



Lostwithiel Town Council

Addressing Cornwall Council Planning Committees Policy

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Approved 16th April 2024 Minute 342/23**

Lostwithiel Town Council is a Statutory Consultee on planning for development within the Lostwithiel Parish.

Cornwall Council has a protocol for Local Councils which is available via the following link on their website

<https://www.cornwall.gov.uk/media/wtneogza/protocol-for-local-councils-8-15112023.pdf>

Please see Appendix 1 for the version of this document valid as at April 2024. As indicated in the flowchart, Lostwithiel Town Council can request an application is decided by Cornwall Council's Planning Committee but the decision regarding whether the planning application goes forward to Committee is taken by the Head or Service (or their nominated Officer) after they have discussed the matter with the Divisional Member. (Cornwall Councillor for Lostwithiel)

If the decision is taken to take the planning application to Committee, then as indicated by the Cornwall Council Protocol it is important that the local Council attends and speaks so that the Committee can fully understand the reasons for proposing a decision which is contrary to that of the case officer.

Lostwithiel Town Council will resolve to appoint a Councillor to speak on behalf of the Council at the Planning Committee meeting. It is of paramount importance that the Council Member registers to speak via the relevant page of Cornwall Council's website. Registration has to be completed by 12 noon two working days before the meeting.

<https://www.cornwall.gov.uk/the-council-and-democracy/councillors-and-meetings/public-speaking-at-planning-committees/register-to-speak-at-a-planning-committee-meeting/>

Each speaker has only three minutes to address the meeting so in order to maximise the time available and it's important that the comments concentrate on relevant planning issues and material planning considerations specifically identified by the Town Council. Examples are planning policies, design, appearance & layout, highway safety, traffic and impact on road networks, the impact of the proposal on the environment and residential amenity and the character of the area. Cornwall Council's website uses the following material planning considerations examples: - planning grounds, the impact on the appearance of a neighbourhood or the impact on a conservation area. Please see the link below.

<https://www.cornwall.gov.uk/the-council-and-democracy/councillors-and-meetings/public-speaking-at-planning-committees/>

Cornwall Council also has a useful table of relevant planning comments available via the following link: -

<https://www.cornwall.gov.uk/planning-and-building-control/planning-advice-and-guidance/how-to-respond-to-planning-applications/>

For ease of reference this table, as at April 2024. is copied below.

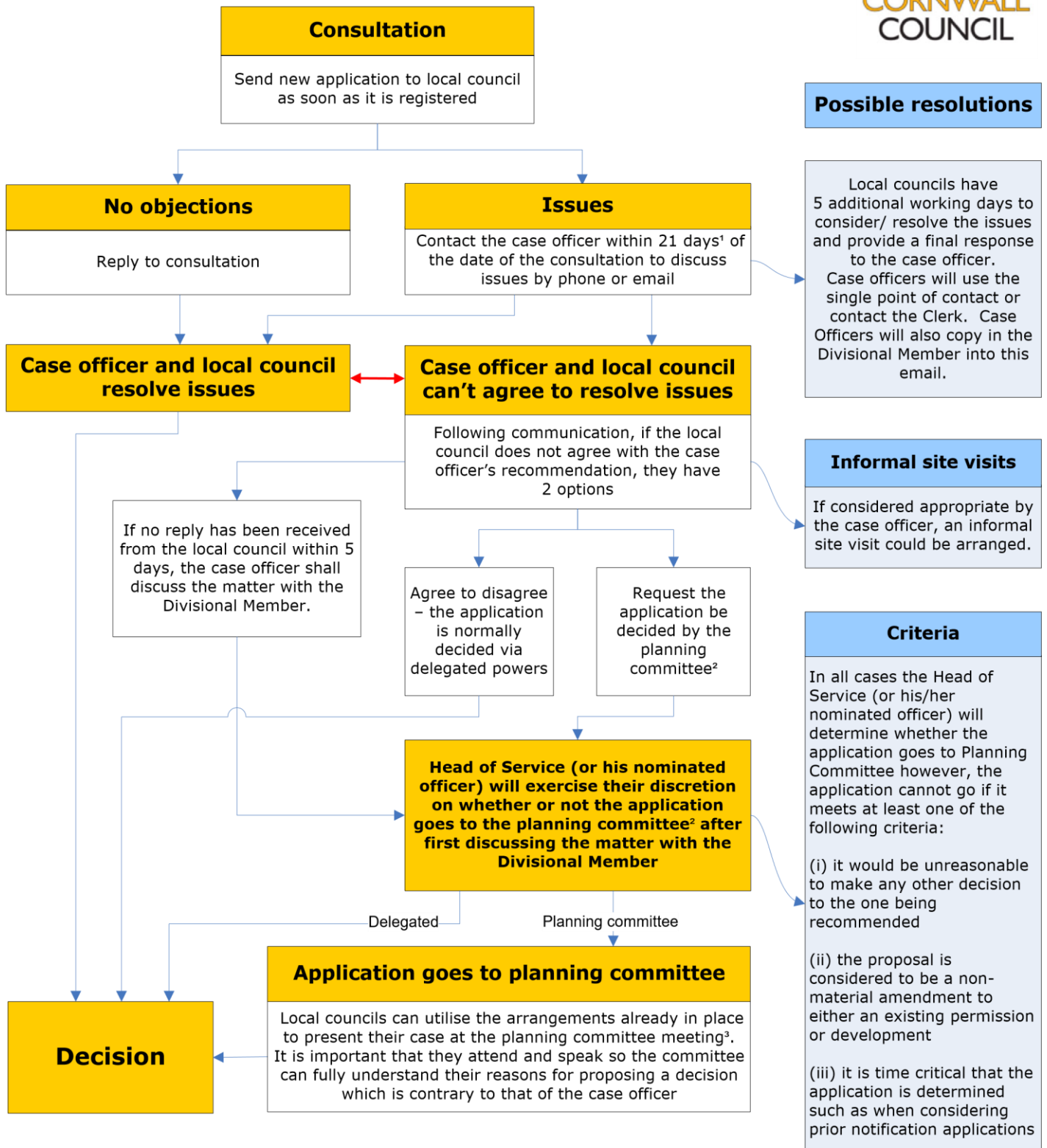
Issues that are relevant in planning decisions

