

Committee Report

Item No: 1

Reference: DC/17/04024

Case Officer: Gemma Pannell

Description of Development: Erection of 24 dwellings with associated parking, landscaping and open space

Location: Land adjacent to Bear's Lane, Lavenham

Parish: Lavenham

Ward: Lavenham

Ward Member/s: Cllr William Shropshire

Site Area: 3ha

Conservation Area: Adjacent to Lavenham Conservation Area

Listed Building: Affects the setting of Grade II Mill Cottage and the Church of St Peter and St Paul

Received: 02/08/2017

Expiry Date: 20/10/2017

Application Type: FUL - Full Planning Application

Development Type: Smallscale Major Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Marden Homes Ltd

Agent: Strutt and Parker LLP

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

- Planning Application Forms and Certificates;
- Planning Statement prepared by Strutt & Parker;
- CS 11 Statement prepared by Strutt & Parker;
- Design and Access Statement prepared by Go Planning;
- Landscape/Visual Appraisal & Strategy Report prepared by Matt Lee Landscape Architecture;
- Transport Statement prepared by Journey Transport Planning;
- Heritage Statement prepared by Heritage Collective;
- Arboricultural Impact Assessment, Tree Survey Plan and Tree Protection Plan prepared by Sharon Hosegood Associates;
- Preliminary Ecological Assessment prepared by Eco-Planning Ltd;
- Statement of Community Involvement prepared by Strutt & Parker;
- Topographic Survey prepared by A & B Surveys;

- Plans and other drawings relevant to the planning application prepared by Go Planning (including revised Site Plan received 5th October 2017);
- Flood Risk & Drainage Assessment prepared by Frith Blake;
- Stage 1 Utility Appraisal prepared by Frith Blake; and
- CII Liability Form prepared by Strutt & Parker.
- Agent's Covering Letter (dated 5th October 2017)
- Response to Historic England comments prepared by Matt Lee Landscape Architect (25th September 2017)
- Response to Historic England comments by Heritage Collective (September 2017)

The application, plans and documents submitted by the Applicant can be viewed online AT [BLANK] via the following link <https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OU2CH5SHJJH00>. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:-

More than 15 dwellings.

PART TWO – APPLICATION BACKGROUND

History

2. There is no planning history relevant to the application site.

All Policies Identified As Relevant

3. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific 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
CR04 – Special Landscape Areas
CR07 - Landscaping Schemes
TP15 - Parking Standards - New Development

Details of Previous Committee / Resolutions

4. None

Details of member site visit

5. None

Details of any Pre Application Advice

6. The applicant sought pre-application advice prior to the submission of the application to discuss the interpretation of CS11 and CS2 and consideration of the layout.

List of other relevant legislation

7. Below are details of other legislation relevant to the proposed development.

- Human Rights Act 1998
- 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.

PART THREE – ASSESSMENT OF APPLICATION

Summary of Consultations

8. The responses below relate to the initial consultation carried out on the proposal;

Lavenham Parish Council - The application appears to be a well thought through scheme compliant with the Lavenham Neighbourhood Development Plan and the Parish Council would recommend approval dependent on the preservation of the open spaces in perpetuity and the availability of full public access at all times.

However, the Parish Council is greatly concerned about the location of the access to the site on Bears Lane and suggests that careful consideration is given to realigning the access to the optimum position to ensure improved sight lines.

Also, an engineering solution must be sought from Suffolk County Council Highways to the pinch points on Bears Lane. The traffic report to the application seems to underplay the existing and future traffic flows. Frequent minor accidents occur and the footpath is narrow. The County Highways should give urgent consideration to this matter to safeguard existing and future residents of this area, which may include the purchase of small areas of garden.

The addition of 24 dwellings in this location will bring the combined number of dwellings on Bears Lane and in Meadow Close to a total in excess of 140, all dependent on one narrow access lane emerging in Church Street. The Parish Council considers that this is not acceptable and could prove to be dangerous should an accident block the lower end of the lane and access be required for emergency vehicles. It is strongly recommended that access for emergency vehicles be created at the existing pedestrian entrance to Meadow Close on Sudbury Road (White Gates), protected from public use by lockable bollards. Or alternatively, design an emergency access from the far end of the public car park in Church Street which could emerge onto Bears Lane. This is again an urgent matter requiring immediate action.

Please keep this council informed of your correspondence and progress with the County Highways department.

Finally, all parking during the development period must be on-site with periodic road sweeping carried out on Bears Lane in order to keep to a minimum the spread of mud and/or dust

Anglian Water – There is sufficient capacity at Lavenham Water Recycling Centre for the development. The foul sewerage network has available capacity for these flows.

BMSDC Air Quality – No objection.

BMSDC Arboricultural Officer – No objection subject to the development being carried out in accordance with the protection measures outlined in the Arboricultural Report. The trees proposed for removal are of limited amenity value and their loss will have negligible impact on the appearance and character of the area.

BMSDC Contaminated Land Officer – No information has been submitted regarding land contamination, therefore recommend refusal.

BMSDC Environmental Protection – No objection, subject to conditions relating to hours of work, no burning on site and control of dust.

BMSDC - Heritage Team - The Heritage Team considers that the proposal would cause a limited degree of harm on the spectrum of 'less than substantial harm' to both the character and appearance of this part of the CA, and the significance of both Mill Cottage and the parish church.

BMSDC Landscape (Place Services) – Makes recommendations as follows;

- 1) It is recommended that the site layout is redesigned, and dwelling numbers reduced to accommodate key views set out in the Lavenham Neighbourhood Plan.
- 2) The indicative layout should incorporate SUDs features as part of the landscape design, through the incorporation of swales, rain gardens and/or detention basins.
- 3) The landscape strategy should provide further details and images on proposed soft and hard landscaping materials.
- 4) If the application is approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition.
- 5) It is recommended that the proposed 'shared surface' access to the site has a defined footway on at least one side.
- 6) Boundary trees and hedges on the western edge should remain in the public domain, and should not be within residential dwelling boundaries.

7) A detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted, if the application is approved. We recommend a landscape maintenance plan for a minimum of 5 years, due to the sensitivity of the area and to support plant establishment.

BMSDC Strategic Housing - Supported in terms of housing provision as will meet local housing needs as identified in Community Action Suffolk Local Housing Needs Survey September 2015, the Lavenham Neighbourhood Plan and the Council's CBL housing register data however the dwelling types for the affordable homes do need to be altered slightly to cater for the housing needs evidence.

Propose that the affordable units are changed to: -

Affordable Rented = 6

5 x 2 bed 4-person houses @ 79 sqm

1 x 3 bed 5-person houses @ 93 sqm

Shared Ownership =

1 x 2 bed 4-person house @79 sqm

1 x 3 bed 5-person house @ 93 sqm

BMSDC Sustainability Officer – Objects, insufficient information regarding mitigation of climate change and policies CS12 and CS13. However, should permission be granted recommends conditions.

