

Committee Report

Item No: 2

Reference: DC/17/03100

Case Officer: Melanie Corbishley

Ward: Lavenham.

Ward Member/s: Cllr William Shropshire.

Description of Development

Outline Planning Application (Means of Access to be considered only) - Erection of 25 dwellings with vehicular access onto Melford Road.

Location

Land South of Howlett of Lavenham, Melford Road, Lavenham, Suffolk

Parish: Lavenham

Site Area: 9000 m²

Conservation Area: N/A

Listed Building: N/A

Received: 20/06/2017

Expiry Date: 30/10/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: Cubitt Projects Limited

Agent: Evolution Town Planning

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 633 001 A as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 633 001 A - Received 20/06/2017

Site Plan 633 002 A - Received 20/06/2017

Block Plan - Proposed 633 003-1-2 - Received 22/09/2017

Highway Access Plan H01175/15/002 D - Received 22/09/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for 25 dwellings.

PART TWO – APPLICATION BACKGROUND

History

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//86/00314	Erection of 4 workshop unit blocks to incorporate 12 units in total for light industrial use and construction of associated car parking spaces and vehicular access from Melford Road (as detailed in agent's letter of 29/04/87 with drawing nos 202.8 & 202.9)	Granted 17/07/1987
B//92/00382	Outline - erection of 12 light industrial units in four blocks and construction of vehicular access	Granted 29/04/1992
B//95/00737	Outline - erection of 12 small workshop units for light industrial use and construction of vehicular access	Granted 01/08/1995
B//98/00689	Outline - Renewal of O.P.P. B/95/0737 - Erection of 12 small workshop units for Class B1 light industrial use and construction of vehicular access	Granted 03/07/1998
B/03/01044	Erection of two-storey factory unit with construction of new vehicular access, entrance wall and parking areas (as amended by details received 30/07/03 and 02/09/03).	Granted 19/09/2003
B/05/00585	Erection of two-storey factory unit with construction of new vehicular access, entrance wall and parking areas, without compliance with condition 02 (identity to first occupier), variation of conditions 04 (application site to be sub-divided into two units), and 05 (use only as printing works) for any B1 and B2 use of planning permission register number B/03/01044/FUL.	Refused 12/07/2005

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
Lavenham Neighbourhood Plan
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS16 - Town, Village and Local Centres
CS21 - Infrastructure Provision
HS31 - Public Open Space (1.5 ha and above)
CN01 - Design Standards
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

SCC - Strategic Development - Resource Management

Detailed comments in relation to the requirements for CIL.

With regard to Education it is noted that surplus places will be required at the catchment primary school to accommodate all of the pupils arising from this scheme and therefore CIL contributions will be sought towards this. There is no surplus of pre-school provision and therefore contributions will be sought towards this.

Lavenham Parish Council

Recommends approval.

SCC - Highways

No objection- recommends conditions.

Environmental Health - Land Contamination

No objection

Suffolk Wildlife Trust

No objection. Request that the mitigation, compensation and enhancement recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

Ecology - Place Services

No objection subject to securing ecological mitigation and enhancements.

Landscape - Place Services

No objection but there are opportunities to create small green open space parcels within the development area and improved hedgerow planting along the site boundaries to mitigate the visual impact of the proposal and create a suitable green infrastructure. The site already benefits of existing hedgerow and tree planting to the south boundary which should be strengthened with new planting.

An appropriately detailed landscape and boundary plan will be required to support the application to both address the constraints and planning requirements and provide a comprehensive landscape proposal, suitable to limit any negative visual effect the proposals may have on the existing settlement.

Arboricultural Officer

In terms of vegetation the main areas of importance are the hedgerows adjoining Melford and Sudbury Roads and most significantly the line of mature oak trees along the southern boundary. All of these will be of critical value in helping to soften and incorporate any development within the local landscape. The hedgerow alongside Sudbury Road is indicated as subject to TPO although it is apparently a remnant of an order made back in 1972. Both hedgerows will benefit from additional planting and appropriate management in order to strengthen and increase their health and vigour. My main area of concern however involves the proximity of residential properties to the mature trees along the southern boundary. The closeness and orientation of this relationship combined with property and layout design will require careful consideration in order to minimise conflict between the two and avoid future pressure for pruning/felling.

Anglian Water

No objection - the foul drainage from this development is in the catchment of Lavenham Water Recycling Centre that will have available capacity for these flows.

SCC - Flood & Water Management

No objections. Suggests conditions.

Environmental Health - Noise/Odour/Light/Smoke

No objections to means of access. Concerns regarding the future relationship between the existing garage and the residential use of the site in terms noise and light.

Economic Development & Tourism

Concerns about the impact the new development would have on the existing garage business to the north.