Relevant considerations	Planning considerations which are not relevant
<ul style="list-style-type: none">• Local Development Framework• Development Plan documents• Supplementary planning documents• The Statement of Community Involvement• The annual monitoring report• Government planning guidance• The Council's corporate policies• Highway safety and traffic levels• Noise, disturbance and smells resulting from the proposed development• Design, appearance and layout• Conservation of buildings, trees and open land• Flood risk• Impact on the appearance of the area• Effect on the level of daylight and privacy of existing property• Need to safeguard the countryside or protected species of plant or animal• Planning case law and previous decisions• The need for the development• The planning history of the site	<ul style="list-style-type: none">• Private property rights such as covenants• The developer's identity, morals or motives• Effect on the value of your property• Loss of a private view• Private neighbour disputes

It is not necessary for the Council's representative to repeat all the points in any letters/website responses submitted to Cornwall Council as these will be summarised in the Case Officer's report to Committee.

The presentation on behalf of Lostwithiel Town Council should not include matters that cannot be given weight by the Planning Committee for example boundary disputes and covenants, effect on property values, 'trade' objections and competition, loss of view, matters covered by other legislation. The meeting is held in public so all comments made are in the public realm. The laws of slander are very strict therefore Council members are advised not to make slanderous statements to avoid the risk of legal action against them.

PROTOCOL FOR LOCAL COUNCILS



Notes

There is a separate protocol for Divisional Members.

¹21 days is the statutory time period - if an extension of time is required, the request and response must be in writing (or email) and is likely to be acceptable unless a decision is imminent.

²See page 2 for further information.

³Any written supporting statements must be submitted at least 3 working days before the committee meeting.

If a case officer is on leave or sick, contact your area team Group Leader or Principal who will be able to find out who is dealing with the application in the case officer's absence.

Should a case officer decide to change their recommendation at any point in the determination process after having communicated a different view, the case officer must inform the local Divisional Member(s).

PROTOCOL FOR LOCAL COUNCILS

The objective of the Local Council and Member Protocols is to encourage dialogue and make sound planning decisions locally

Large scale planning applications that exceed specified thresholds are automatically considered by the Strategic Planning Committee.

Constitution [Responsibility for Functions]

This states that a Local Member can request any application falling under the 'Major' or 'Minor' category to be taken to a planning committee for consideration, so long as it is in writing/email and that sound planning, policy and other area reasons have been provided setting out why committee consideration is necessary.

Major and minor application types are:

New dwellings
Offices / research and development / light industry
General industry / storage / warehousing
Retail distribution and servicing
Gypsy and Traveller pitches
All other large scale major developments
All other small scale major developments
All other minor developments

Other application types are (and can be called to the planning committee by the Head of Service or his nominated officer):

Minerals Processing (i.e. ancillary mineral operations defined under the GPDO)
Change of use (no significant building or engineering work involved)
Householder developments
Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls,

fences, domestic vehicular accesses, including footway crossovers, porches and satellite dishes.

Advertisements

Listed building consents to alter / extend

Listed building consents to demolish

Conservation area consents

Certificates of lawful developments

Notifications (where no planning application is required)

Discharge of planning conditions

Non-material amendments

Works to trees in a conservation area

Works to trees covered by a Tree Preservation Order

Deed of modifications (Remove/Vary Section 106 Obligations)