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COMMITTEE: **PLANNING COMMITTEE**
VENUE: **Council Chamber, Council Offices, Corks Lane, Hadleigh**
DATE: **Wednesday, 29 March 2017 at 9.30 a.m.**

Members

Sue Ayres	Michael Holt
Peter Beer	Adrian Osborne
Sue Burgoyne	Lee Parker
David Busby	Stephen Plumb
Tina Campbell	Nick Ridley
Derek Davis	David Rose
John Hinton	Ray Smith

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

PART 1

ITEM	BUSINESS	
		<u>Page(s)</u>
1	<u>SUBSTITUTES AND APOLOGIES</u> Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted. To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS</u> Members to declare any interests as appropriate in respect of items to be considered at this meeting.	
3	<u>CONFIRMATION OF MINUTES</u> To confirm and sign the Minutes of the meeting held on 1 March 2017 as a correct record (to follow).	
4	<u>PETITIONS</u> The Corporate Manager - Democratic Services to report, in accordance with Council Procedure Rules, the receipt of any petitions submitted to the Chief Executive.	

ITEM	BUSINESS	<u>Page(s)</u>
5	<u>QUESTIONS BY THE PUBLIC</u> To consider questions from, and provide answers to, the public in relation to matters which are relevant to the business of the meeting and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
6	<u>QUESTIONS BY COUNCILLORS</u> To consider questions from, and provide answer to, Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.	
7	<u>SITE INSPECTIONS</u> In addition to any site inspections which the Committee may consider to be necessary, the Professional Lead – Growth and Sustainable Planning will report on any other applications which require site inspections. The provisional date for any site inspections is Wednesday 5 April 2017.	
8	<u>PAPER S123 - PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE</u>	1 - 4
	Paper S123 - Schedule of planning applications attached. An Addendum to Paper S123 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.	
a	<u>B/16/00437 - LAND OFF NORMAN WAY, LAVENHAM (Pages 5 - 38)</u>	

Notes:

1. Please note that the next meeting is scheduled for Wednesday 12 April 2017 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
1. The Council has adopted a Charter on Public Speaking at Planning Committees, a link is provided below:

<http://www.babergh.gov.uk/assets/Uploads-BDC/Organisation/Democratic-Services/Council-and-Democracy/Constitution/Other-Links/2016-11-30-BDC-Public-Speaking-Arrangements-ADOPTED-30-11-2016.pdf>

Those persons wishing to speak on a particular application must register their interest to speak no later than **two clear working days before the Committee meeting**, as detailed in the Charter for Public Speaking (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.

Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on (01473) 826610 or via email at committees@babermidsuffolk.gov.uk.

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Agenda Item 3

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON WEDNESDAY 1 MARCH 2017 AT 9.30 A.M.

PRESENT: Peter Beer – Chairman

Sue Ayres	Adrian Osborne
Sue Burgoyne	Lee Parker
Dave Busby	Stephen Plumb
Tina Campbell	Nick Ridley
Derek Davis	David Rose
John Hinton	Ray Smith
Michael Holt	

100 DECLARATION OF INTERESTS

None declared.

101 MINUTES

RESOLVED

That the Minutes of the meeting held on 1 February 2017 be confirmed and signed as a correct record.

102 PETITIONS

None received.

103 QUESTIONS BY THE PUBLIC

None received.

104 QUESTIONS BY COUNCILLORS

None received.

105 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Members had before them an Addendum to Paper S114 (circulated to Members prior to the commencement of the meeting) summarising additional correspondence received since the publication of the Agenda, but before noon on the working day before the meeting, together with errata.

In accordance with the Council's Charter for Public Speaking at Planning Committee, representations were made as detailed below relating to Item Nos 1 and 2 of Paper S114 and the speakers responded to questions put to them as provided for in the Charter:-

Application No.

Representations from

B/16/01581/RES
B/16/00955/FUL

James Griffiths (Agent for the Applicant)
Rhett Corcoran (Parish Council)
Dr David Hickie (Supporter)
Craig Beech (Agent for the Applicant)
Councillor Bryn Hurren (Ward Member)

RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper S114 be made as follows:-

(a) LONG MELFORD

**Application No. B/16/01581/RES
Paper S114 – Item 1**

Submission of details under PP B/15/00180/OUT – layout, scale, external appearance and landscaping for the erection of 77 dwellings with new vehicular and pedestrian accesses, parking and public open space, land north of Ropers Lane, Rodbridge Hill.

The Case Officer, James Platt, referred to two minor corrections to the report, as follows:-

Para 11 – materials layout to include the use of red brick to three (*not two*) dwellings on the site frontage

Para 28 – reference to ‘former mill buildings’ should read ‘former maltings’

In response to questions, Philip Isbell, Professional Lead – Growth and Sustainable Planning, confirmed that the applicant would still be bound by the conditions attached to the outline planning permission and that an informative to this effect would be attached to any permission granted for the submission of details under the original permission.

RESOLVED

(1) That planning permission be granted subject to the following condition:-

- **Development to be in accordance with the approved plans**

(2) That an informative note be added to the permission reminding the applicant of the need to discharge conditions pertaining to the outline planning permission B/15/00180/OUT.

(b) LINDSEY

**Application No. B/16/00955/FUL
Paper S114 – Item 2**

Full application – Erection of 1 detached dwelling and construction of new vehicular access, Lodge Farm, Kersey Road.

Prior to consideration of this application, Members took the opportunity to view a model of the proposed development, as supplied by the applicant's agent.

The Case Officer, Gemma Pannell, referred to the assessment of 'less than substantial harm' at the higher end of the scale and its impact on heritage assets, and Philip Isbell, Professional Lead – Growth and Sustainable Planning, drew Members' attention to the letter from Place Services, the Council's external Heritage Advisers, which had been circulated as the Addendum to Paper S114.

During the ensuing discussion, which included detailed consideration of the reasons for refusal as set out in the officer report, Member were advised in relation to the key issues posed by the application, which included the Policies applicable to the proposal as set out in paragraph 7 of the report together with the main considerations listed in paragraph 22.

Notwithstanding the officer recommendation to refuse planning permission for reasons relating to the proposed development being contrary to Policies CS2, CN06 and elements of the NPPF, a motion for approval was moved on the grounds that the proposal was innovative and exceptional and therefore not contrary to CS2, was sustainable (CS15), the design acceptable (CN01), and met CS17 in relation to rural business support.

Prior to a vote being taken on the motion to grant planning permission, the Chairman adjourned the meeting to seek further clarification from officers in relation to the impact on the heritage asset and the application of the relevant policies. As a result, the mover withdrew the tabled motion with the consent of the seconder and a motion to defer consideration of the application was read out in full by the Chairman and moved by him. The motion was duly seconded and carried on being put to the vote.

RESOLVED

That Committee is minded to approve Application No B/16/00955/FUL but in view of the need for further information concerning heritage and policy issues that the decision be deferred to allow a site visit on a date to be confirmed, and allow time for officers to engage in further consultation with Historic England, the Applicant and Agent to explore common ground and to comment upon policy related issues and report back to Committee with additional information in due course.

The business of the meeting was concluded at 11.45 a.m.

.....
Chairman

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S123

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

29 MARCH 2017

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer	Decision
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APPLICATIONS REQUIRING REFERENCE TO PLANNING COMMITTEE

1	5 - 12	B/16/00437	LAVENHAM – land off Norman Way	GP	
2	13 - 37		Appendix A – Report to Committee 7 September 2016		

Philip Isbell
Professional Lead – Growth and Sustainable Planning

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Corporate Manager - Development Management, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:-

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE CORPORATE MANAGER - DEVELOPMENT MANAGEMENT

The delegation to the Head of Economy includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

(Minute No 48(a) of the Council dated 19 October 2004).

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:-

The Babergh Local Plan: <http://www.babergh.gov.uk/babergh/LocalPlan>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

Agenda Item 8a

Committee Report

Committee Date: 29 March 2017

Item No: 1

Reference: B/16/00437

Case Officer: Gemma Pannell

Description of Development: Outline Application - Erection of up to 25 residential dwellings (all matters reserved except means of access).

Location: Land off Norman Way, Lavenham.

Parish: Lavenham

Ward: Lavenham

Ward Member: Cllr. W. Shropshire

Site Area: 2.5

Conservation Area: Lavenham Conservation Area

Listed Building: Not Listed

Received: 04/04/2016 06:00:49

Expiry Date: 14/09/2016

Application Type: Outline Planning Permission

Development Type: Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Hartog Hutton Ltd

Agent: Phil Cobbold Planning Consultancy

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Application 145A - Received 13/09/2016

Block Plan - Existing 234C - Received 13/09/2016

Floor Plan - Proposed 672A - Received 13/09/2016

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development in a core village.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The application is for: -

- a residential development for 15 or more dwellings

Officers note that the development plan has changed since the previous reporting of this application and the Lavenham Neighbourhood Plan now requires consideration before formal determination.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

1. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/16/00437	Outline Application - Erection of up to 25 residential dwellings (all matters reserved except means of access).	
B/10/00920	Erection of detached storage building.	07/01/2011
B/10/00655	Notification under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995-Proposed Agricultural Store.	28/06/2010
B/04/01773	Conversion of existing workshop/garage into a single dwelling.	Granted 16/11/2004
B/04/01158	Conversion of existing workshop/garage into additional living accommodation.	29/09/2004

B/01/01607	Erection of domestic garage/workshop ancillary to Amos House, Norman Way	Granted 27/07/2004
B/01/00988	Erection of 3 No. stables and 1 No. hay store	Granted 17/09/2001
B/99/01637	Submission of details under O.P.P. B/99/00601/OUT - the siting, design and external appearance of and the means of access for the site of a detached 3 bedroom dwelling with integral garage	Granted 11/01/2000
B/99/00601	Outline - Erection of detached dwelling and detached double garage	Granted 05/10/1999
B/725/80	Two storey extension with double garage. Alterations to vehicular access	Granted 13/08/1980
B/899/79	Bungalow & joint vehicular access	Refused 18/10/1979
S/73/935/C	Two houses off High Street	Granted 04/09/1973
S/70/00065/C	Construction of vehicular access	Granted
S/69/508/C	One dwelling with garage	Granted 14/10/1969

Details of Previous Committee / Resolutions

- Members of the Planning Committee resolved to grant planning permission on 7th September 2016 subject to completion of a S106 to secure affordable housing, management of public open space, public rights of way improvements and bus stop improvements. This has been progressed in negotiation with the applicant and a verbal update will be given.