Environmental Health - Sustainability Issues

No objection and suggests a condition

SCC - Archaeological Service

No objection.

B: Representations

Five representations received making the following comments:

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- Concerns about existing drainage in the area the extra capacity this development would bring.
 - Concerns about flooding from the site
 - Concerns about the impact on the protected hedgerow and that it should be thickened up
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- Concerns about how the proposal will impact on the adjoining commercial use and that it could limit their operations in the future
 - Requests for conditions regarding contractor parking and dust control
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PART THREE – ASSESSMENT OF APPLICATION

1. The Site and its Surroundings

1.1 The application site is on the southern edge of Lavenham. It is located between the Sudbury Road and the Melford Road with road frontage to both roads. The site is approximately 0.9ha in size and lies adjacent to the settlement boundary of Lavenham. To the north is Howletts garage. Howletts is a car repair workshop and car sales showroom that overlooks the junction between the two roads.

1.2 To the south of the application site is a single house on the Sudbury Road, agricultural land and a large group of homes on the Melford Road. The southern site boundary is marked by a line of mature trees. To the east are homes fronting the Sudbury Road and a hedge forming a field boundary.

1.3 The eastern site boundary is lined with a roadside hedge, which is protected. To the west of the site is a high hedge on the opposite side of the road, with agricultural land beyond. The western site boundary is marked by an overgrown hedge. The application site itself is grass and encroaching scrub, and has an abandoned air to it.

1.4 A footpath on the opposite side of Melford Road connects residential properties to the south west with the centre of Lavenham. The Melford Road in the vicinity of the site is within a 30mph zone. At the nearby junction of Melford and Sudbury Road are bus stops. These are within 200m metres of the site.

2. The Proposal

2.1 The planning application is submitted in outline for 25 homes, with full details submitted of the vehicular and pedestrian accesses into the site. The layout, landscaping, scale and appearance are reserved matters and will be considered in a subsequent planning application. A single vehicular access point is proposed from Melford Road.

3. The Principle Of Development

3.1. The NPPF (Paragraph 49) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

3.2. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

3.3. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.

3.4. A summary of the [BDC] Council's 5 year land supply position is:

- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
- ii. SHMA based supply for 2017 to 2022 = 3.1 years

The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

3.5. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

4. Sustainability Assessment Of Proposal

4.1. As detailed above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

4.2. 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 Eleigh, Cockfield, Great Waldingfield, Little Waldingfield, Milden, 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.

4.3. Paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside. The site is not considered to be 'isolated' within the meaning of this term as it is adjacent to the Built up Area Boundary of Lavenham and therefore does not lie isolated from services. Paragraph 55 of the NPPF also states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."

4.4 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.

4.5 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.

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.

4.6 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

4.7 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).

4.8 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;*
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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.*

4.9 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.

4.10 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.

4.11 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).

4.12. The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

i. The landscape, environmental and heritage characteristics of the village

Impact on Landscape

4.13 The NPPF emphasises as a core principle (paragraph 17) the need to proactively drive and support sustainable development to deliver homes. It states that both the intrinsic character and beauty of the countryside should be recognised and that pursuing sustainable development involves widening the choice of high quality homes. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore, policies CS11 and CS15 of the Core Strategy require development proposals to protect the landscape of the district.

4.14. The Planning Practice Guidance advises that "The opportunity for high quality hard and soft landscaping design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of the townscape or landscape". The site is a field located to the south of the village, adjacent to Howletts garage. The site is bounded by boundary hedgerows.

4.15 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.

4.16 It is noted that the northern boundary of the site abuts commercial premises. Given that the use of the site would be residential the amenity relationship between the two uses should be safeguarded in the long term for both uses. Ultimately the layout of the site and the boundary treatment along the northern

boundary would be dealt with upon the submission of reserved matters and this relationship should be reflected in the details submitted to discharge the reserved matter conditions.

4.17 The hedgerows surrounding the site would benefit from additional planting and appropriate management in order to strengthen and increase their health and vigour. Concerns have been raised regarding the proximity of residential properties to the mature trees along the southern boundary. The closeness and orientation of this relationship combined with property and layout design will require careful consideration in order to minimise conflict between the two and avoid future pressure for pruning/felling. This relationship should be reflected in the details submitted to discharge the reserved matter conditions.

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

Impact on Heritage Assets

4.19 By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), "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".

4.20. The development is not located either adjacent or opposite any listed buildings and the site is not located within a Conservation Area.

4.21. In term of undesignated heritage assets, the County Archaeologists requested an archaeological investigation condition is attached as the site is close to the medieval core where early occupation is a high probability. Any undesignated archaeology/heritage would need to be recorded.

