

Lavenham Neighbourhood Development Plan

Report by Independent Examiner

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Summary and Conclusion

1. This is an extremely well written neighbourhood development plan with clear explanation of objectives and logical justifiable explanation of many of the policies. Those involved in its production should feel proud of their achievement.
2. I have found that there is a clear policy approach to housing provision. . The Plan is explicit in its recognition of the need to plan positively for growth and particularly recognises local need for the provision of dwellings for young and elderly people.
3. Even though Project P13 is not a land use or development policy, I have recommended the deletion of that project in order to ensure that the housing strategy can be achieved. To encompass Lavenham with a Special Landscape Area designation would undermine the housing strategy.
4. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that housing technical standards are deleted from Policies H1 and D2 as it is no longer appropriate for neighbourhood plans to refer to these. In the interest of clarity, I have recommended modification to Map 9.2 to provide a clear identification of the open spaces and recreation areas identified for safeguarding under Policy C2.
5. I have found that the alternative local connection criteria in Policy H4 to that adopted by Babergh District Council would not provide a practical framework for decision making when it comes to the provision of affordable housing.
6. I have recommended the deletion of Policy D3 as I see no robust evidence to justify the requirement for independent considerate constructor schemes. I have recommended the deletion of Policy C5 as Babergh District Council adopted a Community Infrastructure Levy charging schedule on 20 January 2016.
7. My suggested modifications may require further editing to the Plan, which I have not specifically identified, such as amendment to the policy numbering in the summary of policies on pages 10 to 12.
8. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Lavenham Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Lavenham Neighbourhood Development Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

9. On 2 September 2013 Babergh District Council (BDC) approved that the Lavenham Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Lavenham.
10. The qualifying body is Lavenham Parish Council. The Plan has been prepared by a Steering Group on behalf of the Parish Council. The Plan covers the period 2015 to 2031.

Legislative Background

11. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
12. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
13. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

EU Obligations

14. BDC prepared a *Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination* in February 2015. It concludes that *a Strategic Environmental Assessment (SEA) is not required to accompany the Plan. Should the Neighbourhood Plan policies and proposals change significantly as the plan enters the pre-submission stage, a review of this screening opinion will be requested from the statutory consultees.* The statutory consultees concurred with BDC that no SEA was required. The statutory consultees have not indicated that this situation has altered for the submission Plan. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
15. A Habitat Regulations Assessment (HRA) Screening Report was carried out as part of the Babergh Local Plan (2011-2031) Core Strategy and Policies. This report concludes that the Babergh Core Strategy alone, or in combination with other plans, is unlikely to have an adverse impact on any of the identified sites within approximately 20km of the boundary of the district.
16. There were no adverse comments from statutory consultees with regard to the HRA Screening Determination for this Neighbourhood Plan. The Screening Determination concluded: *there are no internationally designated wildlife sites within the Neighbourhood Area or within 20km of it. The Lavenham Neighbourhood Plan will not, therefore, have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans and does not need to be subject to a Habitats Regulations Assessment.* On this basis, I consider that the Plan does not require a full HRA under Article 6 or 7 of the Habitats Directive.
17. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

18. *The National Planning Policy Framework 2012 (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* provides Government guidance on planning policy.
19. Lavenham Parish is within the local authority area of Babergh District Council (BDC). The development plan for the Lavenham Neighbourhood Development Plan Area comprises the Babergh Local Plan 2011-2031 Core Strategy and Policies (Part 1 of New Babergh Local Plan) February 2014 and the saved policies in the Babergh Local Plan Alteration No. 2 (2006) not replaced by the Core Strategy. The strategic policies in the development plan include policies regarding the delivery of homes and jobs in the area.

20. BDC has completed initial consultation on a new combined Local Plan document with Mid-Suffolk District Council. The documents are a Core Strategy Focused Review, a Development Management Plan Document and a Strategic Site Allocations and Designations Document. There is no legal requirement to test the Neighbourhood Plan against emerging policy although guidance in the *Planning Practice Guidance* advises that *the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.*

The Neighbourhood Plan Preparation

21. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
22. The initial consultation process started at the inception stage in 2012 under a Steering Group comprising Parish Councillors and people in the wider community. Four separate sets of village workshops informed the local community and sought input into the plan making process. In addition, there were presentations to village clubs and societies, Annual General Meetings and events and attendance at the monthly farmers market. In September 2013 a residential questionnaire and a business questionnaire were distributed.
23. The early version of the vision and objectives was made available to the wider community and explained at two workshops. Between April 2014 and September 2014, the Neighbourhood Plan committee used the March Vision, Theme and Objectives paper as a basis for progressing on a fuller draft Neighbourhood Plan. To accompany this, the Neighbourhood Plan committee also produced a Base Line document. This document was made available to view on the Neighbourhood Plan website. Residents were informed about it via local posters and the Lavenham Life Parish Magazine. An open day workshop was held on this version of the Plan in October 2014.
24. By March 2015 the NDP committee had produced version 20 of the Plan and they made this available on their website and the wider community was invited to comment.
25. The consultation period on the pre-submission draft of the Plan ran from 21 July to 9 September 2015. A letter was sent to all households. Announcements were made in the Lavenham Life Parish Magazine, The 'Village Edition' and with posters displayed around the village. Statutory bodies were notified by email.
26. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the

requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.

