

LAVENHAM PARISH COUNCIL

The Role of the Parish Council in Planning Matters

1. Introduction

The Parish Council is a Statutory Consultee. As such, it is invited to consider and give an opinion on every planning application. Parish Council recommendations carry more weight than public comments. The purpose of this note is to set out exactly what the Parish Council's role is all planning matters.

2. Planning Hierarchy

Planning process and decisions are governed by the planning framework which includes:

- The National Planning and Policy Framework which sets Government direction
- Local Planning Authorities plans e.g., BMSDC Joint Local Plan which sets local district planning policy
- Neighbourhood Plans which are tailored to Parish aspirations but must reconcile to Local Plans

3. Pre-application Engagement

The Parish Council may be invited to hear of plans from a prospective applicant before a formal planning application for Outline Planning Permission. This is known as a pre-application engagement. This normally arises for larger developments which may have a village wide impact. Applicants sometimes also approach near neighbours to the proposed development to inform them of the plans.

The Parish Council's role in this is **not** to comment or offer opinion **but** to listen.

The Parish Council encourages pre-application engagement, **but this must take place before a formal application is submitted to the Local Planning Authority.**

4. Applications for Outline Planning Permission

Once a formal planning application for Outline Planning Permission has been submitted, the Parish Council cannot discuss the matter with the Applicant. At the meeting of the Parish Council where the Outline Planning Permission is to be considered, the Applicant (or Agent) may attend and speak in Public Time. The Planning Working Group examines the Outline Planning application and reports its finding to Council. This may include a recommendation to Council to support or reject the application.

5. Listed Building Consent

Lavenham has one of the highest concentrations of listed buildings in the country therefore listed building consent applications are quite common. Alterations to listed buildings almost always require consent. This also applies to non-listed buildings within the curtilage of listed buildings. It is advisable that Listed Building Consent is considered before any Planning Permission Application is made, to ensure a full understanding of the constraints. Generally

Listed Building Consent applications are submitted at the same time as the Planning Application and considered by the Parish Council in parallel.

The documents and drawings attached to the Listed Building Consent Applications are similar to those required for planning applications, with additional details provided showing how the existing heritage structure is being affected, what materials are being used, construction methods and preservation techniques etc.

The process for assessing Listed Building Consents follows that for Planning Applications, as shown in Sections 7 and 8. The Lavenham Neighbourhood Plan provides policies protecting Heritage Assets, Protected Views and effect on the Setting of Listed Buildings.

6. Guidance to owners of Listed Buildings

It is advised to first check with the Babergh Conservation Officer whether or not consent will be needed for what the applicant plans to do. The applicant should also get an outline of what might be acceptable and find out whether ideas need to be adapted to make them more likely to succeed. This simple step could save considerable time and money. When the Babergh Case Officer considers whether to grant or to refuse an application, the officer must give particular attention to the desirability of preserving the building, its setting and those features which make it special. The constraints on changes are dependent on the Grade of the property listing e.g., Grade I listed properties have tighter constraints than Grade II listed properties.

7. Council Processing of Applications for Planning Permission

All planning applications are listed on the BMSDC planning portal which is found here.

<https://planning.baberghmidsuffolk.gov.uk/online-applications/>.

- i. Notification of the application is received by the Parish Council Clerk and circulated to all Councillors simultaneously, to enable each to interrogate the Planning Portal in order that they are aware of the application before the Council meeting.
- ii. Where the application Consultation Expiry Date is prior to the next council meeting, the Clerk requests an extension to give the Parish council time to consider the application. This is usually granted.
- iii. Prior to the Council meeting the Planning Working Group does a detailed assessment on each application. This is done to inform the public attending the Council meeting of the content of each application and to ensure that all relevant matters are considered.
- iv. The Planning Working Group (see 8 below) prepares a report for Council, on each application with recommendations to Council. This is included in the agenda and associated documents, published before each Council meeting. Applications received after publication of the agenda cannot be considered and are deferred to the next meeting of the full Council.
- v. The full Council considers the applications and the Planning Working Group recommendations, discusses and votes to recommend approval or refusal. This is recorded in the minutes.
- vi. Following the Council decision, the Clerk submits our comments and recommendations to the Planning Portal and the Case Officer. These comments appear on the Babergh Planning Portal, along with all the application documents and all other public comments.