Historic England - The application proposes the erection of 24 dwellings with associated parking, landscaping and open space on land adjacent to Bear's Lane. The site lies to the south of the Lavenham conservation area, renowned as one of the most well preserved historic villages. It includes a high number of listed buildings including the Grade I parish church of St. Peter and St. Paul. The proposed development would erode the rural setting of the conservation area and cause harm to its significance. It would also harm the significance of the listed buildings, particularly the parish church. If your authority is minded to consider development in this area, we recommend the level of development is reduced and the design amended. In its current form we object to the development on heritage grounds.

Natural England – No comment to make, refer to Standing Advice.

SCC Archaeological Service – Recommends conditions.

SCC Development Contributions Manager - Detailed comments in relation to the requirements for CIL including;

1. Education. Refer to the NPPF paragraph 72 which states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'.

The NPPF at paragraph 38 states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.' SCC anticipates the following minimum pupil yields from a development of 24 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).

The local catchment schools are Lavenham County Primary and Thomas Gainsborough School.

Based on existing forecasts SCC will have no surplus places available at the catchment primary school, so SCC will seek CIL funding at a minimum cost of £73,086 (2017/18 costs). At the secondary school level there is currently forecast to be surplus places available.

2. Pre-school provision. Refer to the NPPF 'Section 8 Promoting healthy communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4-year-olds. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2-year olds. From these development proposals SCC would anticipate up to 3 pre-school pupils.

This development falls within the ward of Lavenham and there is a predicted deficit of 17 places in September 2017. Therefore, the 3 children arising from this development will require CIL funding of £18,273.

The Government has signalled the intention that from September 2017 the entitlement to free provision will be extended to 30 hours per week.

3. Play space provision. Consideration will need to be given to adequate play space provision. A key document is the 'Play Matters: A Strategy for Suffolk', which sets out the vision for providing more open space where children and young people can play. Some important issues to consider include:

- a. In every residential area there are a variety of supervised and unsupervised places for play, free of charge.
- b. Play spaces are attractive, welcoming, engaging and accessible for all local children and young people, including disabled children, and children from minority groups in the community.
- c. Local neighbourhoods are, and feel like, safe, interesting places to play.
- d. Routes to children's play spaces are safe and accessible for all children and young people.

4. Transport issues. Refer to the NPPF 'Section 4 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both onsite and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. This will be coordinated by Suffolk County Council FAO Sam Harvey.

Site specific matters will be covered by a planning obligation or planning conditions.

Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014.

5. Libraries. The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e. £5,184, which will be spent on enhancing provision at the nearest library. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of $(30 \times £3,000) = £90,000$ per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling. Refer to the NPPF 'Section 8 Promoting healthy communities'.

6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

7. Supported Housing. In line with Sections 6 and 8 of the NPPF, homes should be designed to meet the health needs of a changing demographic. Following the replacement of the Lifetime Homes standard, designing homes to the new 'Category M4(2)' standard offers a useful way of fulfilling this objective, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the local planning authority's housing team to identify local housing needs.

8. Sustainable Drainage Systems. Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems.

On 18 December 2014 the Secretary of State for Communities and Local Government (Mr Eric Pickles) made a Ministerial Written Statement (MWS) setting out the Government's policy on sustainable drainage systems. In accordance with the MWS, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. The MWS also provides that, in considering planning applications:

"Local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."

The changes set out in the MWS took effect from 06 April 2015.

9. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow SCC to make final consultations at the planning stage.

10. Superfast broadband. Refer to the NPPF paragraphs 42 – 43. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability.

As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

11. Legal costs. SCC will require an undertaking from the applicant for the reimbursement of its reasonable legal costs associated with work on a S106A for site specific mitigation, whether or not the matter proceeds to completion.

12. The above information is time-limited for 6 months only from the date of this letter.

SCC Flood and Water Team – Holding objection, on the basis of the absence of required information.

Suffolk Fire and Rescue Service – Access to buildings for fire appliances and firefighters must be in accordance with Building Regulations, and fire hydrants will be required.

SCC Highways – Make the following comments, and recommend conditions;

- The development could possible benefit from an additional pedestrian/cycle access point near Bear Lane/Long Meadow junction to encourage walking/cycling to the south and west of the site for residents in dwellings 12 to 24.
- The layout of the access road into the development is straight and may encourage drivers to speed. We suggest the road layout is either changed to include curves (such as Spatial Organisation shown in Suffolk Design Guide) or implement traffic calming measures such as chicanes or road humps.
- The application mentioned in the Transport Plan, street lighting improvements may be considered in Bear Lane which can be included in the S278 agreement.
- The Illustrative layout drawing shows links to potential future developments; the Traffic assessment does not address these so this response is only for this outline application. Please note, Suffolk Design Guide point 3.3.8 and 3.3.9 regarding access requirements.
- Please note, if permeable paving is proposed on this development, this type of road construction will not be adopted by SCC.

SCC Travel Plan Officer – A Travel Plan is not required in this case.

Suffolk Constabulary Design Out Crime Officer – Makes a number of general and site specific recommendations regarding detailed elements of the scheme such as landscaping, fencing, lighting and bin/cycle storage areas.

Suffolk Wildlife Trust – Recommends a condition that the ecological reports are implemented in full.

Following the submission of additional information/documentation on 5th October, a reconsultation was undertaken. The following revised comments were received:

Lavenham Parish Council

The developer has taken cognizance some of the issues raised but a more natural approach to tree and shrub planting is necessary. The trees along the main access should have a more irregular pattern with tree groups and stand alone trees.

However, we have yet to hear anything constructive from either the County or District councils regarding emergency access to the whole area, albeit that the developer is willing to work with them to find a solution.

BMSDC Air Quality – No objection.

BMSDC Contaminated Land Officer – No information has been submitted regarding land contamination, therefore recommend refusal.

BMSDC Environmental Protection – Recommends additional conditions relating to construction management plan, play space and light pollution

BMSDC Heritage Team - The Heritage Team largely agrees with the thrust of Heritage Collective's letter of 'September 2017', in response to HE's letter to BDC of September 11, 2017, though entirely disagrees with the assertion on page 4 that the Grade I parish church has 'a defined and established setting'. The setting is the surroundings in which an asset can be experienced, and it is made clear by HE that settings can evolve. It takes a brave individual to exclaim that any particular setting is defined and established, particularly given the heritage sector's evolving understanding and interpretation of setting and significance of assets, and the dynamic nature of village development.

HE's observations are entirely understandable, but in this case the work to mitigate the impacts on the character and appearance of the CA, and on the settings of the listed buildings, is considered to limit the harm to the lowest level of the spectrum of 'less than substantial harm'. So whilst there remains a vestige of harm, the Heritage Team does not object to the proposed development.

BMSDC Infrastructure Team - The development lies within the MSDC High Value Zone and will be charged at n 15 per square metre subject to indexation. The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended).

BMSDC Landscape (Place Services) – Makes recommendations as follows;

Additional information and validation has been provided in relation to existing key viewpoints and the countryside interface which means only recommendations 2-6 stated in the letter dated 15th September 2017 still stand. However, in addition to these, it is also recommended that a more natural approach is taken to tree and shrub planting on boundaries and in green open space. Currently, the trees along the main access road are shown as having a regular pattern which is not commended, and these should have a more irregular pattern, with tree groupings and stand-alone trees.