27. BDC publicised the submission Plan for comment during the publicity period between 4 January and 16 February 2016 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of twelve responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
28. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.
29. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.

The Lavenham Neighbourhood Development Plan

30. For ease of reference, I have used the same headings and policy titles as those in the Plan.

The Neighbourhood Area

31. It is necessary for Neighbourhood Plans to provide *a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency* as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.
32. Map 4.2 identifies the Parish Boundary. Included within this map are a number of different coloured areas, not identified on a key. In the interest of clarity, these coloured areas should be removed from this map.
33. **Recommendation: in the interest of clarity, I recommend modification to Map 4.2 to remove the coloured areas.**

Objectives

34. The principle objective of the plan *is to provide for the sustainable development of Lavenham through the achievement of sustainable development*. The clear objectives include investment in affordable housing for young people; continued economic dependence on tourism and preservation of the historic core; and the retention and enhancement of Lavenham's unique character.

Housing Strategy and Policies

Policy H1: Scale and location of new development

35. The Plan assumes the delivery of a limited number of additional dwellings to contribute towards the 1050 allowance made for rural growth in the Core Strategy for the ten Core and 43 Hinterland Villages. Lavenham is identified as a Core Village in Core Strategy Policy CS2.
36. Core Strategy Policy CS11 allows for appropriate development beyond the built up area boundary of Core and Hinterland Villages, subject to specified criteria. Core Strategy Policy CS15 requires new development to respect the local context and character. Core Strategy Policy CS18 seeks a mix of types of dwellings, providing for the needs of the population, including identified needs of older people.
37. BDC has produced *Rural Development and Core Strategy Policy CS11 Supplementary Planning Document: (August 2014)* to provide guidance on the interpretation and application of Core Strategy Policy CS11. This document states that a judgement will need to be made on the size and scale of development based on the size and character of the village, the services and facilities available and the capacity to accommodate further development.
38. BDC has started work on a Joint Local Plan with Mid Suffolk District Council. In January 2015 *the Local Plan: Core Strategy Focused Review – Objectively Assessed Need and Rural Growth Policy Issues & Options – early stage consultation* was published. This document states at paragraph 2.8 that the current housing requirement for Babergh District remains broadly appropriate and that no further or alternative strategies have been considered for the overall level of housing provision here. Whilst this document considers possible revision to Core Strategy Policy CS11, the revision is primarily concerned with increased flexibility and practical implementation.
39. Table 7.2 in the Neighbourhood Plan identifies a need for 55 additional affordable homes of which 8 have been provided as part of the development at The Halt and a further 30 affordable dwellings are likely to be provided on other identified sites. *Based on Babergh District Council's policy of a minimum of 35% of new housing being affordable it can be seen that*

development of 34 new homes would provide for the present affordable housing need.

40. Paragraph 7.2.9 states that: *a premise of this plan is that Lavenham should, on the one hand, deliver a minimum number of homes of 35 in order to ensure delivery of required affordable homes, and on the other hand deliver additional homes in order to contribute towards the district needs of 1050 homes across all the Core and Hinterland villages. This number is likely to be less than an equal share of the numbers required from Core Villages due to the constraints on Lavenham created by limited education infrastructure, sensitivity of the landscape and its heritage assets and Lavenham's unique topography. Delivery of any development coming forward in Lavenham is dependent on the capacity issue at the existing primary school being overcome.*
41. A Lavenham Landscape Character Assessment, incorporating a Lavenham Landscape Sensitivity Study, has been produced as part of the background evidence for the Plan. In particular, this document identifies and analyses variation in the character of the landscape surrounding the built up area of the village and the landscape sensitivity to accommodate change is assessed.
42. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements. There is no legislative requirement for Neighbourhood Plans to set their own housing numbers. The Plan does not seek to determine the overall amount of houses to be built during the plan period. Instead, its emphasis is on influencing how housing will be delivered.
43. Policy H1 does not allocate sites for residential development. It allows new residential development within or adjacent to the built up area boundary subject to a list of criteria. It requires new residential development to be well related to the existing pattern of development, and identifies constraints regarding primary school capacity. In addition, it seeks to ensure that the findings in the Landscape Character Assessment are acknowledged and requires assessment against Core Strategy Policy CS11.
44. I have visited the Parish and have seen for myself the landscape and heritage constraints to future development. Although an upper limit of 24 dwellings is not mandatory for new residential development under Policy H1, I can see that there is a justified reasoning for the approach to prefer such smaller developments, particularly based on the findings of the Landscape Character Assessment and Lavenham Landscape Sensitivity Study.
45. In recognising the purpose of sustainable development, the NPPF emphasises that development means growth. The Plan is explicit in its recognition of the need to plan positively for growth and particularly recognises local need for the provision of dwellings for young people and elderly people. It sets out the type of new housing development that would be appropriate to enable growth of an appropriate scale that preserves the integrity of Lavenham. This strategy specifically seeks to maintain the