Details of Member site visit

- None

Details of any Pre Application Advice

- None

PART THREE – ASSESSMENT OF APPLICATION

5. The assessment is contained within the original report to committee on 7th September 2016 which is attached as an Appendix to this report.
6. At the Council meeting on 20th September 2016 Babergh District Council resolved to 'make' (adopt) the Lavenham NDP following a 91% vote in favour of doing so by local residents on 8th September 2016. On this basis the NDP is now a part of the "Development Plan". The NDP and related documents can be found here :

<http://www.babergh.gov.uk/planning-and-building/community-led-planning/neighbourhood-development-plans/neighbourhood-planning-in-lavenham/>

7. Following the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 Before Mitting J. in December 2016.

The approach being taken to applications affected by CS11 matters is as follows based on legal advice:

- To apply 'locally identified need' within policy CS11 as meaning the needs of the Core Village, its functional cluster and possibly the area immediately adjoining it but no wider; and
 - For developments outside BUABs, if there is to be compliance with policy CS2 then there must be proven local need and exceptional circumstances.
8. The Development Plan provides no policy guidance as to what exceptional circumstances would entail. Whether exceptional circumstances exist will therefore be a matter of judgment for each planning application on a case by case basis.

The following scenarios apply to decision-making involving these two policies:

- a) An application may comply with CS11 (local need) and CS2 (need / exceptional circumstances) in which case planning permission could be granted;
- b) An application may comply with CS11 (local need) but not CS2 (exceptional circumstances) in which case planning permission would be refused unless there are other material considerations which indicate otherwise; or
- c) An application may comply with neither CS11 nor CS2 (in other words no local need and no exceptional circumstances) in which case planning permission would be refused unless there are other material considerations which indicate otherwise.

9. In order to safeguard consistency of decision making with all of those applications which engage policies CS11 and CS2 and for which decision notices have not been issued, the Planning Committee is asked to further re-consider its decision in this case.
 10. With regard to point a) above, the report at paragraphs 145 - 156 sets out how the development will meet a locally identified need within the meaning of policy CS11.
 11. With regard to point b) it is considered that the parish of Lavenham has an adopted Neighbourhood Plan (LNP), which in itself is exceptional as only one of two parishes within the District to have adopted neighbourhood plans. This is now part of the "development plan". The LNP identified in policy H1 that proposals adjacent to the built up boundary of Lavenham which are well related to the existing pattern of development will be permitted. Therefore the adopted LNP acknowledges the need for development to take place and accepts that this can be for schemes of up to 24 dwelling. It is considered that the application of the LNP policy to the application circumstance is sufficiently exception and material that it engages scenario a) above.
 12. On this basis it is considered that this development would comply with both policy CS11 and CS2 of the Babergh Local Plan Core Strategy.
-

PART FOUR – CONCLUSION

Planning Balance

13. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

14. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
15. In this case the planning authority has worked with the agent to overcome any issues arising during the consultation period.

Identification of any Legal Implications of the decision

16. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following has been considered in respect of the proposed development.
 - Human Rights Act 1998

- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATIONS

- (1) That the Professional Lead – Growth and Sustainable Planning be authorised to secure a Planning Obligation, on terms to his satisfaction, under Section 106 of the Town and Country Planning Act, 1990, to provide:
 - Affordable Housing
 - Management of the public open space

- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above the Professional Lead – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including:
 - Reserved Matters to be submitted
 - Archaeology
 - Drainage Strategy
 - Fire Hydrants
 - Ecological Mitigation
 - Energy/Sustainability Statement
 - Construction Management Plan (Dust/noise)
 - Surface Water Drainage Conditions (SCC Flood Team)
 - Design Code (Concurrent with Res Matters)
 - Strategic planning scheme
 - Soft Landscaping
 - Hard Landscaping
 - External Lighting
 - Tree Protection
 - Levels (Concurrent with Res Matters)
 - Details of estate roads
 - Carriageways and footways to be constructed prior to occupation
 - Details of areas of parking and manoeuvring to be provided
 - Details for storage and areas of presentation for bins
 - Details to prevent discharge of surface water
 - Construction and Deliveries Management Plan
 - Sustainable access route provision (footpath link to High Street)

Application No: B-16-00437-OUT

Parish: Lavenham

Location:

Land off Norman Way

Legend



Area of Outstanding Natural Beauty



Special Landscape Area



Conservation Area

Listed Buildings



Grade 1



Grade 2



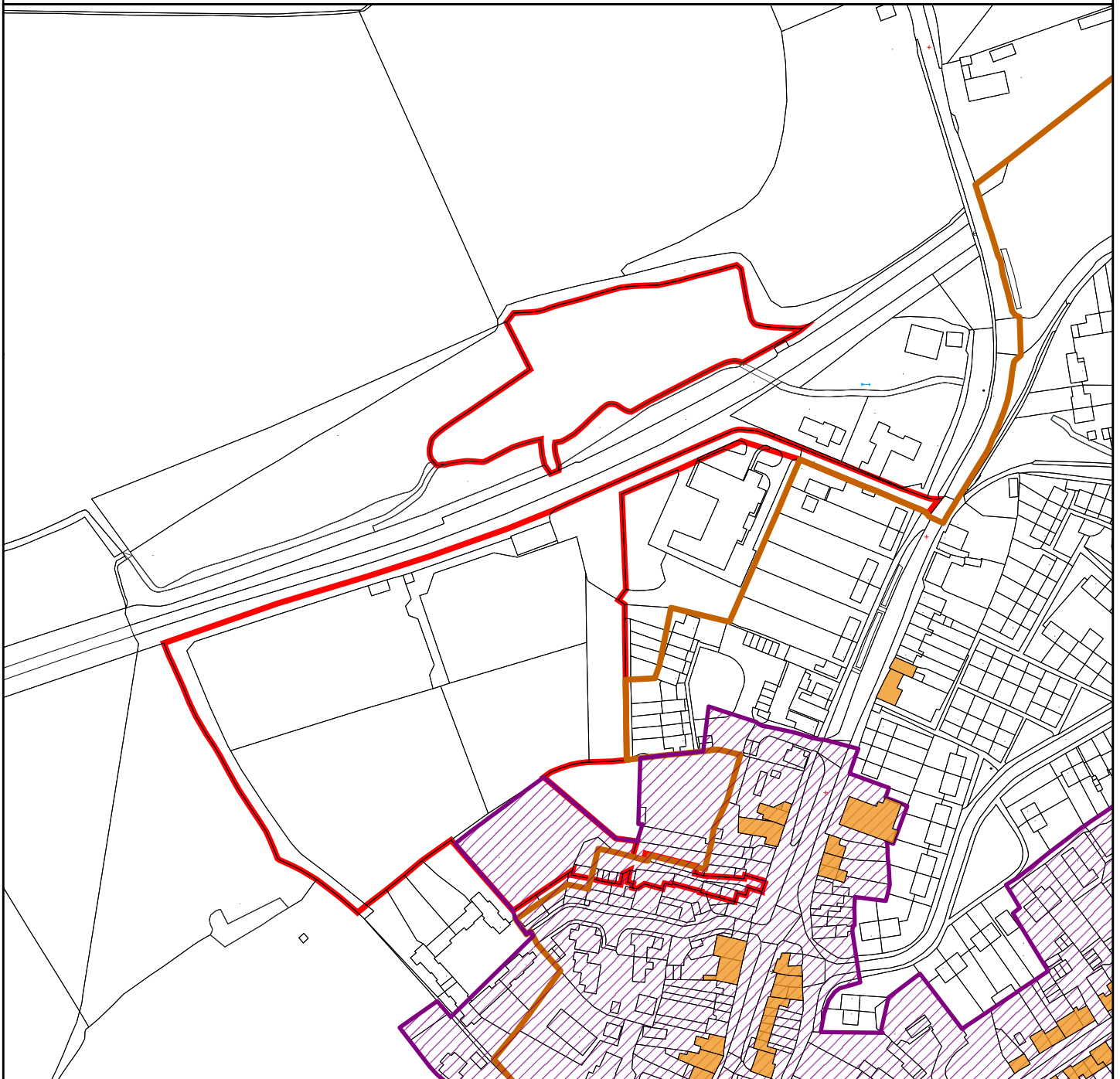
Grade 2 *



The Site



Built up Area Boundary



BABERGH DISTRICT COUNCIL

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Item No: 1

Reference: B/16/00437/OUT

Parish: LAVENHAM **Ward Member:** Cllr William Shropshire

Location: Land off Norman Way, Lavenham, SUDBURY, CO10 9PY

Proposal: Outline Application - Erection of up to 25 residential dwellings (all matters reserved except means of access).

Applicant: Hartog Hutton Ltd

Case Officer: Gemma Pannell **Date for Determination:** 5 July 2016

RECOMMENDATION: Subject to a Section 106 Agreement, Grant Planning Permission

This application is referred to Planning Committee as the proposal is of a scale that requires consideration by Members.

THE SITE

1. The site is to the west of Lavenham High Street, adjacent to the Built up Area Boundary of the village, to the north west of the historic core. The site is accessed from the High Street, via an unadopted road (Norman Way) which currently serves a number of business units and residential dwellings.
2. The site is bounded to the north by the disused railway line which is now a public footpath and provides access to a range of other footpaths beyond the application site. The site includes the provision of a pedestrian access to the High Street.
3. Part of the site is located within the Lavenham Conservation Area.

THE PROPOSAL

4. The application is in outline, with means of access to be considered at this stage, for up to 25 dwellings.
5. The application is accompanied by range of supporting documents including the following:
 - Environmental Desk Study
 - Ecological Scoping Survey
 - Heritage Statement
 - Flood Risk Assessment
 - Landscape Appraisal
 - Statement of Community Involvement
 - Design and Access Statement
 - Planning Statement
 - Transport Statement
6. The application documents can be viewed on line via the planning pages on the District Council's website.

RELEVANT HISTORY

7. B/01/00988/FUL - Erection of 3 No. stables and 1 No. hay store. Granted
8. B/01/01607/FUL - Erection of domestic garage/workshop ancillary to Amos House, Norman Way. Granted
9. B/04/01773/FUL - Conversion of existing workshop/garage into a single dwelling. Granted
10. B//99/00601/OUT - Outline - Erection of detached dwelling and detached double garage. Granted
11. B//99/01637/RES - Submission of details under O.P.P. B/99/00601/OUT - the siting, design and external appearance of and the means of access for the site of a detached 3 bedroom dwelling with integral garage. Granted

NATIONAL PLANNING POLICY FRAMEWORK

12. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law, and the NPPF, continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
13. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

PLANNING POLICIES

14. The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

Babergh Core Strategy 2014

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS16 Affordable Homes
- CS21 Infrastructure Provision

Babergh Local Plan (Alteration No.2) 2006

- HS31 Public Open Space (Sites of 1.5ha and above)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

Lavenham Neighbourhood Plan (subject to referendum 8th Sept 2016)

- H1 Scale and location of new development
- H2 Housing Mix – meeting local needs
- H3 Affordable Housing
- H4 Allocation of Affordable Housing
- D1 Design and Character
- C1 Community Facilities
- C2 Open spaces and Recreation Areas
- C4 Allotments

15. The Lavenham Neighbourhood Plan (LNP) is now considered to have significant weight as it has now been subject to independent examination and the inspectors report has been published. The plan is subject to referendum on 8th September 2016 when residents of Lavenham will decide if the Lavenham NDP should become part of the Development Plan for the Lavenham Parish Area.