4.22. As there is no harm identified to heritage assets in respect of this proposal, it is also considered that the proposal would comply with this element of policy CS11.

Impact on Environment

4.23. The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

ii. The locational context of the village and the proposed development

4.24 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.

4.25 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 existing 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*
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- *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"*

4.26 The site abuts the BUAB and benefits from pedestrian links to the High Street, via Sudbury Road. The site is within the 9 min walk time and 700m of a church, public house and Village hall and within a 13 min walk and 1km walk of a shop in the village and in therefore within the desirable and acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP).

4.27 Lavenham is a core village and has a range of services including shops, post office, primary school, doctors surgery, dentist surgery and pubs. There is also a bus route providing weekday hourly services, between Colchester, Sudbury and Bury St Edmunds from 0730 – 1740. The bus stop is 130m from the site on the Sudbury Road. 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

4.28 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB. There are no sequentially preferable allocated sites within Lavenham, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.

4.29. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.

4.30 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 cannot 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.

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

4.31. The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does not mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.

4.32. 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.

4.33. 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. 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.

4.34 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.

4.35 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.

4.36 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.

4.37 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.

4.38 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 permission for 18 dwellings on the former County Council depot in Melford Road and a scheme for 25 dwellings in Norman Way. These will provide approximately 46 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.

4.39 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.

4.40 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.

4.41 The most recent information from the Babergh Council's Housing Register shows 67 applicants registered who have a connection to Lavenham.

4.42 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:

- 4 x 1 bed 2-person houses @ 57.2 sqm
- 4 x 2 bed 4-person houses @ 79.5 sqm

4.43 6 of these dwellings should be for Affordable Rent Tenancy; 2 for Shared Ownership.

4.44 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.

4.45 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.

4.46 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.

4.47 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 proposal shown on the indicative layout is for 25 one, two and three bed homes. The indicative mix has been proposed to address the market housing needs for smaller homes for younger people and older people wishing to downsize as set out in the Neighbourhood Plan. The mix of one and two bed affordable homes has been proposed to meet District Council requirements. Whilst the Parish Council had previously objected to the provision of one bed affordable homes, these have been proposed to meet District Council planning policy requirements. The layout is indicative so the detail of affordable housing house types and locations will be fixed at the reserved matters stage not at this outline stage.

4.48 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.

v. Locally Identified Community Needs

4.49 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).

4.50 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

4.51 In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of policy CS11. However, Officers would advise that the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11. The LNP also sets out a range of priorities for CIL monies of which this development will contribute towards.

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

4.52 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".

4.53 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.

4.54 In terms of existing commitments and other proposals in the relevant cluster, 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.

4.55 As previously stated the LNP has identified that 117 dwellings have been delivered within the functional cluster of Lavenham since 2011.

4.56 The capacity of the local primary school has been identified by the LNP and would be a possible constraint to future growth. SCC anticipates the following minimum pupil yields from a development of 25 dwellings, namely:

- a. Primary school age range, 5-11: 6 pupils. Cost per place is £12,181 (2017/18 costs).
- b. Secondary school age range, 11-16: 5 pupils. Cost per place is £18,355 (2017/18 costs).
- c. Secondary school age range, 16+: 1 pupil. Costs per place is £19,907 (2017/18 costs).

4.57 The local catchment schools are Lavenham County Primary School and Great Cornard Thomas Gainsborough School. Based on existing forecasts SCC will have no surplus places available at the catchment primary school, so on this basis SCC will seek CIL funding at a minimum cost of £73,086 (2017/18 costs). At the secondary school level there is forecast to be surplus places.

4.58 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.

4.59 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 sensitivities identified within the LNP.

Summary of Assessment Against Policy CS11

4.60. For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11, with the exception of locally identified need, to the satisfaction of the local planning authority. As such, the proposal cannot be said to fully comply with policy CS11.

5. Consideration against other development plan policies.

5.1 The Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.

5.2 Development in core and hinterland 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. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.

5.3 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.

5.4 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Lavenham is well connected with the surrounding settlements via the local highway and public rights of way network. It benefits from a regular bus service between Bury St Edmunds to Colchester (via Sudbury Bus Station). This also provides access to Sudbury railway station with onward connections to destinations including London Liverpool Street. Therefore residents in Lavenham have access to a number of public transport connections which provide them with a choice of using public transport, and to combine short car based journeys with public transport, in order to access opportunities for employment, recreation and leisure.

5.5 It is acknowledged that there will be a high proportion of car travel from Lavenham, as people travel out of the village to work, however it is also important to take into consideration the provision of and accessibility of public transport in Lavenham, which provides a credible alternative mode of transport for a variety of activities including employment, retail and leisure and recreation.