village's strong and established sense of place. This approach has regard to policy in the NPPF, where it requires policies to recognise housing growth and respond to local character.

46. Regarding matters of detailed wording of Policy H1, for clarity, in the third paragraph, proposals should have 'regard to' rather than be 'informed by' the findings in the Landscape Character Assessment, as this is not a policy document.
47. Representation on behalf of Marden Homes Ltd has suggested amendment to the boundaries of character areas in the Lavenham Landscape Character Assessment.
48. At paragraph 5 in the Landscape Character Assessment it is stated that the *boundaries generally follow some line in the landscape feature such as field boundaries or roads. Because there is often a transition zone between one character and another, on the ground, it should not necessarily be expected that landscape character abruptly changes at each boundary. When considering areas near to a boundary the character description and guidelines for both areas may be relevant.* On this basis, I see no reason to amend the boundaries.
49. Not all planning applications are required to be accompanied by a Design and Access Statement and some small residential development proposals may not have an impact on townscape or heritage. Therefore, in the interest of clarity, the fourth paragraph of Policy H1 should be modified to reflect this.
50. Although the built up area boundary is identified in the key, it is not clearly identified on Map 7.4. In the interest of clarity, this map should be modified accordingly.
51. Subject to my proposed modifications and for the above reasons, I conclude that the clear policy approach in Policy H1 has regard to national policy, is in general conformity with strategic policies contained in the Development Plan and contributes to the achievement of sustainable development.
52. The Plan includes non-land use and development projects. Project P13 seeks to encourage the joining of the existing two Special Landscape Areas to encompass the village. The existing Special Landscape Areas are designations in the Babergh Local Plan Alteration No. 2 (2006). Saved Local Plan Policy CR04 restricts development in Special Landscape Areas. It states: *Development proposals in Special Landscape Areas will only be permitted where they:*
 - *maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal; and*
 - *are designed and sited so as to harmonise with the landscape setting.*
53. I note that the future retention of the Special Landscape Areas in a forthcoming Local Plan is in doubt. Irrespective of whether they are retained in a Local Plan, in my opinion, to encompass Lavenham with a Special Landscape Area designation would undermine the housing strategy in this Neighbourhood Plan. Even though Project P13 is not a land use or

development policy, I recommend deletion of that project in order to ensure that the housing strategy in this Neighbourhood Plan can be achieved and ensure general conformity with strategic development plan policy regarding housing provision.

54. The section on local affordable housing need in table 7.2 is duplicated within the table. This is an editing error.
55. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Project P13. I recommend modification to Map 7.4 to clearly define the built up area boundary. I recommend modification to Policy H1 as follows:**

The first sentence of the third paragraph to read: Where proposals are being put forward outside the existing built up area boundary of Lavenham, they will be permitted where they have regard to the findings and recommendations set out in the Lavenham Character Assessment.

The fourth paragraph to read: Where design and access statements are submitted alongside planning applications they shall include a Townscape Impact Assessment and a Built Heritage Statement where appropriate.

Policy H2: Housing Mix –meeting local needs

56. I consider that the housing mix in Policy H2 has been informed by justifiable evidence. The background evidence base provides robust justification for the policy requirement to take into account the identified needs of young and elderly people. The housing mix is in general conformity with strategic policy in Core Strategy Policy CS18. It will help deliver a wide choice of high quality homes as required by policy in the NPPF and will contribute towards the achievement of sustainable development.
57. In a Written Ministerial Statement of 25 March 2015, the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. In the light of this Statement and to have regard to national policy, I recommend the deletion of reference to Lifetime Home Standards in Policy H2.
58. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy H2 to read as follows:**

Housing development must contribute to meeting the existing and future needs of the village. A mix in the size and type of housing will be required taking in to account the needs of young people looking for 2 and 3 bedroom properties as well as the needs of an ageing population looking to downsize into smaller homes.