BMSDC Sustainability Officer – The revisions do not change their concerns.

Historic England - We remain of the view that there is a relationship between the conservation area and the countryside to the south and that this contributes to the significance of the conservation area. The applicant's Heritage Statement also identifies that the open space contributes to its overall character, paragraph 4.3. Despite the boundary of the conservation area to the rear of the Water Street properties being defined by the hedge line, limiting direct views between this part of the conservation area and land directly to the south, the countryside here contributes to the experience of the conservation area. This experience is not limited to immediate, static views but can be appreciated in a more dynamic way when moving through the conservation area and the surrounding area. We would also emphasise that setting does not depend on public access.

Historic England continues to object to the application on heritage grounds because of the impact on the significance of the conservation area, the church and other listed buildings. We consider the application does not meet the requirements of the NPPF, in particular paragraph numbers 14, 132, 137 and 60. The level of harm might be reduced by a reduction in the number of houses and an alternative design approach as our previous letter suggested.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Natural England – No comment to make, refer to Standing Advice.

SCC Archaeology – No further comments to make.

SCC Development Contributions Manager – No further comment to make.

SCC Flood and Water Team – Holding objection, on the basis of the absence of required information.

SCC Highways – Recommends conditions.

SCC Travel Plan Officer – No further comment to make.

Suffolk Constabulary Design Out Crime Officer – Makes a number of general and site specific recommendations regarding detailed elements of the scheme such as landscaping, fencing, lighting and bin/cycle storage areas.

Representations

9. 24 representations have been received making the following comments (summarised);

- There would be a major increase in residents traffic and service traffic on a daily basis and bearing in mind that at the narrowest point of Bears Lane no two vehicles are able to pass each other.
- Also the narrowest part has no foot path therefore children going to and from school (and all pedestrians) have to walk on the road.
- The increase in traffic will result in a much higher risk of a child or venerable person being hit by a vehicle.
- My view is that should these plans be passed then the Council should be totally responsible if a child or anyone is injured in the future along Bears Lane due to the increase in traffic.
- Emergency vehicles should have clear access.
- Bears Lane is the only access to Meadow Close and it is vital that this access is used as little as possible.
- When they moved to Meadow Close they were not told that building was planned here.
- They were not notified of the application.
- Destruction of natural, beautiful, meadowland and all the wildlife in it.
- There are already queues which belch pollution and build frustration without adding 50 vehicles to the mix.
- When Bears Lane was closed due to an incident recently grid lock ensured for 90 minutes as traffic was unable to move through Lavenham.
- Property has been damaged by vehicles trying to get along Bears Lane.
- Investment that provides work and homes should be supported, but must be sustainable.
- Traffic calming measures only punish the innocent.
- People like living here and enjoy the area. There are enough houses along this stretch already. 12 new homes have been built along this lane already.

- Have businesses been consulted? Do they support it?
- Local trade is unlikely to see a noticeable upturn.
- Will this result in the production of parking charges?
- Has the local school and surgery been consulted?
- New homes should not be built at the expense of others quality of life.
- Councils should be petitioning Central Government against these sites.
- The plans show garages opposite the site when new houses have been built here. This is misleading.
- Barn Owls currently enjoy using this space.
- It is already difficult to get an appointment to see the doctor.
- Parking in the village is already stretched.
- What happened to all the residents letters that were sent in last time this planning was discussed?
- Why bother having a meeting and then ignore what people said?
- You set up a wire across the road to record traffic numbers but that didn't take into account the lane itself. It's too narrow.
- The infrastructure is already unable to cope.
- We shall be very sad to see that field developed.
- It is a habitat for hedgehogs.
- Move the access so it doesn't lose the hedgerow.
- The bin lorries already block up the road.
- People speed along the road already.
- Is the land for sale or is this just a speculative application by the builders?
- No necessity for building on this land.
- This won't help Lavenham or the Heritage Trust.
- Concerns over the impacts on historic buildings.
- The Travel Assessment is out of date and takes no account of the 12 flats that have been built in Bears Lane since it was written. In para 2.3 the term 'priority junction' is used in relation to the access to Church Street, it is within 5 yards of this junction that the traffic cannot pass both ways at the same time. In para 2.10 it refers to services within 800 yards, again this is out of date, I am not aware of a Post Office, Bank or an NHS dentist within 800 yards. In para 3.2 and para 3.6 all traffic figures relate to 24 properties and do not take any account of the 12 flats that have been built subsequently. Table 3.1 has used a national TRICS database to provide the information and not what actually happens in Bears Lane.
- Finally, on this report I would worry about the number of traffic movements stated given that these 24 properties are all 2/3 bedroom properties and for which 60 car spaces have been provided along with the 12 flats that are now in occupancy. I assume the occupancy numbers will be between 2/3 adults in each of the 24 properties along with a number of children, to me this would mean 2/3 cars per property which would involve going to work, going to college, taking children to school and going shopping. These movements stated are not consistent with this sort of occupancy.
- Finally, I assume that consideration of the broadband capacity has been taken into account as these 24 properties, along with the 12 flats, will impact on what is already a poor service.
- The application site is located outside of the settlement boundary of Lavenham. It is therefore in the countryside for planning purposes. Policy CS2 of the Core Strategy states that development in the countryside will only be permitted in 'exceptional circumstances' and subject to a proven justifiable need. There is nothing to suggest the proposal should be permitted exceptionally, especially so in the context of an extant planning permission for 25 homes in the village and the pending site allocations process which will consider housing distribution strategically.
- Furthermore, the application site is not allocated for development. Policy CS2 of the Core Strategy states that housing for Core Villages will be set out in a site allocations process. The proposal is pre-empting this process. In other words, the proposal is premature and this is a material consideration of some force.