Supplementary Planning Documents

16. The relevant policies can be viewed on line. Please see the notes attached to the schedule.

CONSULTATIONS

17. **Lavenham Parish Council** – Support: The proposal is largely in line with the LNPD and this is now endorsed, subject to some amendment, by the Independent Examiner, engaged by Babergh District Council. The main areas of concern relate to the number of dwellings planned, the means of Highway access, the school provision and the ability of the existing village surface water and foul water systems to cope with any new development.
18. The full comments are attached at Appendix A.
19. **Local Highway Authority** – No objection: A transport statement has been submitted in support of the application. This sets out the main transport issues adequately.
20. The main pedestrian access is proposed between 42 and 45 High Street and according to the Design and Access Statement the existing garages will be demolished and access to the allotments provided via Norman Way. This is agreeable to the County Council and it is recommended that this is secured by condition, physically preventing motorcar access by way of demountable bollard(s). In the event that the access road was to be blocked by an emergency this could be used for access. Consideration needs to be given as to whether or not this pedestrian access is illuminated.
21. The following comments are made with reference to Suffolk Local Plan 2011-31 Part 1 – Transport Strategy and further to consultation with Suffolk County Council officers. This sets out the County Council's position under the section "Working with developers" as follows:

"to ensure residential and employment developments are better connected and that developers pay a fair contribution towards necessary infrastructure and services. ...These plans will be supported by significant contributions to the provision of local facilities for sustainable transport connecting new developments to employment and services. This will include pedestrian and cycle routes, the promotion and enhancement of existing bus services... "

Public transport accessibility

22. The nearest stops are north of Norman Way. It is considered appropriate for this development to contribute towards improving access to public transport by way of infrastructure improvements at the nearest stops. **A financial contribution of £8,000 towards improvements is recommended as this would in conjunction with funds already secured deliver significant improvements.**
23. It is not considered that the proposed development would result in a severe impact at the junction between Norman Way and High Street. The junction visibility splay is less than standard to the north. It is recorded as being entirely within the highway and could therefore be increased but at the loss of the significant hedge; this is not considered necessary on the basis that there isn't a recent accident history.
24. The Local Planning Authority normally recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads. In this case, however, it does not appear that the access road is capable of being brought up to the standard for adoption, for example there are no obvious locations for street lighting columns and the red line does not allow for widening at the entrance to the 'Works'.
25. It is suggested that hedges are planted far enough away from the new roads that they can mature without growing over the new roads. Likewise, the Highway Authority recommends new trees planted close to new roads have an approved root direction system to prevent damage to the roads. If this development is within an area in which a cable television franchise operates allowance should be made for their apparatus and that any necessary cables are laid before surfacing is complete.
26. Comments from the Local Highway Authority on Public Rights of Way: The proposed development will have a direct impact on the local public rights of way (PROW) network.
27. PROW are important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism; the St Edmund Way and Lavenham Railway Walk are nearby and a number of visitor attractions are easily accessible in and around the town.
28. The anticipated increased use of the PROW network of as a result of the development will require the following offsite improvement works:
 - Resurfacing a section of Lavenham Public Footpath 12: 52m length x min 1.5m width = 78m² @ £25/m² = £1,950.00. Estimates based on the average market costs to provide a hoggin type surface.
29. These PROW provide cycling and walking opportunities for local services or out into the wider countryside.

The subtotal of these works is £1,950.00

Staff time (design & project management) @ 12% = £234.00

Contingency @ 10% = £195.00

Total s106 funding requested from this development for public rights of way improvements = £2,379.00

30. **County Archaeologist** – No objection, subject to condition
31. **Anglian Water:** The foul drainage e from this development is in the catchment of Lavenham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows (Foul Sewage). The development site is within the 15m cordon sanitaire of a sewage pumping station of this type. This is a significant asset both in itself and in terms of the sewage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. We request a condition requiring the drainage strategy covering the issue to be agreed.
32. **Chief Fire Officer** – Recommend that fire hydrants be installed within the development. To be secured by condition.
33. **Suffolk Wildlife Trust – Initial Comments:**
- We have read the ecological survey report (Hillier Ecology, Jan 2016) and we note the findings of the consultant. The two parts of the proposed development site are separated by a disused railway line, designated as the Railway Walks Local Nature Reserve (LNR) and Lavenham Railway Walk County Wildlife Site (CWS), and there also a number of records of Protected and UK/Suffolk Priority Species in the area.
34. Further information on these is available from Suffolk Biological Information Service (SBIS).
35. The application does not appear to include assessment of any likely impacts on the LNR/CWS arising from the proposed development, including from the apparent vehicular access route which is shown crossing the designated site on the Indicative Layout Plan.
36. We also note that the ecological survey report recommends that a reptile survey is undertaken on the northern parcel of land. Reptiles are protected from killing and injury under the Wildlife and Countryside Act (1981) (as amended) and as such are a material consideration in any planning application. A survey to for their presence or likely absence, and identification of any necessary mitigation measures, should therefore be undertaken prior to the determination of this application, in order to ensure that the decision can be made in accordance with the requirements of ODPM Circular 06/2005.
37. As identified in the ecological survey report, the site includes habitat suitable for foraging and commuting bats and therefore any development would requires carefully designed lighting. We therefore recommend that a sensitive lighting strategy is designed for any development which is considered suitable for this site.
38. In addition to this, as noted above, the proposed development appears to cross the existing LNR/CWS which offers suitable bat foraging and commuting habitat. We therefore recommend that further assessment of the likely impacts of this on bats is undertaken.
39. As currently presented, we consider that there is insufficient information available to determine this application. We recommend that further assessment is undertaken on potential impacts on the following ecological receptors:
- Local Nature Reserve (LNR) and County Wildlife Site (CWS);
 - Reptiles (presence/likely absence and necessary mitigation measures); and
 - Bats (activity).
40. In the absence of such information permission should be refused.

Further comments received following receipt of reptile survey:

41. Thank you for the copy of the reptile survey report, I can confirm that we consider that this provides sufficient information about the likely impact of the proposed development on reptiles. However, our concern about a possible impact on the LNR/CWS from the proposed road crossing remains.
42. **Rights of Way Officer – SCC:** No objection
43. **Suffolk County Council Section 106:**
44. **Education:** The local catchment schools are Lavenham CP and Great Cornard, Thomas Gainsborough High. We currently forecast to have no surplus places at the catchment primary school, but do have surplus places at the catchment secondary school. Therefore we require CIL contributions for the pupils generated from the development as set out below:

School level	Minimum pupil yield:	Required:	Cost per place £ (2016/17):
Primary school age range, 5-11:	6	6	12,181
High school age range, 11-16:	5	0	18,355
Sixth school age range, 16+:	1	0	19,907

Total education contributions: **£73,086.00**

From this development proposal we would anticipate up to 3 pre-school pupils at a cost of £6,091 per place.

Minimum number of eligible children:	Required:	Cost per place £ (2016/17):
Pre-School age range, 2-4: 3	3	6,091

Required pre-school contributions: **£18,273.00**

Using established methodology, the capital contribution towards libraries arising sought from this scheme is stated below and would be spent at the local catchment library and allows for improvements and enhancements to be made to library services and facilities.

Libraries contribution: **£5,400.00**

Summary Table:

Service Requirement	Contribution per dwelling	Capital Contribution
Education - Primary	£2,923.44	£73,086.00
Education – Secondary	£0.00	£0.00
Education – Sixth Form	£0.00	£0.00
Pre-School Provision	£730.92	£18,273.00
Transport	£0.00	£0.00
Libraries	£216.00	£5,400.00
Waste	£0.00	£0.00
Total	£3,870.36	£96,759.00

45. The above will form the basis of a future bid to the District Council for CIL funds. This will be reviewed if a reserved matters application is submitted.
46. **Police Design Out Crime - Suffolk Constabulary:** No objection. Comments regarding highway safety and visibility.
47. **Corporate Manager – Community Planning and Heritage** - The proposal would not cause harm to the character and appearance of the Lavenham Conservation Area, the setting of listed buildings in High Street or the wider appreciation of the listed Church of St Peter and St Paul, within the meaning provided by the National Planning Policy Framework.
48. It should be noted that the Lavenham Neighbourhood Plan has been subject to independent examination. The Examiner has concluded that, subject to modifications, the plan meets the 'Basic Conditions' and other statutory requirements, and can proceed to referendum. The date of the referendum has been set as 8 September 2016.
49. If the majority of those who vote in the referendum are in favour of the neighbourhood plan then the plan must be brought into legal force and 'made' (adopted) by the District Council. At this point the neighbourhood plan will become part of the Development Plan and, where relevant, used to determine planning applications. The neighbourhood plan is therefore at an advanced stage and the policies it contains should be afforded due weight.
50. **Professional Lead - Housing Enabling:** No Objection to the application on the proviso that the S106 details the number of affordable homes for the development and the mix required as specified below:
51. The Council's Choice Based Lettings system has 67 applicants registered in April 2016 with a local connection to Lavenham for affordable housing. A Local Housing Needs Survey was also carried out by CAS in September 2014 to help inform the developing Neighbourhood Plan. The LHNS demonstrated that a scheme of at least 16 affordable homes was developed to meet local need. At this time the Council's register had 35 applicants with a local connection, this has increased over an 18 month period to 67

applicants now so demonstrating that demand has increased by nearly double.

