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EXTRAORDINARY PARISH COUNCIL MEETING

Held on Tuesday 8th August 2023, commencing 7.30 pm. in the Village Hall.

Full reports and supporting documents can be found on the Parish Council website under Meetings, August 2023 Meeting Pack. Paper copies are also available.

Present:

Chair: Cllr Irene Mitchell.

Cllrs: Alison Bourne, Matt Chick, Frank Domoney, Lizzie Falconer, Iain Lamont, Mary Morrey and Jane Ranzetta.

Thirty members of the public.

Opening Statement by the Chair:

The Chair began by welcoming and thanking the Members of the Public for joining the Meeting on a very rainy night.

The Chair explained that the need for this Extraordinary Meeting was:

- a) Lavenham residents have to be made aware of the impact of a Planning Authority decision
- b) The Council needs to consider whether to accept the planning decision or challenge it

Both of those issues can only be addressed by an Extraordinary Meeting of the Council because of the non-negotiable timescales the Council has to work within.

The matter concerns a conditional decision to allow solar panels within the Conservation Area. In this particular case, the panels cannot be erected to a Listed Building application without consent. An application for Listed Building consent has now been lodged. This may or may not be approved by the Planning Authority.

The issue for the Parish Council, on behalf of all its residents, is that the conditional decision by the Planning Authority may now be applied to other properties in the Conservation Area where similar circumstances apply. The Conservation Area has been so designated for many decades and was reviewed in 2010.

The Chair reminded Council that in 2016, the community voted for its first Neighbourhood Plan. Within this plan, there are two policies concerned with this application.

- a) Policy D1 which states:
'All development proposals must be sympathetic to the setting of any individual heritage asset as well as the historic core of the village itself'.
- b) Policy ENV2 which states:
'Proposals to erect solar panels... will be supported provided they do not have an adverse impact on the historic setting of Lavenham and the character and appearance of the Conservation Area'.

It is some years since the Neighbourhood Plan was made and decades since the Conservation Area was drawn up. Since then, the initial emergence of climate change has developed into a climate emergency as declared by higher authorities as well as this Council. This has inevitably led to a tension between preserving the historic setting of the village as it has been known for the decades and centuries before and the momentum to delay the damage to our planet.

The revision of the draft Neighbourhood Plan is stronger than LNP1 and makes reference to solar panels not being located in the Conservation Area where they can be viewed from the street. This draft plan was not referenced by the Parish Council in its objection to the application dated 7th April. The draft Plan was submitted to Babergh DC on 28th April. The decision of the Planning Authority does not reference the draft Neighbourhood Plan.

Having set the context of this matter the Chair turned to specific issues relating to Lavenham-made planning policy, that is the 2016 plan.

In determining the application, the Planning Authority states that:

- a) the Panels would not easily be seen from the street and is considered to be of no harm to the character and appearance of the conservation area and
- b) there is a slight departure from LNP Policy D1

Free of charge legal advice sought by the Council advises that as the Planning Officer found a slight departure from policy some harm must have been found. Yet the Planning Officer concludes no harm. This is inconsistent. It is for us to consider how important this inconsistency is.

The key issues for Council to consider are:

- a) the harm that this decision may cause to the attractiveness of the village and if this would in turn, impact upon its economic well-being and
- b) whether the harm identified is sufficiently low, that it is offset by the benefits of supporting renewable energy and addressing the climate change emergency and
- c) whether, breaching however slight, the planning restrictions placed upon a Conservation Area, encapsulated in our Neighbourhood Plan 2016 policies D1 and ENV2, is of detriment to the village
- d) the costs of pursuing a legal challenge to the planning decisions and whether this is appropriate

The Chair asked the Clerk how any properties within the Conservation Area had similar possible positions for the siting of solar panels, the Clerk replied that there are approximately thirty in area with some 600 residents.

The routine procedures for any Parish Council meeting were then taken.

1. Apologies and approval of absences

Apologies received from Cllr Muckian. The Clerk reported that the absence had been explained.

2. Declarations of Interest

No declarations of interest had been received.

3. Requests for Dispensation

The Clerk reported that no further dispensation requests had been received and that all dispensation grants, as reported in the minutes of the Council meeting on 6th July 2023, remained valid.

4. Public participation session

The Chair asked the Clerk to confirm that he had distributed all correspondence received by 5pm and asked Councillors whether they had received the correspondence. The Clerk and Councillors confirmed that they had done so.

A member of the public asked whether a fully costed risk assessment had been undertaken and that in his opinion the estimated cost of £25,000 was understated. As an example the Judicial Review instigated by East Bergholt Parish Council against a decision by Babergh District Council had cost the local authority a reported £250,000. A second point was made regarding spending such monies on more worthy causes within the village. He noted that the Council had declined to award a grant to the Literary Festival. The chair responded that a risk assessment would be considered once a decision had been made



A Member of the public stated that through experience with Planning applications, in his opinion, precedence is not relevant, as each planning case is assessed on its merits. He also asked what permissions are required in a Conservation Area and whether the decision met current planning law. He also stated in his opinion, the public had a right to know who the KC is that Council had approached so that the accuracy of the advice could be considered.