- The applicants are relying on Policy CS11 to justify housing in the countryside but this approach has already been discredited through a successful judicial review in the high courts of a planning permission for a site in East Bergholt where that permission was quashed. We understand a similar legal challenge is pending at a site in Bildeston. The Council would be exposing itself to further legal challenge by permitting a similar scheme in Lavenham predicated on a similar interpretation of policy. It would be our intention to pursue such a course of action in the event the Council approved this application.
- The proposal would have significant harm to the landscape and heritage of the village. This is a point expanded on below. - In respect of its locational context, the proposal would be development that would harm a Special Landscape Area and a designated heritage asset (Lavenham Church) - There are sequentially better sites for housing development. There is an extant permission for 25 homes and further development to the south west of the village is being explored. Development here would have less impact on the landscape and heritage assets. - Importantly, there are no locally identified needs. The proposal is not supported by a local housing needs survey and the evidence underpinning the submission is generic district wide data which by definition is not a locally identified need. - The proposal does not advance any locally identified community needs either. The open space proposed as part of the scheme, whilst welcome, would be sloping, small and would be rather isolated from the village. - In respect of cumulative impacts, the village school is at capacity and Bear Lane is unsuitable for further residential development given the narrow width of the carriageway and pavement.
- The proposal is contrary to Policy CS11 of the Core Strategy.
- The application site is currently an open and undeveloped site bounded by hedgerows. The hedges provide a natural boundary to the village. The proposal would breach this natural boundary and would appear as a discordant intrusion/incursion into the countryside. Thus the proposal would not be a natural extension of the village. The landscape and visual impact assessment has demonstrated the development would be particularly visible from Clay Hill and footpaths from the south east. The development would also be highly prominent from the footpath immediately adjoining the site and would harm the enjoyment of its use. There is an important view from Bears Lane looking out across the site which the development would harmfully encroach upon. The development would be a bland and unimaginative housing estate that would appear remote from the village and incongruous in its rural setting. The inherent urbanisation of the application site would result in significant harm to the countryside.
- The LVIA does not demonstrate the impact of the proposal in winter months and has provided no visualisation of the proposal. The applicant suggests the hedge on the southern boundary of the field would block views of the development but this is outside their control and in any event, landscaping should not be used to screen harmful development as its longevity cannot be guaranteed.
- The LVIA should also have included a zone of visual influence to enable the proper impacts to be considered. The LVIA is not sufficiently robust and therefore a decision based on its findings would be flawed. Has it been prepared to Landscape Institute guidance and independently reviewed on behalf of the Council by a landscape specialist?
- As stated above the site occupies an elevated position within the Brett Valley Special Landscape Area. The harm identified above would place it in conflict with Policy CR04 of the Local Plan. This policy is consistent with Paragraph 109 of the National Planning Policy Framework, which seeks to protect valued landscapes. Further evidence of this is that the site falls within a 'protected view' in the Lavenham Neighbourhood Plan.
- The proposal is not landscape led. The public open space would be on the lower part of the site and therefore any landscaping within it would be ineffective in screening the development. The landscaping along the proposed estate road amounts to six trees, which, when planted are unlikely to be mature. Six trees is wholly inadequate as a means of softening the impact of the development on the wider countryside or providing a sense of a verdant landscape led estate befitting the edge of a prominent countryside location. Significantly more landscaping is required in order to screen the development. Such landscaping would need to be deep and structural in nature, similar to that at the approved development at Carsons Drive, Great Cornard.

- It is also necessary to ensure the development is finished in dark colours so the impact is less stark than it would otherwise be. An example of this is the eco house across the valley at Clay Hill Farm. It is also essential that more trees are provided throughout the development, particularly amongst the roof scape - the gardens would be too small for mature trees to develop and this would diminish any sense of the estate setting amongst trees in longer distance views.
- The provision of street lights would also result in significant harm to the landscape given the elevated position of the site and its prominence in long distance views.
- The hedge along Bear Lane is gappy and this would need strengthening as part of any scheme.
- The proposal is an arrangement of the developer's standard house types. It has not been carefully designed. The dwellings lack a sense of quality architecture and composition. An axonometric drawing of the development would assist in testing the development as a place. There is nothing in the submissions to suggest the proposal scored positively against Building for Life criteria, a requirement of the CS. Moreover, it does not appear to have been the subject of a design review, as encouraged by the Framework. This is essential given the site's sensitive setting.
- In particular, there are a number of concerns with the design of proposal as follows, - The development would have a poor relationship with Bear Lane and none of the properties would be angled north to address views into the site. - Section AA demonstrates a disjointed street scene with no overall composition. This would be easily improved, for example Plot 2 could be relocated to the position of Plots 10/11 to provide a balance entrance to the central cul de sac. Plot 13 and 14 could be replaced by the house type used in Plots 3 and 4. Plot 12 could be relocated as it appears as a discordant interloper. These amendments would provide composition and strength to the street scene. - In terms of detailing, some plot (e.g. Plot 2) would have odd rendered sections. Detailing is missing on other houses, such as chimneys. - Plots 10 and 11 are contrived to turn the corner and would not reflect local distinctiveness. These are particularly offensive. - Plots 15 to 20 represent a long unbroken mass that would be wholly discordant. The integral garages are particularly contrived. The developer should move away from a standard house type and design bespoke homes that are more spacious and allow views in-between and opportunities for planting. - Many of the plots would be car dominated with small frontage parking spaces. This would result in an incongruous suburban layout. The application site is large and thus there is no need to squeeze the proposed houses in to the detriment of the overall design. - It is unclear what the palette of materials would be. The expectation should be for painted timber windows and a high quality palette of materials including natural clay tiles and slates and soft red bricks - render should be in neutral palette - in fact render should be used sparingly given the presence of the site in long distance views - bright colours should certainly be avoided on the roof and walls. - It is unclear where bins would be stored and to what extent they would be placed in front gardens, particularly in the terraced homes.
- The tower of Lavenham Church is currently the dominant feature in the surrounding landscape. It is Grade 1 listed and therefore of the highest significance. The proposed development would harmfully encroach upon the setting of the church tower in views from the surrounding landscape. Given its stark and incongruous appearance the proposed development would compete with, and detract from, views of the church tower. Unlike the rest of Lavenham, which sits comfortably with the landform and is softened by mature trees, the proposed development would be an imposing addition. Harm to the significance of a designated heritage asset would require clear and convincing justification. This cannot be the case given the lack of any local need for the development and the opportunities to site it elsewhere in the village and district.
- The proposal would increase the use of Bear Lane with both construction traffic and post construction traffic travelling up and down the street. The road is too narrow for two cars to pass comfortably, has pitch points and the width of the pavement is substandard. The additional traffic would therefore harm highway safety and would do little to promote safe pedestrian movements, especially for those with limited mobility or if a push chair is required. This effect needs to be considered cumulatively, with the recent approval of affordable flats at Meadow Close.