52. The open market needs to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property owning market and require appropriate housing enabling them to downsize. Recent development in Lavenham has focussed on delivery of larger homes and there is sufficient supply of 4 bed plus homes locally. The need is for 2 and 3 bed units – a mixture of apartments and houses that are aimed at first time buyers and smaller households.
53. The proposed development does not comment on the actual mix as this is an outline application. Although the mix would be determined via Reserved matters application at a later date it is possible that the Neighbourhood plan for Lavenham will be in place at that date so any mix should take into account the requirements for a mix of house types and tenures.
54. Preferred mix for Affordable Housing
55. The most recent information from the Babergh Council's Housing Register shows 67 applicants registered who have a connection to Lavenham.
56. Based on CS19 and requirements of CS11, 8 of the dwellings on the proposed development should be for affordable housing. These should take the form of:
 - 2 x 1-bedroom 2-person flats at 50 square metres for Affordable Rent Tenancy
 - 2 x 2 bed 3 person bungalows at 61 square metres for Affordable Rent tenancy
 - 2 x 2-bedroom 4-person houses at 79 square metres for Affordable Rent Tenancy
 - 2 x 2-bedroom 4-person houses at 79 square metres for Shared Ownership
57. Affordable Tenure: 6 of these dwellings should be for Affordable Rent Tenancy; 2 for Shared Ownership
58. **Corporate Manager – Sustainable Environment (Land Contamination Issues):** The newly revised Land Contamination Report is sufficiently robust for me to confirm that I have no objections to the proposed development. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.
59. **Corporate Manager – Sustainable Environment (Sustainability Issues):** The submission of an energy/sustainability statement would be required in order to demonstrate compliance with the Building Regulations and BDC Core Strategy.
60. **Corporate Manager – Sustainable Environment (Other Issues):** No objection – subject to condition on noise and dust during construction
61. **Suffolk County Council Flood & Water Team (inc Drainage):** Suffolk County Council can propose the following conditions regarding surface water drainage for Land off of Norman Way, Lavenham.
 - No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

- No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details. Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.
 - No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan. Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan.
 - The 20th dwelling hereby permitted shall not be occupied until details of all surface water drainage system have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register. Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register.
62. **County Landscape Officer:** The site is a paddock subdivided by post and rail fencing and used for horse grazing. The site abuts the built up area of Lavenham. The portion of the site proposed for housing is immediately to the south of the old railway line, now a bridleway, ("Railway Walk") and Local Nature Reserve. The proposal also includes an area of open space to the north of the old railway line on which it is proposed to create allotments and open space adjacent to the existing community woodland.
63. The applicant has provided a detailed Landscape and Visual Impact Appraisal. It is notable that this work has been undertaken by a consultant who has significant experience of working in this parish having prepared the landscape appraisal and associated advice which accompanies the Lavenham Neighbourhood Plan.
64. I am satisfied that the assessment of landscape and visual effects is reasonable.
65. Likely landscape effects: The most significant landscape impact of the proposal will be the change in land cover on the site from grassland to a built development. It does not appear that any other locally characteristic landscape features will be lost. It is notable that the scheme appears to include provision for vehicular access across the Railway Walk, although this is shown outside the red line. It is notable that the southern and western boundaries appear to be included in the domestic curtilage the proposed dwellings. Given that the boundary vegetation is integral to the character of the site and its surroundings, it is essential that these features are effectively safeguarded in the long term. The most effective approach to dealing with this matter would be to exclude this key boundary vegetation from private gardens and incorporate it into the management of the open space included in this development. This should be reflected in the details submitted to discharge the reserved matter conditions.
66. The proposed open space and allotments to the north of the railway line, adjacent to the community woodland are likely to be beneficial in terms of amenity and enjoyment of the community woodland. However the re-ordering and levelling of this site may have adverse ecological implications, the significance of any impacts is a matter for the ecological consultees.

67. Likely visual effects: The proposed development is likely to change the outlook for the adjacent properties to the south of the site. There will also be some adverse impact on the experience of users of the Lavenham railway walk. These impacts can only be ameliorated by effective retention and management of the northern boundary hedgerow and trees. The pasture to the west of the site should, subject to the effective retention and management of the western boundary hedgerow, be screened by existing vegetation. Therefore the enjoyment of this area with a right of way running diagonally across this field offering views of the church tower will not be significantly affected. The effective retention of the vegetation of on the northern and western boundary is important to the acceptability of the proposal. This is reflected in the findings of the submitted landscape appraisal and emphasised in the assessment of effects in particular viewpoints 1, 2 and 5.
68. It should be noted that these comments do not reflect any impacts there may be on the setting of adjacent listed buildings. This is a matter for the Conservation Officers.
69. Other matters: A robust scheme for the management of public spaces on the site is required in order to ensure that the benefits of the scheme can be secured. The management of vehicular access to the allotments both in terms of safety and maintenance of the surface of the railway walk need to be resolved.
70. Recommendations: This proposal is acceptable in landscape terms.

Suffolk County Council (Ecologist) - Initial Comments:

71. The submitted report has not been based on a local data search from Suffolk Biodiversity Information Service (formerly Suffolk Biological Records Centre), I would recommend that this requested for Protected and Priority Species and designated sites. For guidance relating to Priority species, (NERC Act s41), see; <http://www.suffolkbiodiversity.org/priority-species.aspx>.
72. The former railway line adjacent to the two parcels of land identified for this application is designated as both a statutory Local Nature Reserve and a non-statutory County Wildlife Site. There is currently no assessment of likely impacts from development on this designated site and in particular, no reference to the vehicular traffic across the railway line to reach the proposed allotments (and this is not shown within the red line for the application).
73. This proposal is likely to affect Protected and Priority Species & Habitats on and adjacent to the site and additional survey and assessment information has been identified for reptiles by the ecological scoping survey submitted. However surveys of bat activity are also needed to assess the likely impacts on these European Protected Species. The scope of the additional report should therefore be agreed in advance with the Local Planning Authority to ensure it provides sufficient information for determination of this application and CIEEM report writing guidelines.
74. The likely impacts on these biodiversity assets have not been adequately assessed and neither mitigation nor enhancement measures for biodiversity identified for this development.
75. Recommendation: In the absence of the above biodiversity survey & assessment information, the application should be refused.

Reason

1. The applicant has not provided sufficient information to allow the LPA to discharge its duties under the UK Habitats Regulations.
2. The applicant has not provided sufficient information to allow the LPA to discharge its duties under s40 NERC Act (2006), Wildlife and Countryside Act (1981).

3. I have made this recommendation in order to minimise the impact of the proposal on ecological receptors both on and off site and having due regard for the NPPFs well as the statutory obligations of the LPA.

Suffolk County Council (Ecologist): Further comments received following receipt of reptile survey:

76. Thank you for the copy of the reptile survey report, I can confirm that we consider that this provides sufficient information about the likely impact of the proposed development on reptiles. However, our concern about a possible impact on the LNR/CWS from the proposed road crossing remains.

REPRESENTATIONS

77. The following organisations and public representatives have made representations on the application and their comments are summarised as follows:
78. **Lavenham Society:** No objection
79. **Ward Member (Cllr Shropshire):** Lavenham PC have sent you a letter of general, but under condition support, which is largely in line with the Lavenham Neighbourhood Development Plan (LNDP).
80. I would like to echo their comments in supporting what is ultimately a well thought out application, however the points that the PC make should be considered in detail.
81. My concerns relate to Highway access, the school provision and the ability of the existing village surface water and foul water systems to cope with any new development.
82. The PC point out that the LNDP recommends an upper limit of 24 dwellings for each development. The upper limit of 24 dwellings is relevant to Lavenham, it suits no purpose to agree an alternative. The existing ratio of 1, 2, 3 and 4 bedroom dwellings and the proposed level of affordable housing should prevail. I also believe if you are to follow this recommendation of the LNDP and reduce number of houses to 24, there could be benefit in moving the garages in the south of the plot which back onto 16 and 14 Ropers court. Most of Ropers court has a decent distance between boundary and new buildings a testament to how well the site has been designed, however two garages in the South of the plot back up very closely to the boundary of 16 and 14 Ropers Court and I believe consideration should be made to moving these, if the numbers of homes are reduced slightly.
83. I agree with the PC that the sightline from the direction of Bury St Edmunds is poor , I agree that traffic calming measures should be considered and made part of any accepted application. To drive home the issue, similar issues already arise at the Preston Road junction with the Lavenham High Street, which is diagonally opposite to this proposed application at Norman Way.
84. The LNDP draws attention to the primary school provision in the village and the need for this to be addressed. To provide additional housing without adequate primary schooling being available would be counter-productive. Therefore the development of both this proposal and new schooling should go hand in hand, only last year did 25% of children living in the village get refused access to the village school. When we are encouraging local community cohesion and encouraging the preservation of the environment, we then cannot be hypocritical and split up village communities by sending children from neighbouring houses to various schools scattered across the district and we should not encourage parents to get in a car and drive miles to a school when they could simply walk to one in Lavenham if the correct infrastructure was allowed to prevail.

85. It is proposed that surface drainage water will follow the existing course via an open ditch, which as the PC highlighted, already floods at peak times. The foul water system is centred on a pump housed in Weavers Close where Anglian Water engineers are repeatedly called out. Flooding to the Lower Road is a regular occurrence and on occasions has been a mixture of drainage and foul water. Anglian Water should be consulted and provide confidence that they can cope with the increase.
86. Lavenham was duped into the parking Fiasco at the last major build site (The Halt) where the developer promised parking on site, which was a major consideration in accepting the application; only to pull the plug halfway through development by way of an alteration rushed secretly through the planning department, stripping the additional on-site parking that was so important to the decision. I cannot stress enough that ample and over the required amount of space should be provided on the main site for parking and not across the Lavenham Walk, which is currently vehicle free and pedestrian friendly.
87. One representation(s) supporting the application have been received and the comments are summarised as follows:
- Lavenham is thriving and there is a high demand for quality housing
 - Well located site
 - Discreet position on the edge of the village
 - Benefits to the community with generous additional open space
 - Applicant is local and has a vested interest in the community of Lavenham
 - Applicant has a track record of delivering high quality buildings.
88. Seven representation(s) objecting to the application have been received and the comments are summarised as follows:
- Increased traffic – on dangerous junction
 - Change in levels across the site – impact on Ropers Court
 - Single storey dwellings would help maintain the character/status of the Conservation Area and is supported.
 - Indicative site layout proposes a small garden buffer strip which is supported.
 - Negative impact of vehicles using the Lavenham Walk access road
 - Insufficient detail to show how development will mitigate increased pressure on the sewerage infrastructure and surface water run-off
 - Provision of allotments is detrimental to the amenity of Lavenham Walk
 - Indicative layout shows garage close to our boundary
 - Loss of a view
 - Impact on village infrastructure
 - Further strain on the NHS
 - Access road is inadequate to serve the development
 - Insufficient infrastructure for these additional dwellings

PLANNING CONSIDERATIONS

89. From an assessment of planning policies, public representations and other material considerations, the main considerations it is appropriate to evaluate the following key aspects in relation to this development in a core village:
- Principle of Development
 - Consideration against policy CS11 and SPD
 - Connectivity and Highway safety
 - Biodiversity and Protected Species
 - Land Contamination

- Surface Water Drainage
- Loss of agricultural land
- Planning Obligations and CIL
- Planning Balance

Principle of Development

90. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".
91. The NPPF also provides (para 187) that "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."
92. Lavenham is defined as a core village under policy CS2, which states that core villages will act as the focus of development within their functional cluster. The cluster comprises Alpheton, Brent Leigh, Cockfield, Great Waldingfield, Little Waldingfield, Mildon, Preston St Mary, Thorpe Moriuex and Felsham. The application site abuts the built up area boundary (buab) for Lavenham and therefore policy CS11, which provides greater flexibility for appropriate development beyond the buab for identified core villages, would apply.
93. Policy CS3 of the Core Strategy identifies 1050 homes for rural areas, this quantum of development is unallocated at present (in either district development plan documents or Neighbourhood Plans) so there is a reliance at present on windfall sites to deliver this growth.
94. Policy H1 of the LNDP states that proposals will be permitted subject to them either being located within or adjacent to the built up area boundary of Lavenham and where the scheme clearly demonstrated to be well related to the existing pattern of development in Lavenham. The policy also requires development to be of a scale and nature that ensures an appropriate level of services, facilities and infrastructure, including primary school capacity are available or proved to serve the proposed development. Outside of the built up area the developments are required to be considered against the relevant requirements of Babergh policy CS11.
95. Development in core villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15.

