



**WHETSTONE PARISH  
COUNCIL PLANNING  
UPDATE JANUARY 2012**

**Special Edition January 2012**

At a Parish Council meeting held on 8<sup>th</sup> December 2011 a resolution was passed to submit a formal complaint to Blaby District Council (BDC) and a request to refer the planning applications / process to BDC Scrutiny for investigation.

The letter sent and the list of 19 points raised is copied below for your information. We have had a holding response sent from Sandra Whiles at BDC which is also copied for information.

Whetstone Parish Council resolved to take the matter to the Local Government Ombudsman for independent scrutiny if we are not satisfied with the response received. This cannot be undertaken until the formal response has been received from BDC.

Bringing you up to date, BDC have informed us that the BDC Development Control Committee (DCC) meeting set for January 5<sup>th</sup> had been cancelled due to availability issues and we are now informed the next scheduled meeting will take place on 2<sup>nd</sup> February.

It is expected that the Springwell Lane Planning applications 10/0856/1/PX, 10/0857/1/OX and 11/0523/1/PY and the Cambridge Road planning application 11/0288/1/OX will be on the agenda.

The Dog and Gun Lane application for outline permission for up to 34 houses was **approved** on December 8<sup>th</sup> by BDC DCC. This went against BDC's own planning policies in force. The advice given by BDC Planning Officers to its DCC members is one of the areas we have formally complained about.

We will continue to fight against these unnecessary developments in Whetstone, and ask that you let your views be known by adding your comments via the BDC website at [www.blaby.gov.uk](http://www.blaby.gov.uk) under the relevant planning application numbers listed above. This will help to make a difference.

We will continue to publish updates as they occur for your information on our website: <http://whetstone.leicestershireparishcouncils.org>

We also enclose a copy of an advert for Deputy Clerk / (Financial Administrator) which has arisen due to our current employee retiring later on this year.

Finally wishing you all a Happy New Year for 2012 from the Chairman, Members and Staff at Whetstone Parish Council. Let's hope it's "a Good One".

**Whetstone Parish Councils**  
**Copy of Formal Complaint letter to BDC**

Mrs. Sandra Whiles  
Chief Executive  
Blaby District Council  
Council Offices  
Narborough  
Leicestershire LE19 2EP.

14<sup>th</sup> December 2011.  
*Dear Sandra,*

**Re: Formal Complaint and request for Referral to Scrutiny: Planning applications 10/ 0856/1/PX & 10/0857/1/OX Land East of Springwell Lane and 11/0288/1/OX Cambridge Road**

You are only too well aware that for the last six months Whetstone Parish Council (WPC) has been trying to constructively engage with the Officers, Councillors and Committees of Blaby District Council (BDC) to bring forward planning applications that mutually meet the needs of the District and Whetstone. Additionally, I am sure that all at BDC will acknowledge that this two way process in many forums has been undertaken for the short, medium and long term.

The WPC approach has been flexible in that we understand the previous strategy, the current state of uncertainty and the impending enactment of the Localism Bill.

Unfortunately, as Chairman, with the Resolution of the Parish Council, I must now request you to instigate the following actions:

- i. Refer the three above planning applications to the BDC Scrutiny process as a matter of course.
- ii. Defer these planning applications until the finalised Core Strategy document (currently in draft) is reviewed and bedded in. This we see as no earlier than June 2012.

Formal confirmation that approval by BDC of these planning applications have been deferred as requested is required by Wednesday 21<sup>st</sup> December 2011. If our request is not granted WPC are Resolved to take the matter to the Local Government Ombudsman forthwith for independent scrutiny.

Already the Development Control Committee (DCC) is in possession of WPC's comprehensive and coherent objections to the way these planning applications detrimentally will affect the long term future of the village. All the documentation held by the DCC remains extant however the immediate concern and context of this formal complaint, request for Scrutiny and also planning application deferment centres on the process of how BDC Officers and Councillors have handled the process over the last 18 months and in particular the last six months. In short, WPC regret to say that such has been the conflicting advice from BDC that it can only be described as a *scattergun* approach in which any convenient answer to appease us will do.

Detailed in the annex to this letter are specific points which give rise to the complaint etc.

As we have said in person and in writing on many occasions recently we wish to work constructively with BDC and that avenue remains open. As ever we will look forward to your reply.

*Yours Sincerely*

Mark Jackson - Chairman of the Parish Council

Copy to: Rt. Hon. Andrew Robathan.