- The proposal would result in a partial loss of a hedgerow to provide the site access and visibility splay (which are not clearly shown on the drawings). As such, an ecology survey should be submitted. - The proposal would result in the direct loss of agricultural land. It would also render part of the remaining field impractical for farming due to the shape and size. - The living conditions of future occupants would also be poor. Particularly, the outlook from Plots 20 and 19 would be compromised and dominated by Plot 21 as would the outlook from Plot 5 by Plot 6 and Plot 15 by Plot 14. This would be at odds with Paragraph 17 of the Framework.
- Is there any approved evidence/reporting that building on the top third of a steep field will not have a negative impact on drainage/drainage/potential flooding or surface water issues for the houses at the bottom of the hill to the development?
- How much money (if any) is being put by the developer into what I understand used to be referred to as (and may still be) "106" money for infrastructure, works for the community and improvement for the village for the undoubted impact the 24 dwellings would have? - (my concern is that the size of the development would allow the developer to escape any kind of or any adequate compensation to the village for the undoubted strain it would place on current infrastructure, not least the school, roads, GP surgery and generally).
- Are any payments being made to Babergh DC or any Council (District or local) by the developer? If so what are the payments in relation to, where will that money be re-invested and will there be an obvious paper trail for those monies?
- Do any members of the associated Councils have a pecuniary interest in the development?
- What safeguards are in place to stop a further 24 dwellings being built as effectively a phase 2 and then a further 24 etc etc until the entire field is a housing estate? Are any restrictions in place to stop further building on the remaining plot which will, to all intents and purposes, be rendered useless as a farming concern if the development goes ahead?
- What impact would the heavy plant used during the build and, upon completion, the proposed further 64 vehicles have on Water Street particularly (as an already heavily overused thoroughfare) and other parts of the village? The development reporting seems to only concentrate on Bear's Lane in its attempted (and clearly biased) justification for the development.
- The Statement of Community Involvement shows that the scheme received a predominantly negative response.
- The site is a Special landscape Area.
- The layout allows for future development contrary to the LNP.
- Provision must be made for a permanent boundary on the northerly edge to prevent against creep development.
- The public presentation did not address many of the concerns raised by local people
- I understand that there have queries about the insulation/sustainability of the proposed dwellings - I assume that these technical matters will be properly considered at the appropriate time.
- The Application appears to have been inadequately prepared - offering 1/3 of "the development" as a sweetener - cynically utilising a marketable location at minimum amenity contribution with the possibility of future development. The proposed density is excessive - will add nothing to the community and should be compared with the exclusively social housing Application at the top of the Lane.
- It is difficult to understand how the Suffolk highways authority can assert that the visibility complies with the required standards. This might be true from the point of view of exit/entrance of the new site, but not for residents on the upper part of Bears Lane (going towards Church Street), on the side of the road opposite our house, and for all of Bears Lane beyond the proposed new estate. Both the Parish Council and local residents have strongly objected to this.
- The developer has presumably considered the objections in this matter - has had an opportunity to resolve those objections - has completely failed to do so.
- There are plans for "proper" development at the head of Bears Lane. - limited development / local homes for local people - this is to be endorsed.

The Lavenham Society – Support the application subject to resolution of the following matters;

- The access along Bear's Lane between Church Street and the site is very narrow and this should be resolved before planning permission is granted.
- That SCC Highways ensure that access is located in the safest location as there is a bend.
- The public open space should be guaranteed in perpetuity with no future development being allowed.

Cllr William Shropshire –

- As district councillor for the Lavenham Ward, I write in objection to the proposed development DC/17/04024 on the basis that Bears lane access is totally unsuitable for any further vehicles.
- The area has recently seen a development of 12 houses, added to the 1950's development of Meadow close and late 1990's development further up Bears Lane and not forgetting those newer houses nearer the Church Street entrance. Bears Lane was never intended to have heavy residential use, nor was it intended to have anything more than the odd resident or agricultural vehicle passing on it and a further increase of 24 homes would add at least a further 50 vehicles and therefore possibly 200 motor vehicle uses per day.
- I note that the Parish Council stated "...an engineering solution must be sought from Suffolk County Council Highways to the pinch points on Bears Lane. The traffic report to the application seems to underplay the existing and future traffic flows. Frequent minor accidents occur and the footpath is narrow. The County Highways should give urgent consideration to this matter to safeguard existing and future residents of this area, which may include the purchase of small areas of garden. The addition of 24 dwellings in this location will bring the number of dwellings on Bears Lane and in Meadow Close to a total in excess of 100, all dependent on one narrow access lane emerging in Church Street. The Parish Council considers that this is not acceptable and could prove to be dangerous should an accident block the lower end of the lane and access be required for emergency vehicles. It is strongly recommended that access for emergency vehicles be created at the existing pedestrian entrance to Meadow Close on Sudbury Road (White Gates), protected from public use by lockable bollards. Or alternatively, design an emergency access from the far end of the public car park in Church Street which could emerge onto Bears Lane. This is again an urgent matter requiring immediate action."
- This only confirms that the road is actually unsuitable.
- Further to this my concern is that the proposed development has been carefully drawn to fit in with the Neighbourhood Plan, citing 24 homes in any one development. However the drawing and plans are in my opinion, are laid out to maximise the possibility of another future development next to it and a further one beyond that what I call 'creeping'. This would transform the area into a mini housing estate, ntotally out of character with what is there at present and affecting protected views from Brent Eleigh Road.
- Services and infrastructure is also a point which I would like to be considered. The School and doctors surgery is over-subscribed and yet no foreseeable improvement to the pressures on these two vital services is forthcoming.
- I also believe that BMSDC should consider the impact to tourism, which is one of the most important income streams to Babergh, and Lavenham being at the forefront of the tourism in our area needs to have bespoke planning decisions, based on factors that may not affect other villages and therefore more and more vehicles in a village that encourages people from all corners of the world to come and walk around and see the ancient buildings, is counterproductive, both from a safety and economic perspective.
- I see there has been a large number of objections already, to this application from residents in the village, whether living on the edge of the proposed site or at the other end of the village. Their thoughts should not be discounted.
- I therefore recommend for refusal.
- Should this application be passed, I would urge that screening and protected wildlife areas be implemented to ensure that future 'creep' development is thwarted and to provide current residents with as little impact as possible.

The Site and Surroundings

10. The application site is situated immediately adjacent to the defined settlement boundary of the village of Lavenham, which is identified as a Core Village by policy CS2 of the Council's adopted Core Strategy. The site currently comprises agricultural land and forms part of the Brett Special Landscape Area, but it is not located within the Lavenham Conservation Area. The Brett Special Landscape Area designation has been a key consideration in the design of the proposed layout and open space areas.
11. The application site is situated in a particularly sustainable location, being within close walking distance of the facilities provided within Lavenham (the site is situated within 400 metres of the centre of the village). These facilities include a primary school, a selection of pubs and restaurants, a butchers, a bakery, a bank, a post office, a doctors' surgery, a dental practice, a convenience store, a tennis club and playing fields. In addition to Lavenham Community Primary School, the village is also served by nearby Hadleigh High School and Thomas Gainsborough Secondary School in Great Cornard.
12. In addition to the above facilities, a regular bus service passes through the village, with a bus stop located on nearby Church Street to the north. This bus service provides direct access to the larger settlements of Bury St Edmunds, Sudbury and Colchester, which are all connected to the rail line, as well as a number of other villages in-between.
13. The application site is situated adjoining the defined settlement boundary for Lavenham and comprises approximately 3 hectares of agricultural land. Meadow Close is situated to the west of the site, where the southern boundary of the site is bordered by an existing tree belt that provides separation from the wider landscape beyond.
14. The site is well screened from the public highway and nearby residential properties by substantial hedgerows, which this application will seek to retain, and supplement, where possible, to provide natural screening, and to protect and enhance biodiversity. The application site is situated within Flood Zone 1 and is not at risk of flooding from rivers or the sea.
15. There are a number of important views across the site from the east, as noted within the adopted Lavenham Neighbourhood Development Plan (LNDP). The scheme seeks to protect and enhance these views through the provision of new public open space for the benefit of the village. This area will also serve to protect important longer distance views from the south towards Lavenham Church.