Consideration against policy CS11 and the adopted SPD

- **Locally identified need & proven local need**
- **Site Location & Sequential Approach**
- **Locally Identified Community Needs**
- **Cumulative Impact of Development in the area (Social, physical and environmental)**

Consideration against Core Strategy Policy CS11 and the adopted SPD

96. Policy CS2 (Settlement Pattern Policy) identifies Lavenham as Core Village, which will act as a focus for development within its functional cluster. Policy CS2 identifies the 10 larger rural villages, which form the centre or core of a 'functional cluster' of smaller settlements (see Core Strategy, paragraph 2.1.1.5).

97. Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and (so far as relevant) states that:
- "Proposals for development for Core Villages will be approved where proposals score positively when assessed against Policy CS15 and the following matters are addressed to the satisfaction of the local planning authority ... where relevant and appropriate to the scale and location of the proposal:*
- 1. the landscape, environmental and heritage characteristics of the village;*
 - 2. the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);*
 - 3. site location and sequential approach to site selection;*
 - 4. locally identified need - housing and employment, and specific local needs such as affordable housing;*
 - 5. locally identified community needs; and*
 - 6. cumulative impact of development in the area in respect of social, physical and environmental Impacts.*
98. The general purpose of the Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Considered together, Policy CS2 (Settlement Pattern Policy) and Policy CS3 (Strategy for Development and Growth) and Policy CS11 provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond the existing Built Up Area Boundaries (BUAB) for each Core Village, as identified in the 2006 Local Plan Saved Policies.
99. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document ("the SPD") was adopted by the Council on 8 August 2014. The Council produced the SPD to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council, means that it is a material consideration when planning applications are determined.
100. The proper interpretation of development plan policy is a matter of law and, in principle, policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context; however, statements of policy should not be construed as if they were statutory or contractual provisions (see *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13).
101. Accordingly, the correct meaning of Policy CS11 requires an objective interpretation of the policy text considered in the context of relevant development plan policies and the wider context of national planning policy in force when the Core Strategy was adopted in February 2014. As the SPD was not adopted until August 2014, the proper interpretation of Policy CS11 cannot be influenced by the guidance within the SPD.
102. However, to the extent that it is consistent with the proper interpretation of Policy CS11, the planning guidance within the SPD will be relevant to the Council's application of Policy CS11 when determining planning applications. In this respect, under the subheading 'Scale of Proposal in Relation to Existing Settlement', paragraph 12 of the SPD states (so far as relevant) that:
- "12. ... The size and scale of any proposal should be proportionate to the settlement in which it is located. Because each village is different it is not possible to prescribe standard proportions of development that would be acceptable. A judgment will need to be made on the basis of the size and character of the village, the services and facilities that are available and their capacity to accommodate further development*

...Proposals for both core and hinterland villages will need to demonstrate that the development can be accommodated without adversely affecting the character of the village and that the services, facilities and infrastructure have the capacity to accommodate it or will be enhanced to accommodate it."

103. As it relates to proposals "for development for Core Villages", the matters to be addressed to the satisfaction of the local planning authority listed within Policy CS11 do not include the 'proportionality' of a proposal to the settlement in which it is located. As such, the guidance on the 'proportionality' of a proposal in paragraph 12 of the SPD is not directly relevant to the proper interpretation or application of Policy CS11. Put simply, Policy CS11 does not require the size and scale of a proposal for development for a core village to be proportionate to the settlement in which it is to be located.
104. The matters listed in Policy CS11, which proposal for development for Core Villages must address, are now considered in turn.

The landscape, environmental and heritage characteristics of the village

Impact on Landscape

105. The site is a paddock subdivided by post and rail fencing and used for horse grazing. The site abuts the built up area of Lavenham. The portion of the site proposed for housing is immediately to the south of the old railway line, now a bridleway, ("Railway Walk") and Local Nature Reserve. The proposal also includes an area of open space to the north of the old railway line on which it is proposed to create allotments and open space adjacent to the existing community woodland.
106. The most significant landscape impact of the proposal will be the change in land cover on the site from grassland to a built development. It does not appear that any other locally characteristic landscape features will be lost.
107. It is notable that the scheme appears to include provision for vehicular access across the Railway Walk, although this is shown outside the red line.
108. It is notable that the southern and western boundaries appear to be included in the domestic curtilage the proposed dwellings. Given that the boundary vegetation is integral to the character of the site and its surroundings, it is essential that these features are effectively safeguarded in the long term. The most effective approach to dealing with this matter would be to exclude this key boundary vegetation from private gardens and incorporate it into the management of the open space included in this development. This should be reflected in the details submitted to discharge the reserved matter conditions.
109. The proposed open space and allotments to the north of the railway line, adjacent to the community woodland are likely to be beneficial in terms of amenity and enjoyment of the community woodland. However the re-ordering and levelling of this site may have adverse ecological implications.
110. The proposed development is likely to change the outlook for the adjacent properties to the south of the site. There will also be some adverse impact on the experience of users of the Lavenham railway walk. These impacts can only be ameliorated by effective retention and management of the northern boundary hedgerow and trees. The pasture to the west of the site should, subject to the effective retention and management of the western boundary hedgerow, be screened by existing vegetation. Therefore the enjoyment of this area with a right of way running diagonally across this field offering views of the church tower will not be significantly affected. The effective retention of the vegetation of on the northern and western boundary is important to the acceptability of the proposal. This is reflected in the findings of the submitted landscape appraisal and emphasised in the assessment of effects in particular viewpoints 1, 2 and 5.

111. With appropriate mitigation the proposal is considered to be acceptable in landscape terms.

Impact on Heritage Assets

112. The application site is located on the western of the village and comprises predominantly of paddock land which falls from south to the north. Access is proposed via Norman Way, a private road which serves a few residential properties, some business units and a builders' yard. The former railway line to the north, which is now used as a walk, provides a strong physical barrier between the site and the adjoining countryside. The boundaries to the south and east adjoin existing development while the boundary to the west abuts open land.
113. The site mostly adjoins and is only partly in the Lavenham Conservation Area and there are several properties in High Street which are listed. There are views from the site of the very tips of the tower to the Church of St Peter and St Paul.
114. The application is in outline and provides for the erection of up to 25 dwellings with vehicular access proposed from Norman Way. A secondary pedestrian access is proposed from High Street.
115. In accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities must pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area when considering planning applications.
116. In addition Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a general duty upon local planning authorities which requires them to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission.
117. The Government's planning policies for *Conserving and enhancing the historic environment* are contained within Paragraphs 126 to 141 of the National Planning Policy Framework (NPPF). The NPPF defines the setting of a heritage asset as,
118. *'The surroundings in which the heritage asset is experienced - Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral'.*
119. In order to assist local authorities and other parties concerned with the implementation of historic environment policy and the assessment of setting issues Historic England have produced good practice advice notes. Advice Note 3 - *The Setting of Heritage Assets* (2015) sets out a staged approach to assist decision-making.

It requires:

the identification of affected heritage assets and their settings which in this case comprise the Lavenham Conservation Area, the listed buildings in High Street and the Church (Step 1),

- an assessment as to whether and to what degree these settings make a contribution to the significance of these heritage assets (Step 2),
- an assessment to be undertaken on the effect the proposed development would have upon the setting and significance of the heritage assets (Step 3),
- an exploration of ways to avoid or minimise potentially harmful effects (Step 4), and,
- the formulation of conclusions (Step 5).

Impact on Listed Buildings

120. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
121. The application site is not readily visible from public vantage points however there are glimpsed views into the site from the former railway line walk. Longer views exist from Bury Road to the north and Moneyhole Corner to the north east. From these vantage points the tower to the listed Church of St Peter and St Paul is clearly visible within the wider arable landscape.
122. The application site is located within a shallow valley and views into it from Bury Road to the north are heavily screened by trees that follow the route of the former railway line. As such the proposed development would not unduly interrupt the longer distance views of the Church from this vantage point. Care will however need to be taken to ensure that height and location of any subsequent development does not impinge upon this longer view and the appreciation of the Church.

Impact on Conservation Areas

123. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *'...In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.
124. Whilst part of the site is within the Conservation Area, the majority of the site lies outside it and it is not considered that the development will be detrimental to the character and appearance of the area and that a suitably designed development would respect the conservation area.
125. The boundary to the Lavenham Conservation Area closely follows the historic core and the main roads leading to and from the village. The application site partially adjoins the Conservation Area on its southern edge however but the intervening modern development on the higher ground to the south provides a clear distinction between the Conservation Area and the undeveloped land to the north. As such the character of the Conservation Area, and views into and out of it within the immediate vicinity of the application site, would not be compromised by the proposed development. The overall impact is therefore likely to be neutral.
126. As indicated above, the application site sits to the rear of the more recent development that has taken place behind the listed properties in High Street. These listed properties are experienced more through their physical association with other properties in the historic core rather than the development and open land to the rear. The juxtaposition of the site with these heritage assets is such that their overall appreciation would not be harmed by the proposed development.
127. In conclusion the proposal would not cause harm to the appreciation of designated heritage assets within the vicinity of the application site or the morphology of the village within the meaning provided by the National Planning Policy Framework. The statutory tests provided by the Planning (Listed Building and Conservation Areas) Act 1990 are therefore capable of being fulfilled.

