

DALHAM PARISH COUNCIL PLANNING PROTOCOL POLICY

This procedure sets out how Dalham Parish Council considers planning matters on which it is consulted by a Planning Authority. It takes into account that:

- the consultation period for planning applications is 21 days, which means that not all planning applications can be considered by Dalham Parish Council at its scheduled meetings.
- Dalham Parish Council believes parishioners are best served by the Parish Council responding to applications in a timely fashion.
- to ensure all consultations on planning applications are dealt with in time, the Parish Council has appointed the Clerk to facilitate the responses of the Council to planning matters if required.

Dalham Parish Council has therefore resolved that any comments or actions in respect of planning matters shall be taken by:

- the Parish Council as a whole; or
- by the Clerk acting on the outcome of an email consultation with Parish Councillors.

PLANNING PROTOCOL

Copies of applications cannot be provided by the Parish Council but full details of all applications, including plans and associated documents, can be viewed at the West Suffolk Council offices or online via its website –

<https://planning.westsuffolk.gov.uk/online-applications/> Any comments by members of the public can also be submitted and viewed via this link.

Options For Responding to Planning Applications

One of the following options shall apply when notice of a planning application is received.

Option 1

If there is a scheduled Council meeting before the end of the consultation period then the Clerk will place the matter on the agenda for that meeting for any comments or a decision to be made in respect of the individual application.

Option 2

If there is no scheduled Council meeting before the end of the consultation period, the Clerk will circulate to all members of the Parish Council the application via email. Councillors will be asked to consider the application (as per the agreed procedures at meetings of the Council, and any Councillor with a material interest in the application being considered will be asked to declare an interest as required by the Dalham Parish Council Code of Conduct and will take no part in the discussion of the application or the resulting vote.)

Councillors will be requested to respond to the Clerk's email within the deadline given. The deadline will be no less than **five clear days** from when the email was sent. Councillors shall respond to the Clerk's email in one of three ways: 'no comment', 'comment to be made' or 'extra ordinary meeting requested'. If the response is 'comment to be made' Councillors should include these comments with their response.

Two members of the Parish Council (or the Chair of the Council) can request an extra ordinary meeting to further discuss the planning application as detailed in the Council's Standing Orders. The extra ordinary meeting will then be arranged within the consultation period and any decision will then be taken at that meeting.

If an extra ordinary meeting is not duly requested before the Clerk's nominated deadline, then any response by the Council shall be deemed to have been delegated to the Clerk. The Clerk will consider all responses received from Councillors to determine the outcome of the Council's 'vote' (as per the Council's Standing Orders, in the case of an equality of votes the Chair of the Council will be asked to exercise their casting vote, whether or not they gave an original vote).

If the outcome of the Council's vote is 'no comment' the Clerk will not respond to the planning consultation.

If the outcome of the Council's vote is 'comment to be made' the Clerk will submit any comments to the Planning Authority (This will be compiled at the Clerk's discretion, based on any comments detailed by Councillors.)

The Clerk's written response to the planning application consultation will be duly noted at the next scheduled Parish Council meeting.

This Planning Delegation Policy will need to be assessed and readopted when a new Clerk joins the Council or every year with the current Clerk.

The Role of a Parish Council on Planning Matters.

The role of the Parish Council (PC) is to represent local views and should: -

- Provide local knowledge.
- Raise areas of concern.
- Inform, debate, and add value to the process.
- Contact and involve District Councillors if required.

Parish Councils (PC) are statutory consultees in the planning process and must be informed of all planning applications, and any amendments to those applications, within the parish. The PC can only comment on these planning applications in the same way as any other member of the public, however, any comments by the PC must be agreed during a properly called public council meeting.

Members of the public attending the meeting can comment, speak in support of or object to any application during the 'Open Forum' segment of the meeting, but not during the council's deliberations later. However, they may be asked to provide clarity on details of the application during the PC's deliberations at the invitation of the person chairing the meeting.

Comments agreed in the council meeting are submitted in writing by the Parish Clerk to the relevant planning authority.

Prior to the meeting members of the PC will study the plans, forms and details submitted with the application carefully and can request the views of the statutory bodies e.g., English Heritage, Environment Agency, Highway Authority, etc.. The local planning authority will almost certainly be bound by the advice of such statutory bodies.

Please remember that the PC is only a consultee and counts as one opinion. Without advice from residents of the Parish the members of the PC will give their own opinions. The PC can and will seek the views of residents of the Parish, particularly in controversial cases, and will reflect such local feeling during the deliberation process. However, should there be widespread objection, or support, for a proposal the PC will always urge members of the public to send their own individually written letters or e-mails direct to the planning authority (in your own words rather than a circular type as these are more effective).

It must be understood that the PC's comments in response to a planning application can only be based on planning matters. Where possible the PC can quote policies in the Local Plan as these are the starting point for considering the merits of any application. Objections should be clear, concise, relevant, and accurate to stand a chance of being accepted. Whilst the local planning authority must consider the representations of the PC this does not mean that an application will be decided in accordance with the views of the PC. In reaching a decision, the local planning authority is required to weigh up all issues associated with an application and comments made by the PC may have

insufficient weight to enable the application to be determined in line with the wishes of the Parish.

Any comments or objections made must have a genuine material planning consideration and matter of relevance to the development.

Material Planning Considerations include: -

- Layout, density.
- Risk of flooding or pollution.
- Overlooking and loss of privacy.
- Overshadowing and loss light (daylight/sunlight).
- Access and traffic generation (highway safety).
- Local economy.
- Design, appearance and materials.
- Appearance, effects on street, specially designated area or building (e.g. conservation areas, listed buildings, ancient monuments, etc.).
- Adequacy of parking.
- Noise and smell.
- Landscape, contamination, loss of trees, etc.
- Cumulative impact.
- Past planning history or appeal decisions of the site.
- Central government policy and guidance (National Planning Policy Framework, Planning Practice Guidance).

The following are NOT considered to be material considerations: -

- History of applicant.
- Loss of view.
- Commercial competition.
- Change from previous scheme.
- Impact on property value.
- Restrictive covenants.
- Ownership of land, right of access.
- Noise & disturbance from construction work.
- Land & boundary disputes.
- Land ownership.
- Damage to property.
- Private rights of way.
- Deeds & covenants.
- Private issues between neighbours.
- Lots of objectors.

When the PC response is 'NO OBJECTION' it is satisfied that all the above have been considered carefully and applied to the application under consideration so has no area for objection. However, the PC may make recommendations for planning conditions to be added to the application should the local authority grant approval.

Planning conditions will only be imposed by the local authority where they are: -

- Necessary
- Relevant to planning and to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

Planning Decisions.

Around 95% of all decisions on planning applications are decided by the planning authority case officers without being reported to a Planning Committee. Planning officers make a recommendation to the Principal Officer with delegated authority to make decisions. The case officer's recommendation may or may not be accepted and the decision is not made until the formal Notice of Decision is signed by the Principal Officer.

Alternatively, any member of the Planning Committee may request an application is determined by the Planning Committee prior to the consultation expiry of the application for the following reasons.

The application is:

- a major development.
- has an exceptional level of public interest.
- likely to raise in debate on planning issues.
- where the applicant (or their spouse or partner) is an employee or a member of the Local Council.
- where the decision would be significantly contrary to policy in the Local Plan.
- where the Local Council is the applicant.

Parish objections where the officers are recommending permission does not include:

- domestic extensions.
- lawful development certificates.
- works to protected trees.

Based on the above the PC will, if required, request that an application be brought to committee anytime up to the point that the decision is agreed