The Proposal

16. This application seeks planning permission for the erection of 24 dwellings with associated parking, landscaping and open space on land adjacent to Bear's Lane, Lavenham, Suffolk. The proposal comprises a range of smaller detached, semi-detached and terraced houses, including both market and affordable units. The housing mix consists of 2 and 3 bedroom units as follows:
 - 12 x 3 bedroom market houses;
 - 4 x 2 bedroom market houses;
 - 6 x 3 bedroom affordable houses; and
 - 2 x 2 bedroom affordable houses.

17. The Planning Statement submitted with the application identifies that the layout and design of the scheme is intended to fully integrate the affordable and market housing into a development, whereby the affordable houses are an important component of the overall proposals. The development assures the affordable housing provision contributes to Lavenham as a mixed and cohesive community, made more sustainable by providing housing that is needed in the community.
18. The proposed development provides an area of private amenity space for each unit, as well as associated parking/garaging, cycle and refuse storage, and hard and soft landscaping. The proposal will provide at least 2 car parking spaces per dwelling, with additional visitor parking spaces, and turning heads/circulatory space for emergency and service vehicles.
19. In addition to the private gardens, the development proposes areas of public open space which is interspersed with supplemental landscaping and a Sustainable Drainage System.

Main Considerations

20. The following are identified as the main considerations in assessing this application.

The Principle Of Development

21. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
22. 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 (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
23. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council 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.

24. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that ‘...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...’ 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.
25. 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.
26. 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.
27. 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
28. Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the ‘tilted balance’ in paragraph 14 of the NPPF, and the operation of Policy CS1.
29. 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."

30. 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, including the Lavenham Neighbourhood Plan, in the context of the authority not being able to demonstrate a 5 year land supply.

Sustainability Assessment Of Proposal

31. 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.
32. 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.
33. 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."*
34. 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.
35. 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 is 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.
36. 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.
37. As such, this report will move to consider the relevant provisions of those policies.

Consideration against Core Strategy Policy CS11 and the adopted SPD

38. 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).
39. 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.*
40. 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.
41. 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.
42. 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).
43. 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

44. 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.
45. 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 sits within the designated Special Landscape Area where saved policy CR04 would apply. It is also noted that there is an objection from Historic England with regards to the relationship of the open countryside and the Conservation Area in this part of Lavenham and, whilst this raises matters of landscape impact, these are more relevant to heritage considerations which are addressed later in this report. Therefore, this element of the report will focus on the landscape issues directly.
46. The application is supported by a Landscape and Visual Impact Assessment. In assessing the landscape impacts, capacity for change and possible mitigation, it clarifies the measures set out in the Landscape Strategy proposed by the applicant as;
 - Retain and manage the Sites existing boundary trees and hedgerows and through appropriate management interventions enhance their biodiversity potential, to ensure that they provide an appropriate and robust landscape framework and setting for the proposed new homes and associated public open space. This approach will also help to integrate the proposed new development with the surrounding village edge and countryside.
 - Ensure that the Lolls ‘Defined View - Out’ looking east from the north-western corner of the Site (looking above the rooftops of properties that front onto the Brent Eleigh Road, across to the opposite side of the Brett Valley) is retained and that new planting enhances and does not close down this view.
 - Create a generous new ‘entrance green’ and explore opportunities for this to read as an eastward extension of the existing green on the opposite side of Bears Lane. The new extended green would provide a green infrastructure node at the interface between Bears Lane; Meadow Close; the Sites proposed shared surface access road and the public footpath that links to Church Street to the north. It would also provide a link to the public footpath along the northern edge of the Site.
 - Ensure that the principal, shared surface vehicular access route for the proposed development is lined with a single line of Lime trees, set within a generous verge, to reflect the character of Lavenham elsewhere (lime trees are currently planted at the northern end of High Street and within the churchyard adjacent to Church Street).
 - Create a second more extensive public open space to the east of the proposed development area. This approach accords with the Neighbourhood Plan Project P7; Opens Spaces..... etc; ‘Continuing support will be given by the Parish Council to the maintenance and development of open spaces’.
 - Plant a new hedgerow along the eastern Site boundary to restore the historic hedge line shown on Ordnance Survey mapping between 1884 and 1977 and help to define a more intimate scale of fields to the south of Lavenham.
 - Replant osier trees and manage as osier beds to re-create this historic landscape feature. Provide interpretation boards within the public open space to explain the role osier beds played as part of a cottage industry in Lavenham during Victorian times.

- Retain the view from the proposed new public open space network within the Site, towards the church tower of St Peter and St Paul's Church. Ensure that new planting does not close down this view.
 - Create a new circular footpath walk that provides informal access to the southern edge of the linear woodland plantation. This will allow the public to enjoy elevated views of some quality across the Brett Valley to the south east that are not currently available to the public elsewhere within Lavenham.
 - Ensure that the built public realm and boundary treatments of new homes respect the typologies that can be found in the existing historic townscape context. Low hedgerows are proposed as front garden boundary treatments for new homes.
47. The response from the Council's Landscape Consultants to the initial submission made a number of recommendations related to both the immediate landscape impact and the key views identified in the Lavenham Neighbourhood Plan. These included;
- that the site layout is redesigned, and dwelling numbers reduced to accommodate key views set out in the Lavenham Neighbourhood Plan.
 - The layout should incorporate SUDs features as part of the landscape design, through the incorporation of swales, rain gardens and/or detention basins.
 - The landscape strategy should provide further details and images on proposed soft and hard landscaping materials.
 - A detailed boundary treatment plan and specification will need to be submitted as part of a planning condition.
 - It is recommended that the proposed 'shared surface' access to the site has a defined footway on at least one side.
 - Boundary trees and hedges on the western edge should remain in the public domain, and should not be within residential dwelling boundaries.
 - A detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted, if the application is approved. We recommend a landscape maintenance plan for a minimum of 5 years, due to the sensitivity of the area and to support plant establishment.
48. Following revisions to the scheme, and the submission of additional landscape impact information in October, the details were reconsidered by the Landscape Consultant who found that the additional information and validation in relation to existing key viewpoints and the countryside interface meant that the first bulletpoint in their previous response had been addressed. However, they also recommended that a more natural approach is taken to tree and shrub planting on boundaries and in green open space. Currently, the trees along the main access road are shown as having a regular pattern which is not commended, and these should have a more irregular pattern, with tree groupings and stand-alone trees. It is considered that this, along with the recommendations made previously, can be dealt with through a condition to secure a full landscaping scheme.
49. The proposal has been assessed against the provisions of policy CR04 and the Neighbourhood Plan where it relates to landscape impacts. The development would result in the loss of an agricultural field (the loss of which is considered in specific detail later in this report) and there would, therefore, clearly be a landscape impact through the development of this site. However, these impacts are considered to be mitigated by the proposed landscaping which, subject to the landscape scheme reflecting the Landscape Consultant's recommendations, would ensure that the impacts of the proposal would not give rise to any particular detriment to the locality. The proposal would, therefore, be acceptable in terms of policy CR04 and the LNP.