The locational context of the village and the proposed development

1. This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations.
2. Paragraph 10 of the SPD states that: "To be considered under CS11 proposals must be in or adjacent to a Core Village or a Hinterland Village. Proposals should be well related to the existing settlement. It is suggested that the starting point for assessing this is whether or not the site adjoins the Built Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:
 - *Whether the proposal would constitute ribbon development on the edge of the village*
 - *How the site is connected to the exiting settlement, jobs, facilities and services including location of site access and availability of sustainable transport links*
 - *The scale, character and density of the proposal in relation to the existing adjoining development*
 - *Whether the proposal constituted a logical extension of the built up area of the village*
 - *Whether the proposal is self-contained and has logical natural boundaries"*
128. The site abuts the BUAB and the adjoining railway walk which provides a natural physical boundary to the edge of the development. The site also benefits from pedestrian links to the High Street. The site is partly within the 5 min walk time and is between 400-800m of the centre of the village which is within the desirable and acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP). The site abuts the Conservation Area, but does not impose upon it. It is considered that views from Heritage Assets (Lavenham Church) are limited.
129. Lavenham is a core village and has a range of services including shops, post office, primary school, doctors surgery, dentist surgery and pubs, all of which are within 100 – 600m of the site. There is also a bus route providing weekday hourly services, between Colchester, Sudbury and Bury St Edmunds from 0730 – 1740. The bus stop is 150m from the site on the High Street. The footpath connection from the development to the High Street improves connectivity to the services and will improve access to services for residents within the development.

iii) Site location and sequential approach to site selection

130. The SHLAA identifies 5 potential sites within Lavenham which would give an estimated dwelling yield of 325, within the functional cluster this rises to 615 dwellings. The application site is identified within the SHLAA and is suitable for residential development, with an estimated yield of 50 dwellings. The application submitted is for only 25 dwellings and therefore taking this into account the overall yield for Lavenham would be less than the 325 suggested. Three of the identified sites (LAV3, LAV5 & LAV6) are not considered to be sequentially preferable to the application site as no information is given within the SHLAA as to whether the sites are available and therefore there is no indication as to the timescales for delivery. The remaining site LA02 is under option by a developer and is therefore available for development and the Local Planning authority is aware of pre-application discussion having taken place on the site. In terms of preference, Lav02 is within the Special Landscape Area and closer to the Conservation Area, and therefore may be considered more sensitive with regard to its impact on the landscape. In addition, whilst pre application discussions are advanced no application has been submitted and therefore this site is considered to have less weight than the application submitted. Therefore, both sites are likely to be considered sequentially preferable for housing and as there are limiting factors to the

scale of development on both sites due to highway considerations, which results in lower yields than those identified in the SHLAA, both sites could be considered acceptable and the alternative site does not need to be delivered in advance of the application site, nor will approval of this application, prejudice the opportunity for development on alternative sites within Lavenham.

131. The Local Planning Authority is also aware that there is a brownfield site within the village that has been subject to an application for residential use previously. This site is currently in employment use and any development of this site is likely to be costly in terms of remediation and also the costs of redevelopment of part of the site which contains listed buildings and its location within the Conservation Area which requires a high quality materials, therefore it may not be possible for this site to deliver affordable housing (which is why it was not supported by the Local Planning Authority previously) and as such can not be relied upon to meet the locally identified need for social housing. In addition the access into the site is a limiting factor to the scale of development possible on the site. As such whilst, preference is given to the development of Brownfield sites, the site at Lavenham Press is not considered available due to its current use for employment and that alternative sites within the village would still be required to deliver the affordable housing required in Lavenham even if that site came forward for development and as such its re-development would not be precluded by the current application.
132. Whether or not any of these sites are sequentially preferable involves the exercise of planning judgement. The considerations relevant to that judgement will be whether those sites are developable and deliverable. The terms "*developable*" and "*deliverable*" should be considered in the context of the NPPF, specifically, the policy within Section 6 'Delivering a wide choice of high quality homes'
133. The meaning of the term "*developable*" is provided by in footnote 12 to paragraph 47 of the NPPF, which states:

"12. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."

134. Footnote 11 addresses the meaning of "*deliverable*" to paragraph 47 states that,

"11. To be considered deliverable, sites should be available now offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires."

iv) Locally identified need - housing and employment, and specific local needs such as affordable housing

135. Members will be aware that the Planning Court will consider two claims for judicial review challenging the Council's decision to grant planning permission for development proposed for the Core Villages of Bildeston and East Bergholt. Both claims include grounds of challenge concerning the proper interpretation of Policy CS11; specifically, the meaning of "*locally identified need*" as one of the matters that a proposal for development for a Core Village must address to the satisfaction of the local planning authority.
136. The Council defends both claims for judicial review on the basis that the decisions to grant planning permission proceeded upon a proper interpretation of Policy CS11, as it relates to "*locally identified needs*" and a lawful application of relevant development plan policies, including Policy CS11, having regard to the particular facts and circumstances relevant to each decision.

137. The Council contends that "*locally identified needs*" must be construed having regard to Policy CS2 (Settlement Pattern Policy), Policy CS3 (Strategy for Growth and Development) and Policy CS11 (Strategy for Development for Core and Hinterland Villages), which require Core and Hinterland Villages to make a contribution towards meeting the District's housing needs. As stated above, these policies provide for a **minimum** of 1,050 dwellings to be delivered in Core and Hinterland Villages for the period between 2011 and 2031.
138. Paragraph 2.8.5.4 of the Core Strategy notes that the total requirement of 1,050 new dwellings to be accommodated in Core and Hinterland Villages should not be viewed as a sum simply to be divided equally or randomly between the number of villages listed. The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "*appropriate*" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
139. The Core Villages are very varied and their needs and factors which influence what is an "*appropriate level of development*" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
140. Without prejudice to the Council's defence to the two extant claims for judicial review, until such time as the Planning Court delivers judgment, it would be prudent for the Council to adopt a cautious approach to the determination of planning applications involving proposals for development for Core Villages. Accordingly, "*locally identified need*" or "*local need*" should be construed as the development to meet the needs of the Core Village identified in the application, namely Lavenham, and the functional cluster of smaller rural settlements which it serves.
141. It is important to note that this interpretation of Policy CS11 should not be misconstrued as a justification to restrict proposals for new development in and around Core Villages to meet the needs of that Core Village alone. The Core Strategy expressly contemplates that Core Villages will accommodate the majority of new housing development to meet the needs described in Policy CS3 as "*rural growth*", including the development needs of the "*functional cluster*" served by that Core Village. Where appropriate, the development needs of a wider catchment area may also be relevant, subject to the particular needs of local rural communities and significant constraints on development in nearby Core and Hinterland Villages (see Core Strategy, paragraph 2.8.5.4)
142. Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy therefore allows for some rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "*rural growth*", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
143. In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area.

144. The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the Village must be construed as the needs of the Village itself and the needs of the function cluster of smaller rural settlements it serves. In this case the Applicant has not submitted a housing needs assessment.
145. The Lavenham Neighbourhood Plan (LNP) provides detailed information on demographics and housing stock. This identifies the higher than average older population in Lavenham with 33% of the 1422 (Census 2011) residents being over 65 and a lower proportion of younger persons (under 30) at 21.9% when compared to the county average. Lavenham also has 22% of 4 bed and larger properties, compared with the national average of 15% with 32% of all housing being listed.
146. The housing needs survey undertaken for the LNP identifies a need for 55 affordable dwellings in Lavenham, which doesn't take into account the needs of the wider cluster. Some of this need is met by the development of the former Armorex site with 8 affordable units and the development of 12 units in the redeveloped garages in Meadow Close. There is also a proposal for 18 dwellings on the former County Council depot in Melford Road. These will provide approximately 38 of the 55 dwellings required. The application proposes 25 dwellings and of these 8 would be affordable and 17 are open market. It is therefore considered that the development will contribute to the identified need for affordable housing.
147. The LNP also identifies that 117 dwellings have been delivered within the functional cluster of Lavenham since 2011. The LNP identifies that some growth within the village will be required to deliver additional homes in order to contribute toward the district needs of 1050 homes and the LNP states that development of up to 24 dwellings could be easily integrated into the existing structure and fabric of the village and that is their preference. The scheme proposed of 25 dwellings accords with the aims of the LNP in that it is a small development which responds to the landscape sensitivities identified within the LNP.
148. The LNDP requires the provision of 35% affordable housing in accordance with Babergh's adopted policy and in addition policy H4 requires all new affordable housing to be subject to a local connections, which ensures that those with a strong local connection to the Parish will be first to be offered the tenancy or shared ownership of the home. In this context a strong local connections means an application who satisfies the BDC local connection criteria for Local Housing Needs Schemes. This requirement will need to be reflected in the Section 106.
149. The most recent information from the Babergh Council's Housing Register shows 67 applicants registered who have a connection to Lavenham.
150. Based on CS19 and requirements of CS11, 8 of the dwellings on the proposed development should be for affordable housing. These should take the form of:
- 2 x 1-bedroom 2-person flats at 50 square metres for Affordable Rent Tenancy
 - 2 x 2 bed 3 person bungalows at 61 square metres for Affordable Rent tenancy
 - 2 x 2-bedroom 4-person houses at 79 square metres for Affordable Rent Tenancy
 - 2 x 2-bedroom 4-person houses at 79 square metres for Shared Ownership
151. 6 of these dwellings should be for Affordable Rent Tenancy; 2 for Shared Ownership.
152. The size and scale of the development should be proportionate to the settlement in which it is located. Lavenham has approximately 850 households and the proposal for 25 dwellings would represent an increase of 3% which is considered an acceptable scale of development for the village.

153. Policy H1 of the LNDP states that proposals will be permitted subject to them either being located within or adjacent to the built up area boundary of Lavenham and where the scheme clearly demonstrated to be well related to the existing pattern of development in Lavenham. The policy also requires development to be of a scale and nature that ensures an appropriate level of services, facilities and infrastructure, including primary school capacity are available or proved to serve the proposed development. In addition the policy states that based on an overriding objective to preserve the integrity of Lavenham, the community strongly prefers smaller development schemes of up to 24 units. Larger schemes are less likely to be acceptable due to the landscape and visual sensitivity of the majority of land parcels surrounding the village.
154. The supporting paragraphs within the LNDP (para 7.3.11) states that the figure of 24 units per scheme has been identified following consideration of the number and size of the potentially available sites adjacent to the built up area boundary as well as the sensitivity of Lavenham's landscape setting and Lavenham's historic setting. It is however recognised that schemes which are a little larger than 24 units which are sensitively designed may also be acceptable and could potentially perform well against the plan's vision and objectives.
155. The development will need to include a mix of dwellings which meet the identified local need for smaller dwellings in order to improve the mix of housing stock in the village. The applicant's design and access statement refers to a mix of 2, 3, 4 bed properties, with a proportion being 4 bed to make the scheme viable. It is considered that this should be justified as part of any reserved matters application as local needs identify smaller properties, so a range of 1 – 3 bed dwellings should be considered a priority over 4 bedroom dwellings, of which Lavenham already has a high proportion.
156. This accords with policy H2 of the LNDP which requires development to contribute to meeting the existing and future needs of the village. A mix in the size and type of housing is required to take into account the needs of young people looking for 2 & 3 bedroom properties as well as the needs of an ageing population looking to downsize into smaller homes.

