

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.
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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)