Impact on Heritage Assets

50. 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".
51. Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).
52. The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). Good design is a key part of sustainable development, and the Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm and that proposals which make a positive contribution to the asset should be treated favourably (paragraph 137). In making this assessment the decision maker should not apply the 'tilted balance' of paragraph 14 of the NPPF (even if it is otherwise applicable) but should place the priority on conserving the heritage asset free from harm, by refusing harmful proposals, unless there is sufficient public benefit to outweigh that harm.
53. Saved policy CN06 of Babergh Local Plan Alteration No. 2 (2006) requires inter alia that alterations to any part of a listed building are: justified in terms of preserving the special character of the building; would make use of appropriate materials; and would cause the minimum possible impact to the heritage asset. Policy D1 of the Lavenham Neighbourhood Plan is also relevant, requiring that;

"All development proposals will be expected to preserve and enhance Lavenham's distinctive character.

- In the Conservation area this means recognising and reinforcing Lavenham's vernacular architectural heritage (as described in the supporting text to this policy) through choice of materials, height, scale, spacing, layout, orientation and design.*
- Outside the Conservation area this means contributing positively to the street scene where choice of materials complements those on buildings nearby and by being of a height and scale that is in keeping with the neighbouring buildings.*
- All development proposals must be sympathetic to the setting of any individual heritage asset as well as the historic core of the village itself.*
- All development proposals will be expected to retain and enhance vegetated boundaries as much as possible, particularly those of intact hedgerows and trees. Opportunities should be sought to restore local landscape structure through appropriate planting – any unavoidable loss of trees and hedges must be more than adequately offset by new planting.*

Applicants for major development proposals are required to actively engage in consultation with the Parish Council and the community, via the provision of a development brief, as part of the design process prior to any application being submitted”.

54. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "... 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'. Saved policy CN08 reflects this provision, requiring that;

“Proposals for the alteration, extension or change of use of an existing building, or for the erection of new buildings in a conservation area or which have an impact on views into or out of a conservation area should:

- preserve or enhance the character of the conservation area or its setting;
- retain all elements and components, including spaces, which contribute to the special character of the area;
- be of an appropriate scale, form, and detailed design to harmonise with its setting;
- include fenestration which respects its setting;
- use materials and components that complement or harmonise with the character and appearance of the area; and
- ensure that natural features such as trees and hedges are retained and integrated into any development proposals.”

55. In relation to this proposal, both the Council’s Heritage Team and Historic England initially recognised harm to heritage assets, primarily to the Conservation Area but also to two listed buildings in the vicinity (namely Grade II listed Mill Cottage and the Grade I listed Church).

56. In response to these concerns, the applicant provided further clarification through their heritage and landscape specialists respectively in direct response to the Historic England concerns. Whilst the applicant’s heritage specialist considers that no harm results to heritage assets from the proposal, the considered responses of both Historic England and the Council’s Heritage team is that there is less than substantial harm which results, and the response of the Heritage team is considered to aptly reflect the situation where they conclude that;

57. *“HE’s observations are entirely understandable, but in this case the work to mitigate the impacts on the character and appearance of the CA, and on the settings of the listed buildings, is considered to limit the harm to the lowest level of the spectrum of ‘less than substantial harm’. So whilst there remains a vestige of harm, the Heritage Team does not object to the proposed development”.*

58. The NPPF, at paragraph 134, says that, where proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Decision-takers should now make this balancing assessment of harm against public benefits. Unless the public benefits of the scheme are considered to be substantial, they will not outweigh the harm to heritage interests. Decision-takers should also be mindful of the specific legal duties with regard to the settings of listed buildings set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, taking all of these factors into account, it is necessary to consider the specific benefits of this proposal against the harm to heritage assets that has been identified. The balancing assessment is carried out in the ‘Planning Balance’ section of this report.

Impact on Environment

59. The applicant has not provided any assessment of the risk of contamination resulting from the development, other than limited commentary within their submitted Planning Statement. However, the site is an agricultural field where, subject to ground investigation and suitable mitigation being secured by a condition, the risk of contamination is considered to be low risk.
60. As such, whilst the application is considered to be contrary to criterion vii of Policy CS15 (insofar as it relates to land contamination), this matter can be suitably controlled by a condition of any permission granted.

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

61. 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.
62. 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"*
63. The site abuts the BUAB and benefits from pedestrian links to the High Street and Market Square, via Sudbury Road. The site is within the 9 min walk time and 600m 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).
64. 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 200m from the site on the B1071 near to the Swan Hotel.

iii. Site location and sequential approach to site selection

65. 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.
66. 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.

67. 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

68. 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.
69. 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.
70. 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.
71. 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.
72. 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.

73. 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.
74. 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.
75. 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, a scheme for 25 dwellings in Norman Way and a further 25 which was the subject of a resolution to approve at Land South of Howlett of Lavenham. These will provide approximately 54 of the 55 dwellings required. The application proposes 24 dwellings and of these 8 would be affordable and 16 are open market. It is therefore considered that the development will contribute to the identified need for affordable housing.
76. 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 proposes 24 dwellings which accords with the aims of the LNP in that it is a small development which responds to the landscape sensitivities identified within the LNP.
77. 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.
78. The Council's Choice Based Lettings system currently has 61 applicants registered for affordable housing, who are seeking accommodation in Lavenham at September 2017, 21 (30%) of whom are aged over 55.
79. 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:
- 6 x 2 bed 4-person houses @ 79 sqm
2 x 3 bed 5-person houses @ 93 sqm
80. 6 of these dwellings should be for Affordable Rent Tenancy; 2 for Shared Ownership. The mix has been amended to reflect the requirements of Strategic Housing and is now considered acceptable,

81. 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 24 dwellings would represent an increase of 3% which is considered an acceptable scale of development for the village.
82. 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 is 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.
83. 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.
84. The development includes a mix of two and three bedroom dwellings which meet the identified local need for smaller dwellings in order to improve the mix of housing stock in the village. The 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 two and three bed affordable homes has been proposed to meet District Council requirements.
85. 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

86. 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).
87. 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, preferring to submit a CS11 statement which provides only a basic assessment of this element of CS11.
88. 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

89. 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".
90. 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.
91. 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.
92. As previously stated the LNP has identified that 117 dwellings have been delivered within the functional cluster of Lavenham since 2011.
93. 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 24 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).
94. 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.
95. The technical advice received from highways and Anglian Water demonstrate that the development can be accommodated within the village and that the services, facilities and infrastructure in respect of highways and waste drainage have the capacity to accommodate the level of development proposed. However, in the absence of an agreed drainage system the proposal cannot be said to comply with this element of CS11 as it has not been demonstrated that the physical impacts of the development can be suitably mitigated.
96. 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 24 dwellings accords with the aims of the LNP in that is a small development which responds to the landscape sensitivities identified within the LNP. However, for reasons already given it does not fully comply with policy CS11.

Summary of Assessment Against Policy CS11

97. 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 and the cumulative physical impacts, to the satisfaction of the local planning authority. As such, the proposal cannot be said to fully comply with policy CS11.

Consideration against other development plan policies.

98. 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.
99. 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.
100. 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.
101. 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.
102. 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.
103. 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.
104. 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.

105. 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)
106. 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.