8. Procedure for Planning Working Group

There are three main groups of applications.

8.1 Works to trees

- i. Study the Planning Application form and drawing, explaining location of trees and details of proposed works.
- ii. Check the Babergh Interactive Mapping Service website to see if any affected trees are covered by Tree Preservation Orders.
- iii. Review any comments made by consultants or the public and take those into consideration.
- iv. If the tree/s cannot be viewed clearly from the street, arrange a site visit
- v. Prepare a report and recommendations for Council for decision to support or object to the application

Guidance Notes

- Regular Maintenance works on trees is normally considered to not be an issue.
- Trees in the conservation area need special consideration as detailed on the application form.
- Trees covered by Tree Preservation Order are subject to additional consideration.

8.2 Applications for Planning Permission and Listed Building Consent

- i. Review of the application form and associated documents
- ii. Download application documents and review scope
- iii. Check the Babergh Interactive Mapping Service website to confirm if the application
 - involves listed buildings,
 - affects trees covered by Tree Preservation Orders,
 - is in the Conservation Area
 - identify the location in relation to the Built-up Area Boundary
- iv. Review the Related Cases and Constraints. Have there been any similar applications that have been refused on the same site. Is this an amendment to a previous application? Have any permitted development rights been removed.
- v. Review any precedents for other similar applications.
- vi. Consider whether a site visit is indicated. Site visits are not always necessary, particularly when there have been previous applications for the same site. Where a visit is indicated, arrangements are made through the Clerk to the Council, for the Planning Working Group to attend the site.
- vii. Review the application proposal against policies in Lavenham Local Neighbour Plan 2016. Assess if the application conflicts with any of these policies. The documents that should be attached to applications would normally include:
 - Site location plan
 - Existing plans and elevations
 - Proposed plans and elevations
 - Proposed site plan
 - Proposed site elevations

- viii. Review the attachments to ensure the appropriate reports have been produced. They may include such documents as
- Design and access statement
 - Visual impact assessment
 - Land contamination questionnaire
 - Land contamination report
 - Ecology report

Some documents are mandatory - **for example in a conservation area a “Design and access statement “is always required.**

- viii. The planning officer will have requested reports from statutory consultees. These reports are also examined by the Planning Working Group, in particular to see if they support the application or if they object. Typical consultees (Application dependent)
- BDC - Planning Policy Team. In practice this means reference to the latest plan which is now the Joint Local Plan 2023
 - Environmental Health - Land Contamination
 - SCC - Archaeological Service
 - SCC - Rights of Way Department
 - SCC - Fire & Rescue
 - Suffolk Preservation Society
 - SCC - Rights of Way Department
 - SCC – Highways
 - SCC - Archaeological Service
 - Heritage Team
 - Arboricultural Officer
 - Ecology - Place Services
 - Historic England
 - Natural England
 - Suffolk Preservation Society

Guidance note: Not all of the above functions or organisations will be consulted on every application.

- ix. Following review of statutory consultees, public comments are considered. Those that carry weight are from residents and contain valid planning policy reasons for supporting or objecting. It is not a case of counting the number of Supports or Objects, but the strength of arguments, particularly those that make direct reference to Neighbourhood Plans or Babergh planning policies.

Once all of the documents have been considered, the Planning Working Group forms a written recommendation for the Parish council to consider. This will include justifications for the recommendations and references to policies to support the arguments.

9. Council Consideration

Councillors will consider the application, the recommendations, and any comments and reports placed on the planning portal up to 5pm on the day of the meeting. Statements offered

from the public during the participation part of the meeting, will be listened to and taken into account. The vote will be recorded as a **recommendation to approve or refuse an application.**

Councillor Iain Lamont

Chair

Planning Working Group

5th December 2023