Policy H3: Affordable Housing

59. Core Strategy Policy CS19 requires 35% of all new residential development to be affordable housing, unless development viability is an issue. I consider this to be a strategic policy regarding the delivery of homes in the District. Policy H3 is in general conformity with Policy CS19.
60. BDC has produced an *Affordable Housing Supplementary Planning Document (February 2014)* to help facilitate the delivery of affordable housing. This document specifies that affordable housing should be operationally integrated with market housing. Policy H3 follows this approach.
61. Policy H3 has regard to national policy in the NPPF to deliver a wide choice of high quality homes. I consider Policy H3 meets the Basic Conditions.

Policy H4: Allocation of Affordable Housing

62. BDC has an adopted document *Local Connection Criteria for Local Housing Needs Schemes* (adopted in May 2013). Policy H4, although recognising a strong local connection, does not conform to that list of criteria. I am concerned that the alternative criteria in Policy H4 would not provide a practical framework for decision making when it comes to the provision of affordable housing. This would not have regard to national policy. Therefore, whilst there is robust evidence to support the need for housing for local people and people with a strong local connection, in the interest of clarity I recommend modification to Policy H4 to reflect the BDC Local Connection Criteria.
63. BDC has suggested modification to Policy H4 by re-iterating their Local Connection Criteria in full. I consider such an approach is unnecessary and suggest modification to Policy H4 to simply make reference to the need to comply with the BDC Local Connection Criteria.
64. **Recommendation: to meet the Basic Conditions I recommend modification to Policy H4 to read as follows:**

All new affordable housing in Lavenham will normally be subject to a local connection, meaning that people with a strong local connection to the Parish and whose needs are not met by the open market will be first to be offered the tenancy or shared ownership of the home. In this context a strong local connection means an applicant(s) who satisfies the Babergh District Council's Local Connection Criteria for Local Housing Needs Schemes.

Policy H5: Affordable Housing on Rural Exception Sites

65. The Core Strategy recognises that Core Villages will act as a focus for development within their functional cluster of surrounding hinterlands of

smaller villages and rural settlements. Paragraph 2.8.5.6 in the Core Strategy states: *in the case of affordable housing the policy consideration of exception schemes will operate within the context of the functional clusters...*

66. Core Strategy Policy CS20 takes a flexible approach to the location of rural exception sites for affordable housing. Policy H5 provides locally specific criteria for rural exception sites in the context of Core Strategy Policy CS20.
67. Paragraph 54 in the NPPF states that *Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.* I understand that BDC is considering an amendment to Core Strategy Policy CS20 to take this into account. In which case, a revised Policy CS20 would take precedent.
68. Whilst allowing some market housing on rural exception sites may facilitate additional affordable housing, my remit is to consider whether the Plan meets the Basic Conditions.
69. BDC has raised concern that as there is no grant funding now available for affordable rented housing, some form of cross subsidy from market housing is required for the provision of rented affordable housing. Whilst this may be the case, Policy H5 is in general conformity with the current adopted Core Strategy Policy CS20 and meets the Basic Conditions. In particular, it has regard to national policy, where cross subsidy is not a specific requirement.

Policy H6: Sheltered Housing

70. The background evidence states that the percentage of Lavenham residents older than 65 is over 50% greater than the average in the District and over twice that of the national average. There is no care home within the parish.
71. Policy H6 allows for a sheltered housing scheme or other specialist elderly persons housing subject to a list of criteria including similar criteria for housing development in Policy H1. There is clear background evidence to justify this approach. Additional criteria are similar to those in saved Local Plan Policy HS39. These include restricting occupation to persons over 60 years of age.
72. One criterion carried forward from saved Local Plan Policy HS39 is for the layout and design to meet the needs of people with restricted mobility. As mentioned under Policy H2, it is no longer appropriate for such matters to be referred to in Neighbourhood Plans. Thus, this criterion should be deleted.
73. Policy H6 seeks to restrict the use of a development in Class C2 under this policy to that to meet the needs of the older generation.
74. Paragraph 204 in the NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights or

changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.