Locally Identified Community Needs

157. Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the *"functional clusters"* they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the *"approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities"*. The benefits that the application of Policy CS11 and other relevant policies should secure include *"Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages"* (see item iii) in paragraph 2.8.5.2).
158. The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the Applicant has not submitted a community needs statement
159. The LNP identifies the need for allotments, in policy C4 of the LNDP, which Lavenham does not currently have. The application addresses this with an area of land identified within the open space opposite the application site adjacent to the railway walk. As policy CS11 requires proposals to address identified community need the provision of allotments, prior to first occupation of any dwellings should be required by condition. This would ensure that the reserved matters submission includes provision of allotments as the submitted layout plan is only indicative at this stage.

160. The LNP also sets out a range of priorities for CIL monies of which this development will contribute towards.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

161. The SPD identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
162. In terms of existing commitments and other proposals in Lavenham the table at appendix a shows applications which have been either delivered or have planning permission within the cluster.
163. In terms of existing commitments and other proposals in the relevant cluster¹, as defined in Map 4 of the Core Strategy, which are considered likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services, the table at Appendix B shows applications which have been either delivered or have planning permission within the cluster.
164. As previously stated the LNP has identified that 117 dwellings have been delivered within the functional cluster of Lavenham since 2011.
165. The capacity of the local primary school has been identified by the LNP and would be a possible constraint to future growth. Suffolk County Council have advised that there are no surplus places at Lavenham CP School and therefore as the development will result in a pupil yield of 6 at a cost of £12,181 in addition to 3 pre-school children at a cost of £6,091. This information will form the basis of a future bid to the District Council for CIL funds.
166. The technical advice received from highways, Anglian Water and the lead flood officer demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure have the capacity to accommodate the level of development proposed.
167. The LNP identifies some growth within the village will be required to deliver additional homes in order to contribute towards the district needs of 1050 homes and the LNP states that developments of up to 24 dwellings could be easily integrated into the existing structure and fabric of the village and that is their preference. The scheme proposed of up to 25 dwellings accords with the aims of the LNP in that is a small development which responds to the landscape sensitives identified within the LNP.

Summary

168. For the reasons explained, the development proposal has addressed each of the six matters identified in Policy CS11 to the satisfaction of the local planning authority. Overall it is considered that the proposal accords with Policy CS11.

Connectivity and Highway Safety

169. Policy C3 of the LNDP requires development proposal to utilise opportunities to link in to the wider footpath and bridleway network where applicable. In this instance the site is located adjacent to the Lavenham Railway Walk and the site also benefits from pedestrian links to the High Street. The site is partly within the 5 min walk time and is between 400-800m of the centre of the village which is within the desirable and acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP).

¹ Paragraph 13 of the SPD refers to cumulative impact in the village and in the cluster in the circumstances above

Therefore the site is considered to be well related and provide good connections with the wider village and the services it provides.

170. Concern has been raised about the increased traffic generated by this development and the impact on the road network and particular the junction onto the High Street. The details of the application have been reviewed by the County Highway Authority who are satisfied that the development would not result in harm to highway safety. Their comments are provided in full within the consultee section of the report – however in particular they advise that it is not considered that the proposed development would result in a severe impact at the junction between Norman Way and High Street. The junction visibility splay is less than standard to the north. It is recorded as being entirely within the highway and could therefore be increased but at the loss of the significant hedge; this is not considered necessary on the basis that there isn't a recent accident history.

Biodiversity and Protected Species

171. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
172. The application has been considered by both the County ecologist and Suffolk Wildlife Trust and whilst the surveys submitted demonstrate that the development will not result in any damage or loss of protected species or habitats, there is concern about the impact of increase use of the Lavenham Railway Walk and the vehicular access across it. The applicant has responded to this by confirming that the crossing of the railway walk is not a new access route, it is an existing access route which has been used for many years by the applicant. There is no intention to change the surface of the access and it will remain gated. Therefore, it is not considered that the proposal will have any adverse impact and the land could be used as allotments without the need for planning permission and this would not be dependant of the application submitted. On that basis it is considered on the balance of probabilities there is proportionate information to hand which will enable the appropriate consideration of the impacts of the development proposed. Therefore with the inclusion of appropriate conditions, as required by the County Landscape Officer it is considered that this matter has been addressed satisfactorily.

Surface Water Drainage

173. Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate. The applicant has provided evidence of a viable surface water drainage strategy for the proposed development and has therefore complied with the requirements of both policy CS15 and the NPPF.

Planning Obligations and CIL

174. The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
175. The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings as set out previously in the report.

176. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

Crime and Disorder

177. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

CONCLUSION - PLANNING BALANCE

178. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

RECOMMENDATION

(1) That the Professional Lead – Growth and Sustainable Planning be authorised to secure a Planning Obligation, on terms to his satisfaction, under Section 106 of the Town and Country Planning Act, 1990, to provide:

- Affordable Housing
- Management of the public open space

(2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above the Professional Lead – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including:

- Reserved Matters to be submitted
- Archaeology
- Drainage Strategy
- Fire Hydrants
- Ecological Mitigation
- Energy/Sustainability Statement
- Construction Management Plan (Dust/noise)
- Surface Water Drainage Conditions (SCC Flood Team)
- Design Code (Concurrent with Res Matters)
- Strategic planning scheme
- Soft Landscaping
- Hard Landscaping
- External Lighting
- Tree Protection
- Levels (Concurrent with Res Matters)
- Details of estate roads
- Carriageways and footways to be constructed prior to occupation
- Details of areas of parking and manoeuvring to be provided
- Details for storage and areas of presentation for bins
- Details to prevent discharge of surface water
- Construction and Deliveries Management Plan
- Sustainable access route provision (footpath link to High Street)

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LAVENHAM PARISH COUNCIL

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Philip Isbell
Professional Lead – Growth & Sustainable Planning
Babergh District Council
Corks Lane
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Ipswich
IP7 6SJ

24th May 2016

Dear Mr Isbell

B/16/00437 Land off Norman Way, Lavenham
Outline Application – Erection of up to 25 residential dwellings (all matters reserved except means of access)

Lavenham Parish Council has agreed to support the development off Norman Way, referenced above. Some areas of principle, however, need to be addressed in any planning permission that may be considered and subsequently granted.

The proposal is largely in line with the Lavenham Neighbourhood Development Plan (LNDP) and this has now been endorsed, subject to some amendment, by the Independent Examiner engaged by Babergh District Council. The revised Plan is scheduled to go before the Babergh Strategy Committee on the 9th June.

The main areas of concern relate to; the number of dwellings planned, the means of Highway access, the school provision and the ability of the existing village surface water and foul water systems to cope with any new development.

The LNDP recommends an upper limit of 24 dwellings for each development site and the Independent Examiner, Janet Cheesley BA (Hons), Dip TP, MRTPI, endorsed this stance in her report. The proposition for the application is for 'Erection of up to 25 residential dwellings', therefore 24 fits therein. With so much evidence that an upper limit of 24 dwellings is relevant to Lavenham, it suits no purpose to agree an alternative. The existing ratio of 1, 2, 3 and 4 bedroom dwellings and the proposed level of affordable housing should prevail.

The sightline from the direction of Bury St Edmunds is poor and access onto the highway is aggravated by traffic exceeding the speed limit. Mr Steve Griss, Traffic Management Officer, suggests the removal of vegetation to improve vision. However, this does not address the excessive speed of traffic and traffic calming measures, which also need to be considered.

Similar issues arise at the Preston Road junction with the Lavenham High Street, which is diagonally opposite to Norman Way.

The LNDP draws attention to the primary school provision in the village and the need for this to be addressed. To provide additional housing without adequate primary schooling being available would be counter-productive. Therefore the development of both this proposal and new schooling should go hand in hand.

Certain planning matters are reserved at this time. One major concern relates to the ability, in practice, for Anglian Water to manage both the surface water and foul water drainage from any further development in Lavenham. In this particular case it is proposed that surface drainage water will follow the existing course via an open ditch, which already floods at peak times. The foul water system is centred on a pump housed in Weavers Close where Anglian Water engineers are repeatedly called out. Flooding to the Lower Road is a regular occurrence and on occasions has been a mixture of drainage and foul water. Anglian Water must give substantive undertakings that they can manage these issues.

Other representations from the likes of Suffolk Archaeology and the Flood and Water Engineers and others should be noted, as they address the need for further work to be undertaken before any works transpire.

A couple of minor points arise on the application; Q24 for instance.

A further point relates to the proposed allotments and the plan to allow vehicular access across the Railway Walk to the area of the allotments; parking should be provided on the main site and not across the Lavenham Walk, which is currently vehicle free and pedestrian friendly. Completion of the amenity area should be part of the signing off process.

Moreover, it should be noted that the land designated for allotments may be contaminated by builder's waste and Japanese Knotweed.