The Chair responded details of the legal team had not been made public prior to the meeting to avoid Babergh learning that identity but by now there is no reason why these details cannot be shared. The KC is Paul Stinchcombe of 39 Essex Chambers. This Chambers had been recommended by the former Heritage Officer for Babergh DC.

A Member of the Public stated that in his opinion there are three key questions. Firstly, what permissions are possible in a Conservation Area, secondly whether the project met Planning Standards and thirdly did the decision meet current planning law concluding that in his opinion a design such as this sensitive to its situation deserved support.

A Member of the Public commented that her next-door neighbours within the Conservation Area had put up solar panels without seeking Planning Permission. The Chair responded that she would not answer that question now but would later.

A Member of the Public said that in his opinion it was difficult to support the idea of a climate emergency without supporting these.

A Member of the Public spoke of the 'visible from the road test' saying that these panels are only slightly visible.

A Member of the Public asked whether advice with respect to Public Relations had been obtained and costed explaining that there would be a need to carefully manage Social Media and safeguard Councillors. The Chair answered that such matters would be considered in due course.

5. Receive Report from the Chair and the Clerk concerning Planning Application DC/23/01044

Received:

The Clerk displayed the Report.

Parish Councillors Discussion:

Cllr Ranzetta explained that the Council was not against solar panels expressing her frustration that on too many occasions the Neighbourhood Plan, the wishes of the village community and the Planning recommendations made by the Parish Council had been ignored by Babergh DC.

This application she said needs to be considered in the context of those frustrations and so she had discussed this particular application with the former Babergh DC Conservation Officer, who had explained that this particular issue was a common one in communities such as Lavenham and had referred her to the KC whose advice in respect of the legal position has been tabled. The big question she said was how do we as a village move forward.

Cllr Morrey agreed with Cllr Ranzetta commenting that she had researched how places such as Venice are dealing with this issue and the new, less visually intrusive, solar panels becoming available. In her opinion bodies such as Heritage England had been slow in coming forward with guidance and policies and so unhelpful adding that notwithstanding that difficulty this Council needs a new policy.

Cllr Chick agreed that this Council had been let down by the authorities and expressed his concern in respect of the amount of money that might be involved in pursuing legal action. He said that he feared the Council was in danger of conflating broader frustrations about Babergh DC planning decisions with this decision and that perhaps the money could be better spent on other things.



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Cllr Domoney reported that he was fortunate to live in a Council House with Council installed solar panels which saved him a lot of money. He detailed the proposed changes to legislation being considered by the Royal Borough of Kensington and Chelsea, the various new types of solar panels being developed and the construction of solar farms such as one by Cambridgeshire County Council at the Babraham Rd Park and Ride. He concluded by saying that in his opinion there are other things the Council should be doing before taking legal action such as this.

Cllr Bourne said that she represented the people here and that it was clear that the people here do not want to take legal action in this matter.

Cllr Falconer commented that solar panels are not as 'Green' as people sometimes think and the reason these panels should have been turned down is that they can be seen from the road. She concluded by acknowledging the views expressed in Public Participation concerning proposals for obliquely visible solar panels.

Cllr Lamont explained that he was very conscious of the appearance of the village reporting his anxiety in respect of the loss of long-term heritage views (from within and from outside the village) should solar panels become more common on the roofscape. Cllr Lamont added that in his opinion solar panels are the right thing to do acknowledging the benefits they bring to householders.

The Chair said that whilst it was her custom, as Chair, not to vote or express opinions that she was permitted to do both. She felt that this was such an occasion to give her view. She shared that that in a previous residence she had enjoyed solar panels. She explained that in her opinion the community had to consider the desire to leave a better planet for those to come whilst considering the interests of those who are here now and that the driver of this village's prosperity is tourism and as solar panels increase in number they have a deleterious effect.

The Chair invited the applicant to speak. He showed a photograph of the building concerned explaining that the application had been turned down in 2014 and that he had been advised that an application for solar panels within the curtilage of a listed building was unlikely to succeed. He had been surprised when permission was given. He concluded by saying that each application should be assessed on its merits, suggesting that the grant was possibly a sign of changing times and highlighting the number of Velux windows which had been allowed within the Conservation Area.

Following the Applicants explanation, the Chair allowed a further question asking if the Village Hall was within the conservation area and received the reply from the Chair that it was not

In drawing the discussion to a close the Chair emphasised that she was not suggesting that there would be a 'flood' of applications for the siting of these on or near listed buildings but that the precedent would be set for similar sites. Inviting all other Councillors to speak again, Cllr Domoney commented that he was concerned by the potential costs of legal action.

Motion: Lavenham Parish Council notes with regret the decision of the local Planning Authority to approve application DC/23/01044 and after careful consideration resolves to take no further action.

Proposed: Cllr Bourne


Seconded: Cllr Falconer

Decision: Approved with six votes, no votes against and one (Cllr Lamont) abstention.

The meeting closed at 8.45pm.

15. Date of next meeting

Thursday 7th September, 7.30 pm in the Village Hall.



5th October 2023