75. Use Class C2 covers residential institutions including those not associated with elderly people, such as boarding schools and residential colleges. Clearly these would not contribute to the identified need for elderly person accommodation. In these particular circumstances, I consider there to be exceptional circumstances and consider that it is reasonable and necessary to impose conditions where necessary to restrict future use to that associated with providing accommodation for elderly people.
76. Although Policy H6 has the title 'Sheltered Housing', it does refer to other types of housing for elderly people. In the interest of clarity, I recommend modification to the title to reflect this.
77. Subject to the above suggested modifications, I consider that Policy H6 meets the Basic Conditions. It has regard to national policy where it would contribute to a wide choice of high quality homes and would contribute towards the social role of sustainable development. In addition, it is in general conformity with strategic development plan Policies CS11 and CS15.
78. The explanatory paragraph 7.9.2 refers to Policies H7 and H8, which I assume must have been in a previous version of the Plan. For clarity, this paragraph should now refer to Policy H6.
79. **Recommendation: to meet the Basic Conditions, I recommend that the title for Policy H6 is modified to read 'Housing for Elderly People'. I recommend modification to Policy H6 by the deletion of the last bullet point regarding layout and design. I recommend modification to paragraph 7.9.2 to refer to Policy H6.**

Design

Policy D1: Design and Character

80. Paragraph 3.3.11.5 in the explanatory text to Core Strategy Policy CS15 explains that strategic and other large new development proposals will be required to be the subject of prior consultation with the local community. This may be through development briefs. Core Strategy Policy CS15 lists essential components of a development brief.
81. Policy D1 seeks to ensure that all development proposals preserve and enhance Lavenham's distinctive character. It requires development briefs for major development proposals as part of pre-application consultation with the Parish Council. The NPPF advises that local planning authorities should take a proportionate approach to the information requested in support of planning applications. In this particular circumstance, due to the local, regional and national importance of the built environment of Lavenham, I consider that the requirement for such pre-application consultation is

proportionate and is in general conformity with the requirements of Core Strategy Policy CS15. Policy D1 meets the Basic Conditions.

82. Explanatory paragraph 8.1.9 refers to ‘development brief’ having the same meaning as the Local Plan. I think there may be an editing error here. To ensure that there is a clear interpretation of the requirements for a development brief in Policy D1, I recommend modification to this paragraph to refer to ‘development brief’ having the same meaning as that in Core Strategy Policy CS15.
83. **Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in paragraph 8.1.9 to read as follows:**
- In this respect a development brief is as defined in Core Strategy Policy CS15.**

Policy D2: High Quality Design

84. The NPPF states that good design is a key aspect of sustainable development.
85. Policy D2 seeks high quality design and sets out Lavenham’s specific requirements leading on from Core Strategy Policy CS15. It emphasises the provision of a safe environment providing for the needs of different groups in the community.
86. As I have previously mentioned, the Written Ministerial Statement of 25 March 2015 announced a range of measures intended to help streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making. The Building Regulations Optional Requirements came into force from 1 October 2015. Existing local plan policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest national technical standard and such policies should not be included in neighbourhood plans. On this basis, I recommend the deletion of reference to minimum space standards and demand for potable water from Policy D2.
87. I have already mentioned under Policy H1 that not all planning applications are required to be accompanied by a Design and Access Statement. On the basis of my reasoning under that policy, I recommend the deletion of paragraph 8.3.1 with regard to the provision of such statements.
88. Subject to my suggested modifications, I consider that Policy D2 meets the Basic Conditions, particularly in that it contributes towards the achievement of sustainable development.
89. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy D2 by the deletion of the first and third bullet points for residential proposals regarding minimum space standards and demands for potable water. I recommend the deletion of paragraph 8.3.**

Policy D3: Site management

90. I have not been provided with any robust justification to clearly explain why proposed developments exceeding five dwellings should be required to subscribe to an independent considerate constructor scheme. In the absence of sufficient justification, I consider this to be an onerous requirement which may be contrary to the presumption in favour of sustainable development, as development may well be sustainable without this requirement. Such an onerous additional requirement may not be relevant, necessary and material to all such developments.
91. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy D3 and accompanying explanatory text.**

Policy D4: Replacement dwellings and infill development within the built up area

92. Policy D4 allows for replacement dwellings and infill residential development, seeking to ensure that the quality of new development serves to complement and enhance the local built environment whilst respecting the historic character of the parish.
93. Policy D4 plans positively for the achievement of high quality and inclusive design. As such it has regard to National Policy in Section 7 in the NPPF. Policy D4 meets the Basic Conditions.

Community and Well-being

Policy C1: Community Facilities

94. Core Strategy Policy CS11 seeks to safeguard the needs of local communities.
95. Policy C1 seeks to protect existing community facilities and encourage the provision of additional facilities. As such, this policy contributes towards the social role of sustainable development and is in general conformity with strategic development plan policy. Policy C1 meets the Basic Conditions.

Policy C2: Open spaces and recreation areas

96. Policy C2 seeks to safeguard open spaces listed under Map 9.2, unless required for the relocation of the primary school. As such it contributes towards conserving and enhancing the natural environment, whilst acknowledging the need to provide a new school for the community. There is clear justifiable background evidence for this approach. As such, Policy C2 contributes towards the social and environmental role of sustainable development. Policy C2 meets the Basic Conditions.