Connectivity and Highway Safety

107. 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 and Market Square, which is within just 0.4 mile of the site. The site is within an acceptable range for development as identified within the Lavenham Neighbourhood Plan (LNP) due to its proximity to the village hall, shop, church, school and public houses. Therefore the site is considered to be well related and provide good connections with the wider village and the services it provides. With regard to the comments from the parish council with regard to the emergency access the applicant has submitted a report prepared by Journey Transport Planning providing details of potential options for emergency access routes should that be deemed to be required. This has considered the potential for access via Meadow Close and to the Parish Car Park as referred to by the Parish Council. However, the report concludes that access via the Meadow Close path is unlikely to be achievable. Access via the car park is recommended for investigation if deemed suitable and the applicant has advised that they are content to explore this option further and request that this is covered by informative on the decision notice if required.
108. The Local Highway Authority have assessed the access and consider that, subject to conditions, this is acceptable. The proposal is, therefore, in accordance with the provisions of the NPPf, which seeks to achieve safe access for all.

Environmental Impacts - Trees

109. In response to the consultation on this proposal, the Council's Arboricultural Officer identifies that, subject to the development being carried out in accordance with the protection measures outlined in the Arboricultural Report, he would raise no objection to the development.
110. Whilst there are trees that are proposed to be removed to facilitate the development, these are of limited amenity value and their loss will have negligible impact on the appearance and character of the area.

Loss of Agricultural Land

111. Paragraph 112 of the NPPF refers to the development of agricultural land stating that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
112. Natural England advises that the best and most versatile agricultural land should be protected, and the agricultural land within the application site is classified as such due to the Agricultural Land Classification (ALC) data. The Core Strategy makes no direct reference to the loss of agricultural land, so the application must be primarily assessed against the test in the NPPF. In the context of the test set out within the NPPF, the development is not considered to be 'significant' so the test is not enacted.
113. As such, this issue does not weigh against the development.

Biodiversity and Protected Species

114. 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.
115. 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, it is considered that this matter has been addressed satisfactorily.

Surface Water Drainage

116. 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 not currently provided evidence of a viable surface water drainage strategy for the proposed development and has therefore not complied with the requirements of both policy CS15 and the NPPF.
117. As such, the recommendation on this proposal reflects the need for the applicant to satisfy the Local Lead Flood Authority on the viability of a drainage scheme on this site.

Planning Obligations and CIL

118. 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.
119. 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.
120. 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

121. 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.

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

122. 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

123. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
124. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
125. The development plan includes the Babergh Core Strategy (2014), saved policies in the Babergh Local Plan (2006) and Lavenham has recently completed a Neighbourhood Plan (made on 20th September 2016) which also forms part of the development plan. As such, the policies contained within the Neighbourhood Plan must be given due weight in making a decision on this application. It is, therefore, one of the main considerations in determining any planning applications submitted in Lavenham, unless material considerations indicate otherwise.
126. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF 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'.
127. Paragraph 14 of the NPPF states;
- “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted”.

128. As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date.

129. As set out above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

130. Officers acknowledge that applying the requirements of paragraphs 14 and 49 of the NPPF is likely to cause tension with regards to the recently made Neighbourhood Plan. In this respect, the Planning Practice Guidance, which provides up-to-date direction on the proper interpretation and application of national planning policy, provides clarification around this point. In relation to the weighting to be applied to policies within a neighbourhood plan relevant to the supply of housing where a Council cannot demonstrate that it has a 5-year land supply, para. 83 states the following:

“In such instances paragraph 49 of the Framework is clear that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans. In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

131. This includes paragraphs 183–185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted”.

132. It is considered that policy CS3, along with policy H1 of the LNP, are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.

133. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to heritage assets, as being those which may indicate development should be refused.
134. In consequence of the Council's heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
135. As set out in the judgement on *Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited* (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
136. The NPPF (para. 134) states that 'where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use'.
137. In this instance, the public benefits of the proposal are summarised by the applicant as including the following:-
- The development of homes on this site will also encourage sustained local economic benefits relating to additional local expenditure, with additional expenditure on goods and services by future occupiers of the site on first occupation of their new homes and on an ongoing basis in local shops and services in the local area.
 - The provision of 8 affordable dwellings helping to meet local need.
 - The proposed development would also make a Community Infrastructure Levy (CIL) contribution of approximately £303,830, which will help fund infrastructure needed to support the development in the wider context. 25% of this funding (£75,957.50) will be passed directly to Lavenham Parish Council now that the LNDP has been adopted.
 - At a District level, the CIL monies received will be spent on infrastructure projects such as:
 - Public transport facilities;
 - Libraries;
 - Education;
 - Healthcare facilities;
 - Leisure and community facilities;
 - Open site open space and other strategic green infrastructure;
 - Flooding infrastructure; and
 - Waste infrastructure.
 - Other social benefits including the creation of public accessible green spaces within the site onto which there is currently no public access.
138. These public benefits are sufficient to outweigh the less than substantial harm to heritage assets identified, even when considerable importance and weight is given to the desirability of preserving those assets.
139. Officers have therefore applied the balance required by paragraph 134 of the NPPF, having special regard to the desirability of preserving the setting of the listed building as required by section 66 of the Listed Buildings Act, and given the harm considerable importance and weight. The outcome of this balancing exercise is that those public benefits identified outweigh the less than substantial harm, even when that harm is given considerable importance and weight.

140. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The public benefits of the scheme have been weighed against the harm to heritage assets and have been found to outweigh that harm, thereby satisfying the test in paragraph 134.
141. As such, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged. It should be noted that the outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting in respect of how the Council balanced the issues of the impact on heritage assets was that the claims made against the manner in which the Council had balanced these issues failed. This is a matter of planning judgement.
142. Further, and in any event, the Council does not have a five year housing land supply and considers therefore that limited weight should be attached to policies CS2, CS11, CS15, and H1. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies (whether in relation to proving “exceptional circumstances” or compliance with the limbs of policy CS11 including (locally identifiable need) should be afforded limited weight.
143. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report, even where policies in the Neighbourhood Plan are given greater weight due to their recent examination and development by the community. Furthermore, whilst the restrictions in footnote 9 of the NPPF include impacts on heritage assets, for the reasons explained above none of these policies indicate that development should be restricted.
144. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy CS1 where the ‘tilted balance’ and the presumption in favour of sustainable development are engaged.

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

145. 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

146. 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, subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, the Corporate Manager – Growth and Sustainable Planning be authorised 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.
- 2) Approved Plans
- 3) Sustainability
- 4) Surface water drainage and construction surface water management plan
- 5) Ecological mitigation and enhancement measures
- 6) Lighting design to be submitted
- 7) Details of fire hydrants
- 8) Arboricultural method statement, tree protection plan with regards the final layout and a monitoring schedule
- 9) Details of Materials
- 10) Conditions as recommended by highways
- 11) Details of screen walls and fences
- 12) Construction Management Plan (Inc. construction hours, constructor parking, dust control and prohibition of burning)
- 13) Landscaping
- 14) Foul Water Strategy
- 15) Contamination