Yours sincerely

Jane Bellward
Clerk to Lavenham Parish Council

Lavenham Cluster Report

Application Total: 31

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
B/13/01162 Lavenham	Land rear of Millstone, Brent Mill Drive, Brent Eleigh	Erection of 1 No. 2 storey dwelling and detached outbuilding.	FUL	Q13	GRA	28/01/2014	Brent Eleigh
B/15/00213 Lavenham	Land rear of Millstone, Brent Mill Drive, Brent Eleigh	Erection of 1 no. dwelling and cartlodge. As amended by Drawing nos. 11 Rev G, 12 Rev E, 13 Rev G and 14 Rev A received 23rd April 2015. Further amended by Drawing nos. 09G, 10G, 11H, 13H, & 14B, received 01/06/2015. Further amended by Drawing no. 14C (revised scale - 1:150), received 15/06/2015. Further amended by revised 'Certificate B' Ownership Certificate, received 16/06/2015. Further amended by Drawing no. 17A and Arboricultural Impact Assessment, received 06/08/2015. As amplified by Agent's email, received 13/08/2015. Further amended by Drawing nos. 10H, 11I, 13I and 14D, received 13/08/2015. Further amplified by 'Rheinzi nk Patina Line' materials details and 3D indicative drawings, received 17/08/2015. Further amended by 'Bat Assessment', received 14/09/2015.	FUL	Q13	GRA	11/11/2015	Brent Eleigh
B/13/00423 Lavenham	Moat Cottage, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HN	Erection of single storey dwelling.	FUL	Q13	GRA	19/06/2013	Cockfield

B/13/01521 Lavenham	Green Farm, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HJ	Conversion of two-storey barn and adjacent single-storey wing and erection of extension to form 1 no. dwelling. Demolition of lean-to cartshed and store. Erection of detached cartlodge store.	FUL	Q13	GRA	02/04/2014	Cockfield
B/15/00827 Lavenham	Great Green Farmhouse, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HQ	Erection of a two-storey dwelling.	FUL	Q13	GRA	04/09/2015	Cockfield
B/14/01164 Lavenham	Land South of Jupiter, Great Green, Cockfield	Outline - Erection of 6 semi-detached dwellings.	OUT	Q13	GRA	01/04/2016	Cockfield
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B/13/00857 Lavenham	Post Office Stores, Lavenham Road, The Heath, Great Waldingfield, SUDBURY, VED	Erection of single-storey detached dwelling together with parking/turning off existing vehicular access.	FUL	Q13	GRA	19/09/2013	Great Waldingfield
B/14/00918 Lavenham	The Hives, Lavenham Road, The Heath, Great Waldingfield, SUDBURY, CO10 0SE	Erection of 1 no. single-storey detached dwelling, with detached garage and construction of new vehicular access (following demolition of existing outbuildings); and erection of new detached garage building to serve existing dwelling.	FUL	Q13	GRA	08/01/2015	Great Waldingfield

B/15/01501 Lavenham	The Hives Lavenham Road The Heath Great Waldingfield Sudbury CO10 0SE	Erection of 1 no. 1 1/2 storey dwelling and attached annexe (following demolition of existing outbuilding). As amended by Drawing nos. 1463/15/01 G and 1463/15/02 D, received 04/12/2015.	FUL	Q13	GRA	24/12/2015	Great Waldingfield
B/16/00175 Lavenham	Greenleys, Badley Road, Great Waldingfield, SUDBURY, CO10 0RY	Erection of 1 No. bungalow (following demolition of existing).	FUL	Q13	GRA	08/04/2016	Great Waldingfield
B/13/00417 Lavenham	The Old Rectory, Church Street, Lavenham, SUDBURY, CO10 9SA	Change of Use existing residential annexe to provide a single dwelling unit.	FUL	Q13	GRA	07/06/2013	Lavenham
B/13/00974 Lavenham	The Crooked House, 7 High Street, Lavenham, SUDBURY, CO10 9PR	Alterations and extension to existing outbuilding to form single-storey dwelling.	FUL	Q13	GRA	05/11/2013	Lavenham

B/12/00748 Lavenham	Former Armorex Site, Preston Road, Lavenham, SUDBURY, CO10 9QD	Erection of 44 no. new dwellings with associated garages and parking. Proposed formation of new vehicle access points from Preston Road. Provision of Public Open Space and play area, as amended by viability report received on 28.08.2012; Amended drawings; Flood risk Assessment; Reptile information; Bat Roost Survey and Great Crested Newt Survey received 18.09.2012 as amplified by additional viability evidence (includes amended sales valuation) received on 26th and 30th April 2013.	FUL	Q07	GRA	14/11/2013	Lavenham
B/13/01447 Lavenham	Constable Court, Barn Street, Lavenham	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 - Change of Use of Class B1(a) offices to Class C3 dwelling house, 6 No. units.	OFDW	Q27	GRA	24/01/2014	Lavenham
B/15/00653 Lavenham	Oak Tree House, Church Street, Lavenham, SUDBURY, CO10 9QT	Erection of 1 no. dwelling and associated garage, following demolition of existing dwelling and garage.	FUL	Q13	GRA	01/09/2015	Lavenham
B/15/00490 Lavenham	Land to south of 81-86 Meadow Close, Lavenham	Erection of 12 no. affordable dwellings and associated works (following demolition of existing lock-up garages). As amended by Drawing nos. 002 B and 020 B, received 17/06/2015. As amplified by Parking Provision Statement, received 24/06/2015. As amplified by Agent's email, received 07/07/15. As amplified by Building for Life 12 Assessment, received 14/07/2015.	FUL	Q07	GRA	14/10/2015	Lavenham

B/15/00888 Lavenham	19 Bolton Street, Lavenham, SUDBURY, CO10 9RG	Erection of two-storey dwelling with associated off road parking (following demolition of existing garage). As amended by Block Plan/Site Location Plan and Drawing nos. 18001PP, 18001PL, 18001PE, 18001PD and 19002POR, received 02/09/2015 and block plan and Site Location plan received 07/09/2015.	FUL	Q13	GRA	22/10/2015	Lavenham
B/15/01050 Lavenham	Highfield House, Bury Road, Lavenham, SUDBURY, CO10 9QG	Outline - Erection of 3 No. detached dwellings.	OUT	Q13	GRA	15/03/2016	Lavenham
B/12/01253 Lavenham	Hammonds Holt, Church Road, Little Waldingfield, SUDBURY, CO10 5PN	Erection of 1 no. dwelling and 1 no. grooms cottage; (following demolition of 2 no. existing dwellings); Erection of 6 no. stables, tack room, hay barn and feed store.	FUL	Q13	GRA	30/01/2013	Little Waldingfield
B/12/01469 Lavenham	The Cottage, Church Road, Little Waldingfield, SUDBURY, CO10 0SN	Erection of 2 no. two storey dwellings and detached garage building for plot 2 (following demolition of existing dwelling and garage). Alterations to boundary wall to create 2 no. new vehicular access and stopping up of existing vehicular access.	FUL	Q13	GRA	16/04/2013	Little Waldingfield
B/13/00747 Lavenham	Hammonds Holt, Church Road, Little Waldingfield, SUDBURY, CO10 5PN	Erection of temporary dwelling pending the completion of the principal dwelling permitted under the terms of planning permission B/12/01253/FUL.	FUL	Q13	GRA	23/08/2013	Little Waldingfield

B/13/01330 Lavenham	Hammonds Holt, Church Road, Little Waldingfield, SUDBURY, CO10 5PN	Erection of 1 no. dwelling and 1 no. grooms cottage (following demolition of 2 no. existing dwellings); Erection of 6 no. stables, tack room, hay barn and feed store (amended scheme to that approved under P.P. B/12/01253/FUL), as amended by agents letter dated 29 November 2013 and amended plan 1213/05C clarifying extent of tree removal.	FUL	Q13	GRA	16/01/2014	Little Waldingfield
B/13/01310 Lavenham	Wood Hall, Haymarket, Little Waldingfield, SUDBURY, CO10 0SY	Conversion and extension of existing stable block to provide 1 No. dwelling (demolition of part existing single storey rear extension).	FUL	Q13	GRA	19/02/2014	Little Waldingfield
B/14/00864 Lavenham	High Street Farm, Church Road, Little Waldingfield, SUDBURY, CO10 0SS	Class MB - Notification under part 3 of the Town and County Planning (General permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Prior approval under Class MB(a) Change of Use from Agricultural Building to Dwellinghouses (C3) and Prior approval under Class MB(b) regarding the design and external appearance of the building following conversion to a dwelling as amended by agents email dated 18th August 2014 submitting amended site plan numbered 0219/09 Rev A.	AGDW	Q27	GRA	27/08/2014	Little Waldingfield
B/13/00693 Lavenham	Rushbrooke Farm, Church Road, Milden, IPSWICH, IP7 7AH	Conversion of and extensions to redundant Hay Barn to create a single residential dwelling.	FUL	Q13	GRA	03/12/2013	Milden

B/15/01192 Lavenham	Barn Two, Pound Farm Barn, Boxford Road, Milden	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from Agricultural Building to 1 No.Dwellinghouse (C3) only.	AGDW	Q27	GRA	14/10/2015	Milden
B/15/01193 Lavenham	Barn One, Pound Farm Barn, Boxford Road, Milden	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Prior Approval Under Class Q(a) Change of use from Agricultural Building to 2 No. Dwellinghouses (C3) only.	AGDW	Q27	GRA	14/10/2015	Milden
B/13/00569 Lavenham	Barns at Rushbrook Farm, Thorpe Road, Preston St Mary	Conversion and alterations to 2 no. agricultural barns to 2 no. residential dwellings.	FUL	Q13	GRA	18/12/2013	Preston st Mary
B/14/01095 Lavenham	Parsonage Farm, The Street, Preston St Mary, SUDBURY, CO10 9NQ	Erection of 2 No. detached dwellings and construction of vehicular access, as amended by Agent's letter dated 27th January 2015 and attached amended plans 14/058-03,04 and 05A.	FUL	Q13	GRA	20/03/2015	Preston st Mary
B/14/01197 Lavenham	Jaggards Barn, Bury Road, Thorpe Morieux, Bury St Edmunds, IP30 0NW	Conversion and extension of redundant Barn to form residential dwelling, with detached garage using existing access on to the highway.	FUL	Q13	GRA	29/06/2015	Thorpe Morieux

B/15/00892 Lavenham	Land north west of Elm Tree Farm, Bury Road, Thorpe Morieux	Outline - Erection of agricultural workers dwelling.	OUT	Q13	GRA	19/02/2016	Thorpe Morieux
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Felsham

Application Total: 2

<u>CaseRef</u>	<u>Site Address</u>	<u>Proposal</u>	<u>AppType</u>	<u>Code</u>	<u>Dcn</u>	<u>DcnMade</u>	<u>Parish</u>
2732/14 Felsham BABERGH	Valley Farm, Brettenham Road, Felsham	Conversion of existing barn to new independent dwelling-house comprising demolition of existing stables, outbuilding & lean-to structures with extension of barn to north to provide 2 storey accommodation. Erection of new cartlodge.	FUL	Q13	GTD	21/11/2014	Felsham
3148/15 Felsham BABERGH	Valley Farm, Brettenham Road, Felsham IP30 OPS	Conversion of existing barn to new independent dwelling-house comprising of the demolition of existing stables, outbuilding and lean-to structures with extension of barn to north to provide 2 storey accommodation. Erection of new cartlodge. (Revised scheme to that approved under 2732/14).	FUL	Q13	GTD	27/10/2015	Felsham