98. Map 9.2 does not clearly define the proposed sites to be safeguarded. In addition, the inclusion of a notation for permanent grassland causes some confusion. In the interest of clarity and precision, I recommend modification to Map 9.2.
99. **Recommendation: in the interest of clarity and precision, to meet the Basic Conditions, I recommend modification to Map 9.2 to provide a clear identification, on an ordnance survey base, of the open spaces and recreation areas identified for safeguarding under Policy C2.**

Policy C3: Footpath and Bridleway Network

100. Paragraph 75 in the NPPF states: *planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National trails.*
101. Policy C3 seeks to protect existing footpaths and bridleways and for new developments to link into these networks. It must be realised that development encompasses a wide range and it may not be applicable for all development to link into these networks. Therefore, in the interest of clarity, I recommend, 'where applicable' is included as part of this requirement. Subject to this modification, this part of Policy C3 has regard to national policy.
102. Paragraph 173 in the NPPF states: *plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.*
103. Developers cannot be expected to enhance the setting of footpath and bridleway provision including that provided by the permanent grasslands outside of their control adjoining their sites. Therefore, I recommend deletion of this reference.
104. Policy H1 sets criteria for development outside the existing built up area boundary. It is not clear why the last sentence of Policy C3 regarding protection of grassland is included in this policy which has the title 'Footpath and Bridleway Network'. I consider this reference in Policy C3 causes some internal confusion within the Plan with Policy H1. This does not provide a practical framework for decision making. Therefore, I recommend the deletion of this sentence.
105. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy C3 to read as follows:**

The rural surroundings are an important leisure asset and any opportunities for walking, cycling, horse riding and other outdoor pursuits will be encouraged.

The existing network of footpaths and bridleways shown on Map C3 will be protected. In order to maintain Lavenham's close links to the countryside development proposals will be expected to utilise opportunities to link into the wider footpath and bridleway network where applicable.

Policy C4: Allotments

106. Policy C4 encourages the provision of public allotments. The September 2013 Residents Survey identified potential new facilities, including allotments. There is strong local support for such a facility and I consider that it would contribute towards the social role of sustainable development. This would be in general conformity with Core Strategy Policy CS15 where it supports the provision of amenity space. Policy C4 meets the Basic Conditions.

Policy C5: Developer Contributions

107. I note that BDC adopted a Community Infrastructure Levy (CIL) charging schedule on 20 January 2016. All new build development over 100sqm (internal) and all new dwellings regardless of size must pay CIL. Policy C5 is therefore no longer relevant and thus should be deleted in the interest of precision. The accompanying explanatory text can be updated and remain in the Plan. I will leave this matter to BDC and the Parish Council to decide.
108. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy C5.**

Policy C6: Health Care

109. Policy C6 seeks to retain existing health care facilities, unless suitably replaced. Such a requirement contributes towards the social role of sustainable development.
110. The second sentence in Policy C6 regarding support to NHS England is a statement rather than land use or development policy. Thus, in the interest of clarity, this sentence should be deleted from Policy C6. It can be included in the explanatory text.
111. The explanatory text refers to local support for institutional care for frail elderly people to be situated within the village. However, Policy C6 does not include such a policy statement, unless reference to encouragement of 'dementia friendly' arrangements is meant to refer to the provision of institutional care. This last sentence in Policy C6 is vague and it is not clear to me if the encouragement of dementia friendly arrangements is meant to mean support for buildings for institutional care for elderly people. If this is the intention, then this needs to be clearly stated and I recommend

modification to the last sentence to reflect this. My suggested modification is similar to the criteria in Policy H6 for proposals for housing schemes for elderly people within the village built up area boundary as I consider the same criteria to be justified. Otherwise, if this is not the intention, I recommend deletion of this sentence, in the interest of clarity.

112. **Recommendation: to meet the Basic Conditions I recommend modification to Policy C6 to read as follows:**

Development that will result in the loss of a health care facility would only be permitted where the facility is either replaced or re-located to a suitable location which is capable of being safely accessed by all users particularly pedestrians and cyclists and those using mobility scooters.

If it is the intention that the last sentence of the submitted Policy C6 supports the provision of buildings for institutional care for elderly people, then I recommend the following addition to Policy C6:

The Parish Council will support the provision of buildings for institutional care that meet the needs of the older generation, provided that the proposals are located within the built up area boundary and where the schemes can be clearly demonstrated to be well related to the existing pattern of development in Lavenham. Where permission is granted for such an institutional use (Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended) the permission will be restricted to the use permitted only.