### **Annex 1 to Letter**

Whetstone Parish Council requires prompt responses to the below:

- i. The information given in the original versions of planning applications 10/0856/1/PX and 10/0857/1/OX submitted to Blaby District Council (BDC) in 2010 is so incomplete and incorrect that Whetstone Parish Council cannot understand how BDC could have validated them.
- ii. The various revisions of these two applications in 2011 not only fail to correct these omissions and inaccuracies but introduce new ones. The "amended plans" published on the BDC planning web site currently for the DWH application for land East of Springwell lane are not those published in paper version therefore members of the public have not therefore been permitted fair and reasonable access or consultation time.
- iii. What are the criteria, set down by BDC, by which the planning applications it receives are considered accurate enough to be validated? The 2 published plans on the BDC planning web site for DWH application for land East of Springwell lane (phase 1 detailed and phase 2 outline) are not only the same plans, the stated housing numbers on the plans are different to the application housing numbers - it is therefore unclear whether these are or are not the correct plans.
- iv. What are the criteria, set down by BDC, that decides when a revision of a planning application already validated becomes so great that the application should be treated as a new application?
- v. Are all those involved with BDC's development control function, that is both the professional officers and the elected Members, familiar with the criteria above?
- vi. Please can BDC clarify whether planning applications are decided according to the District Plan in force - a holistic approach - or whether each application is decided on its own merits.
- vii. BDC undertook a meeting with WPC to discuss the non enforcement of planning conditions upon David Wilson Homes (DWH) to provide a footbridge from Elliot Close to the public open space (POS). During that meeting senior BDC officers proposed the solution of placing the bridge between the new DWH (Land east of Springwell Lane) development and Elliot Close POS. This clearly indicated that BDC were making plans based upon a planning application that had yet to be submitted / approved and demonstrates that BDC Planning Officers were entirely complicit in this forthcoming planning application for land East of Springwell Lane. Is this true?
- viii. Your Legal Services Manager has in emails to WPC recently stated quite specifically that all planning applications are considered on their individual merits - the prior evidence from BDC planning Officers as highlighted on planning reports discussed on the October DCC meeting specifically contradicts this statement. BDC Planning Officers are evidentially not complying with the position stated by your Legal Services Manager - they cannot have it both ways can they, by law?
- ix. At the October DCC meeting, BDC Officer Ian Davies stated in public to those members that approving the larger than supposedly required (according to housing allocations numbers for Whetstone in force at the time and still) DWH development on land east of Springwell Lane would relieve pressure on "your parishes and towns". Is this unprofessional / unethical?
- x. The Officers evidentially contradict each other and apply which ever approach / logic / policy that supports their individual recommendations - the policies that Officers therefore use are impossible for members of the public to understand, are manipulative to achieve an end result and contradict fellow Officers within the same DCC meeting - this refers primarily to land banks. This is inconsistency is it not?
- xi. There is more than adequate land bank with the Non PUA area of the District to fulfill the current housing targets and if Officers are going to manipulate the land bank supply to achieve individual planning gain by ignoring this and enforcing the land supply as a District argument then the value of a land bank for the Non PUA is entirely pointless. Officers cannot be permitted to manipulate the land banks for their own ends or to "facilitate" specific planning applications.
- xii. PPS3 requires planning authorities to target 60% of housing development onto regeneration land - not only are BDC failing to comply or even attempt to comply with this requirement. If development is required in Whetstone, BDC are making no attempt to target housing development towards regeneration land, as there is more than adequate regeneration land available within Whetstone to accommodate existing housing targets based on Brownfield land available and highlighted to you by WPC, and historic applications made on the disused GEC site. Can you confirm this is not the case?
- xiii. BDC Officer Ian Davies recently stated to WPC full council that only 181 houses were required for Whetstone and his intimation to WPC was clearly and on more than one occasion was to resist anything over 181 houses. Ian Davies was then the Planning Officer who recommended to DCC to approve the major development on land East of Springwell Lane and if it was approved, the excess numbers would "relieve pressure on other settlements". How can this be correct?
- xiv. The most recent Draft Core Strategy activity that is attempting to increase housing targets for Whetstone by 100, which would then accommodate all current and expected planning applications, has no foundation and no statistical survey or evidence to support this increase. This is being manipulated to accommodate current applications to maximise the New Homes Bonus. It is fact that the future revenue from these developments has been regularly been discussed within BDC as a prime way to replace lost grant monies from Government and therefore "financial gain" is without doubt being introduced as a justification to approve developments. Is this not the case?

