the foreshore and public footpath between the Cargreen Yacht Club and the old Spaniards pub.

I have no idea if this is a question for the planning team (I was just following the advice given by Tamar AONB in forwarding it to them) but apart from looking completely out of place along this section of natural shoreline, if the wall/s have been erected as a coastal erosion protection measure then surely this is likely to be to the detriment of the unprotected banks and properties either side of it?

If this would be a question for another agency then maybe the planning team or Parish Council can advise accordingly?

A10: I can't comment on specific cases and it would be necessary for this to be reported to the Enforcement Team in order that they can investigate whether or not planning permission is required. However coastal defence works often require the benefit of planning permission and

there are usually a range of issues to look at including the implications for flooding, the SSSI and the ecological impacts. This should be referred to the enforcement team, or Environment Agency for investigation.

Q11: uPVC Comments

In relation to listed/older or just properties in the conservation area, it appears that the use of uPVC seems to generate the most comments/objections on the planning portal. As a bystander, it seems that energy efficiency ratings of uPVC windows/doors are often used as the justification for selection of uPVC over more traditional timber-framed window construction, but in reality there is very little difference these days due to the thermal efficiency of the sealed glass units themselves.

In stark contrast the environmental impact of uPVC manufacturing is extremely questionable and this becomes much more difficult to justify when compared to sustainable timber construction.

Something that is rarely mentioned in these cases is the potential fire risk of uPVC, especially when older buildings are being renovated.

Understandably the uPVC industry is keen to play this down but the recent Grenfell inquiry highlighted this as a contributory factor to the fire, stating "An ongoing inquiry into last year's Grenfell Tower tragedy heard from experts in June that the uPVC window frames appeared to have melted during the blaze, exposing combustible materials within them. " There is also a suggestion that the melting uPVC increases the level of toxic fumes and could prevent access in an emergency.

With older/timber framed buildings being more susceptible to fire and many of them adjoining or in very close proximity to neighbouring properties, this is something I would like to see the Council taking into consideration rather than just aesthetics and energy efficiency ratings.

A11: Interesting point of view. Cornwall Council Policy Team is working on climate change documents – could be raised with them. Also, Cornwall Design Guide is out for consultation – could be fed into this. Also, this could be looked at when Landulph NDP is reviewed.

Q12: Do we have a management plan for the Cargreen Conservation area? If not, is it up to the PC or county to create one?

A12: As previous answer, no management plan in place. The Parish Council could prepare one – if they wish.

Q13: Is there anything else the Parish Council can do?

A13: Working relationships with Landulph Parish Council and Cornwall Council is good.

Most important thing the Parish Council can do is arrive at the meeting prepared – read through the planning documents, pay attention to it, understand the policy documents, and understand that Parish Councillors are not making a decision (only supporting or objecting an application), and to be objective and open-minded.

If the Parish Council has a forthcoming application to discuss and would like some guidance on policies etc – the Planning Team are happy to provide guidance.

Q14: Proposals for affordable housing. Can the Parish Council recommend that it is affordable (Policy 1, part 2).

A14: Thresholds for affordable housing provision is set out in the NPF - threshold within the AONB is 6 or more dwellings

Chief Planning Officer notes are available on website, which provide more in-depth guidance. Cornwall Council Policy / Chief Planning Officer notes (link added to Landulph Parish Council's website).

Here is a link to the planning policy guidance available including the Cornwall Council Chief Planning Officer Notes: <https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/>

Q15: Please can you advise what the rules are regarding changes to the external elements of properties in the Conservation Area. Eg. Door style and material; Guttering; House colours; Light fittings; Paving; Roof materials; Satellite dishes; Sheds; Solar panelling; TV Aerials; Window style and material; Etc.

A15: It seems very unclear what changes are or are not permitted and when or if permission is required.

Class A Part, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 sets out what is and isn't permitted, but it is a technical piece of legislation that is not the easiest to read.

<http://www.legislation.gov.uk/ukxi/2015/596/schedule/2/made>

If members of the public wish to receive advice as to whether or not their project requires planning permission, we offer a 'Do I Need Permission' service. Details are contained on the link below:

<https://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/do-i-need-planning-consent-or-building-regulations/>

In terms of design in the Conservation Area – the Cornwall Design Guide is probably a good start (link below).

<https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/adopted-plans/planning-policy-guidance/cornwall-design-guide/>