Policy C7: Existing School Site

113. Policy C7 seeks to allow residential re-development of the existing school site to make provision for elderly people and to retain the existing building, should the school be relocated. I realise that the County Council cannot commit to providing the funds needed to enable relocation of the school. Nevertheless, this is an important local issue and therefore it is appropriate to include such a policy on the possible future use of the site.
114. As mentioned under Policy H6, there is clear background evidence to justify the approach to the provision of accommodation for elderly people and for the same reasons, Policy C7 meets the Basic Conditions.

Policy C8: Communications Infrastructure

115. Policy C8 supports the expansion of electronics communication networks and high speed broadband along with improvements to connectivity subject to location considerations. The NPPF emphasises that advanced high quality communications infrastructure is essential for sustainable economic

growth. Policy C8 has regard to national policy in this respect. Policy C8 meets the Basic Conditions.

Policy C9: Connectivity

116. Policy C9 seeks to ensure that new dwellings can be served by fibre optic broadband connection. It is not clear from the policy or explanatory text what a 'Connectivity Statement' would achieve or the level of detail it would require. In addition, I consider such a statement to be unnecessary and an onerous additional requirement. In this respect and in the interest of clarity, I recommend modification to Policy C9 to simply state that all new dwellings are required to incorporate suitable ducting capable of accepting fibre to enable Superfast Broadband. This modification would achieve the same aims as those sought by the local community.

117. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy C9 to read as follows:**

All new dwellings should incorporate ducting capable of accepting fibre to enable Superfast Broadband.

Policy C10: Lavenham's retail core

118. The NPPF at paragraph 28 seeks to promote the retention and development of local services and community facilities in villages, such as local shops.

119. Map 9.9 defines Lavenham's Retail Trading Area. Policy C10 refers to the Retail Core Area shown on the Proposals Map. There is no Proposal Map and it is unclear to me if the two areas identified in Policy C10 and Map 9.9 coincide, particularly at the northern end of the High Street. In addition, I realise from my visit to Lavenham that the numbering of properties in the High Street follow consecutively up one side of the High Street and down the other. In the interest of clarity, Policy C10 needs to include the property numbers of buildings on both sides of the High Street that are within the Retail Core Area. In the interest of clarity, Policy C10 should refer to Map 9.9 rather than a Proposal Map and Map 9.9 should accurately reflect the area defined as the Retail Core Area in Policy C10.

120. Policy C10 seeks to resist the change of use of ground floor shops or services. I recommend the inclusion of 'favourably' after 'will only be considered' in the second sentence as all planning applications have to be considered, whether acceptable or not.

121. It is reasonable to require evidence of marketing of a shop or service before considering favourably its change of use. However, a further requirement in Policy C10 is that a change of use will not be considered favourably unless the business is closed. I consider such an approach could have an adverse effect on the vitality and viability of the Retail Core Area, to the detriment of its function. A struggling shop must be better for the area than a boarded up

shop. I do not consider the requirement for a business to be closed would contribute towards the economic role of sustainable development. Therefore, to meet the Basic Conditions, I recommend the deletion of reference to the requirement for a business to be closed.

122. **Recommendation: to meet the Basic Conditions I recommend modification to Map 9.9 to define the retail core area rather than the retail trading area. I recommend modification to Policy C10 to read as follows:**

The vitality and viability of Lavenham's Retail Core Area must be protected and enhanced. The Retail Core Area is shown on Map 9.9 and consists of:

- No. 1 High Street to 60c High Street [and properties on the east side of the High Street not listed here]**
- Nos. 1 and 2 Church Street**
- Nos. 71 to 76 Water Street, Nos. 8 and 14 Water Street and the Swan Hotel**
- No. 10 Lady Street, The Tourist Information Centre, Swan Hotel and Guildhall**
- The Market Place**

Change of use of ground floor shops or services to residential within the Retail Core Area will only be considered favourably if the business has been marketed diligently at a fair market price and continuously for at least one year.

Proposals within the Retail Core Area that diversify and enhance the range of shops and services will be supported provided that proposals are of an appropriate size in keeping with the existing character of the Retail Core Area; will not lead to severe traffic congestion; adequate parking and servicing arrangements are available; proposals will not generate unacceptable noises, fumes, smells or other disturbance to neighbouring properties.

Environment

Policy ENV1: Defined Views and Special Landscape Areas

123. Core Strategy Policy CS15 seeks to ensure that historic views are respected. Local residents have identified two categories of local views at Lavenham; those into and out of the historic core and other locally important views valued by the community. These views are identified on maps on pages 50 and 51, but exclude view '12 River Brett'. I assume this is an editing error. Policy ENV1 refers to the defined views as being shown on the Proposals Map. There is no Proposals Map. Again, I assume this is an editing error. In the interest of clarity, I recommend modification to this section to correct these matters.