5.6 The socio-economic profile of Lavenham highlights the village's important role as an economic asset for the Babergh District. It is an attractive place to a variety of people.

5.7 It is considered that the development proposed will enhance the vitality of the community and new housing development will deliver a range of benefits including attracting new residents to enhance the economic contribution of Lavenham, underpinning social capacity, providing affordable housing and widening the housing mix overall.

5.8 This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;

- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
 - The proposed development would support local services and facilities, and enhance and protect the vitality of this rural community (criterion v of CS15).
 - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
 - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
 - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)
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5.9 Furthermore, environmental aspects related to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

6.0 Connectivity and Highway Safety

6.1 Policy C3 of the LNDP requires development proposal to utilise opportunities to link in to the wider footpath and bridleway network where applicable. The site abuts the BUAB and benefits from pedestrian links to the High Street, via Sudbury Road. The site is within the 9 min walk and 700m of a church, public house and Village hall, and within a 13 min walk and 1km walk of a shop in the village and is within an acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP). Therefore the site is considered to be well related and provide good connections with the wider village and the services it provides.

6.2 During the life of the application the access for the site has been altered to ensure that the appropriate visibility can be achieved for the proposal. Following this revision, SCC Highways have raised no objection and the condition they have suggested will be imposed.

7.0 Environmental Impacts - Trees

7.1 The trees on the site comprise of mature trees along the southern boundary of the site, and whilst these are not protected, they do have an amenity values given their prominence and impact on the entrance to the village. The layout is not for consideration under this application; however consideration will need to be given to the retention of the boundary trees and hedgerows as part of a detailed application.

7.2 The Arboricultural Officer has no objection to the proposal and is satisfied that the development will not result in the loss of any significant trees subject to the details submitted at a later date.

8.0 Environmental Impacts - Land Contamination

8.1 The application is accompanied by a land contamination assessment and this has been considered by the Senior Environmental Management Officer, who concludes they have no objection to the proposed development from the perspective of land contamination. They request that they are contacted in the event that of unexpected land contamination. As such, the proposal is considered to comply with criterion vii of policy CS15 insofar as it relates to land contamination.

9.0 Biodiversity and Protected Species

9.1 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, is 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.

9.2 The application has been considered by both the Council's appointed ecologist and Suffolk Wildlife Trust and the surveys submitted demonstrate that the development will not result in any damage or loss of protected species or habitats and with the inclusion of appropriate conditions, as required by the Council's appointed ecologist it is considered that this matter has been addressed satisfactorily.

10.0 Surface Water Drainage

10.1 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.

11.0 Planning Obligations and CIL

11.1 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.

11.2 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.

11.3 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.

12.0 Crime and Disorder

12.1 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.

13.0 Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

PART FOUR – CONCLUSION

Planning Balance and Assessment

14. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, notwithstanding that the Council cannot presently demonstrate that it has a 5-year land supply.

15. In layman's terms it is clear that the Supreme Court have identified the objective of the NPPF paragraph 47 and 49 to boost significantly the supply of housing as being the more significant matter

than questions as to what is or is not a relevant policy for the supply of housing. The message to local planning authorities is unmistakable. This is a material consideration which is of weight to the decision in this case. If policies for the supply of housing are not to be considered as being up to date they retain their statutory force but the focus shifts to other material considerations and, in particular, paragraph 47,49 and 14 of the NPPF.

16. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five year housing land supply), the provision of housing and economic and infrastructure benefits, it is now considered that these material considerations would none the less outweigh any conflict with the development plan and justify approval. Therefore, whilst it is acknowledged that the proposal is contrary to policy CS2 and in part CS11 and CS15, these policies should be afforded limited weight insofar as they seek to restrict the supply of housing.

17. It is considered that any adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report, including the sustainability of the proposal. The application is therefore recommended for approval.

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

18. 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. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

19. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2010
- 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.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth and Sustainable Planning to grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms

- Affordable Housing
- Open Space

and that such permission be subject to the conditions including as set out below:

- 1) Standard Time Limit Condition.
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- 2) Submission of reserved matters
 - 3) Approved Plans
 - 4) Sustainability
 - 6) Surface water drainage and construction surface water management plan
 - 7) Ecological mitigation and enhancement measures
 - 8) Lighting design to be submitted
 - 9) Details of fire hydrants
 - 10) Arboricultural method statement, tree protection plan with regards the final layout and a monitoring schedule
 - 11) Details of Materials
 - 12) Conditions as recommended by highways
 - 13) Details of screen walls and fences
 - 14) Construction Management Plan (Inc. construction hours, constructor parking, dust control and prohibition of burning)
 - 15) Detailed landscaping plan
 - 16) Foul Water Strategy
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