Continued Over

- xv. BDC are at the bottom of the "New Homes Bonus" league table as recently highlighted within BDC. Is this not a political reason to grant any planning applications and therefore a disgraceful attempt at leveraging DCC member's votes?
- xvi. No current applications provide any infrastructure gain for Whetstone despite major developments and substantial S101 monies, therefore does this not further indicate manipulation to gain housing numbers and new homes bonuses?
- xvii. The risk of developers appealing against any planning refusal is not a reason to grant any planning application. Are political leaders not using this as leverage against DCC members to vote through planning applications?
- xviii. We have seen no evidence to suggest any need to contradict BDC policy to release C2 land that is not regeneration land. Can this be substantiated?
- xix. If the Springwell Lane land is released on "the back" of insufficient land bank across the District, then can you confirm that there will be no justification not to release all other land off Springwell Lane and out to Countesthorpe / Cosby Lane?

**Copy of reply to Formal Complaint**  
**from BDC**

**Blaby** District Council  
*the heart of Leicestershire*

19 DEC 2011

Date: 16 December 2011  
My Ref: SW/KH  
Your Ref:  
Contact:  
Tel No: 0116 272 7501  
Fax No:  
Email: sw2@blaby.gov.uk

Mr. Mark Jackson  
Chairman of the Parish Council  
Whetstone Parish Council  
Council Offices  
Cemetery Road  
Whetstone  
Leicester  
LE8 6LL

Dear Mr. Jackson,

**Formal Complaint – Planning Applications 10/0856/1/PX, 10/0857/1/OX and 11/0288/1/OX**

Thank you for your letter dated 14 December lodging your formal complaint over the way that these applications have been dealt with by Officers and Members over the past 18 months.

This complaint will be investigated by my Director, Mr S. Beard, who will provide our findings and response to your detailed points in due course in accordance with the Council's Complaints procedure as a stage two complaint. You will then have the option to progress the matter to the Ombudsman if you are aggrieved with the outcome.

With regard to your two specific requests, namely;

- Refer the three planning applications to the BDC Scrutiny process as a matter of course, and
- Defer these planning applications until the finalised Core Strategy document is reviewed and finally adopted

I regret that I can not accede to these requests.

The reasons for this are as follows;

- It is not within Scrutiny's remit to consider planning applications. Additionally, Scrutiny are unable to involve themselves in matters where there is an outstanding complaint.
- The Planning Authority is under a statutory duty to consider and decide upon an application within a reasonable time scale once it is submitted. The

regulations allow for a period of 13 weeks for applications of this type, after which the applicant may appeal to the Secretary of State on the grounds of non-determination. Such appeals carry significant reputational risk for the authority as well as financial risk of costs being awarded to the applicant if it can be shown that the Council has not very good reasons for the delay. The appeal process itself is very time consuming for the authority and entails significant additional and unnecessary expense.

- Our experience of appeals, particularly recently, is that there is a very strong presumption in favour of the development and that safeguards and benefits that can be negotiated by ourselves as part of the normal process are likely to be lost in the appeal outcome.

I am of the opinion therefore that non-determination of these applications would amount to a dereliction of the Council's duty – failing to provide the best achievable outcome for the District and its residents and putting the Council at significant reputational and financial risk.

Yours sincerely,



Sandra Whiles  
Chief Executive

CC. Andrew Robathan MP



## WHETSTONE PARISH COUNCIL



### VACANCY FOR DEPUTY CLERK (FINANCIAL ADMINISTRATOR)

#### 22 Hours per week – flexible working

Whetstone Parish Council serves a "rural" Parish within the District of Blaby. The annual budget is £200,000+ and we represent approximately 6,600 residents, providing a wide range of services.

The Council is seeking to recruit a Deputy Clerk (Financial Administrator) to assist in managing financial affairs of the Council in accordance with its Standing Orders and Financial Regulations. The role is a wide ranging one which includes operating computerised packages for accounts and the cemetery, generating the newsletters and updating the internet, as well as interfacing with members of the public. You will also deputise in the absence of the Clerk.

You will be a team player with excellent financial and administration skills. Training will be given as required. You may be required to attend occasional meetings/training sessions outside your normal hours of work. You will also possess a full UK driving licence.

Starting Salary: in accordance with [SCP 18 \(£17,802\) pro rata](#)

For further information, please visit <http://whetstone.leicestershireparishcouncils.org/> 'Latest News'.

To obtain an electronic application form or for a paper copy contact:  
Lee Breckon, Clerk to the Parish Council, Whetstone Parish Council, Cemetery Road, Whetstone,  
Leicester, LE8 6LL.

e-mail: [clerk@whetstone.org.uk](mailto:clerk@whetstone.org.uk)

Closing date for receipt of application: [Monday 30th January 2012](#).

Interviews will be held on week commencing: [6th February 2012](#).

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Council Offices  
Cemetery Road  
Whetstone  
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