124. In a representations on the submission Plan, it is stated that view number 2 on the 'Lavenham Defined Views – In' Map on page 50 shows the view from the north of Clay Hill and not from Brent Eleigh Road. View number 3 is shown from the northern end of Park Road rather than from Bright's Lane. I suspect this is due to the scale of the maps on pages 50 and 51. I will leave this as an editing matter. To ensure precision, I recommend cross referring in Policy ENV1 to the visual illustrations in Appendix 3.
125. As regards detailed the policy wording of Policy ENV1, for the same reasons as already mentioned under Policy H1, development proposals should have 'regard to' rather than be 'informed by' the findings in the Landscape Character Assessment, as this is not a policy document. In addition, in the interest of clarity, the first sentence in Policy ENV1 should refer to 'development proposals', rather than 'development'.
126. I have visited Lavenham and understand the importance of seeking to ensure that development proposals should not adversely affect the key views into and out of the historic core and that particular regard should be given to additional valued views.
127. As previously mentioned under Policy H1, I note that the future retention of the Special Landscape Areas in a forthcoming Local Plan is in doubt and I note that it was not considered appropriate to include these areas in the Core Strategy given the status of these as a local level designation and as an inherently site specific matter. Nevertheless, the Special Landscape Area to the east of Lavenham is a current designation under saved Local Plan Policy CR04.
128. As regards protection of the Special Landscape Area, in the Lavenham Landscape Character Assessment it is stated that the Suffolk Landscape Character Assessment is on a too large a scale for local special qualities to be defined. Therefore, in the interest of clarity I recommend that reference is made in Policy ENV1 to the Lavenham, rather than the Suffolk Landscape Character Assessment, with regard to maintaining or enhancing the special landscape qualities of the Special Landscape Area.
129. Representation on behalf of Marden Homes Ltd has suggested that the extent of the Special Landscape Area would be better defined as the shoulder of the valley side than the current line of Bear's Lane. Policy ENV1 does not seek to redefine the area of the Special Landscape Area. Whatever the merits of amending the boundary, this is not necessary for Policy ENV1 to meet the Basic Conditions.
130. Subject to the above suggested modifications, I consider that Policy ENV1 contributes towards the environmental role of sustainable development by contributing to protecting and enhancing the natural, built and historic environment. In addition, it is in general conformity with strategic development plan policy. Policy ENV1 as modified above, meets the Basic Conditions.

131. **Recommendation: to meet the Basic Conditions, I recommend:**
the inclusion of additional valued view '12 River Brett' on the appropriate Map on either page 50 or 51.

I recommend modification to Policy ENV1 to read as follows:

Development proposals must respect views in and out of the village that contribute to the appreciation of the visual qualities of the historic core of the village and its valued surrounding landscape.

Development proposals must have regard to the findings of Lavenham's Landscape Character Assessment. They will not be supported if they adversely affect the key views into and out of the historic core. In addition, particular regard will be given to the additional valued views listed below. The defined views are shown on Maps [X and Y] and in detail in the visual illustrations in Appendix 3.

Key views into and out of the historic core:

- 5. Bolton Street**
- 8. Prentice Street**
- 6. The Common**
- 9. Nether Hall Farm**
- 10. Shilling Street**
- 11. Church Street**

Additional valued views:

- 1. Moneyhole corner**
- 2. Brent Eleigh Road**
- 3. Brights Lane**
- 4. Bridge Street**
- 7. The Lolls**
- 12 River Brett**

Development proposals in the Special Landscape Area to the east of Lavenham will only be permitted where they: maintain or enhance the special landscape qualities of the area identified in the Lavenham Landscape Character Assessment; and are designed and sited so as to harmonise with the landscape setting.

Policy ENV2: Protection of Roof-scape

132. Core Strategy Policy CS15 seeks to ensure that proposals for development respect the streetscape and heritage assets.
133. Policy ENV2 seeks to protect the roof-scape within the Conservation Area. I consider such an approach meets the Basic Conditions. In particular, it is in general conformity with strategic development plan policy, and contributes

towards the environmental role of sustainable development by contributing to protecting the built and historic environment.

Policy ENV3: Market Place

134. Policy ENV3 seeks to enhance the amenity value of the Market Place. This is a laudable aim. My concern is that the policy does not ensure that such proposals would have regard to the statutory obligation to preserve the setting of the listed buildings surrounding the Market Place and preserve or enhance the character or appearance of the Conservation Area. In this respect, I recommend modification to Policy ENV3 and have suggested similar wording to that in Policy ENV2.
135. **Recommendation: to meet the Basic Conditions I recommend modification to Policy ENV3 to read as follows:**

Development proposals which seek to enhance the amenity value of the Market Place by increasing its use for community and leisure purposes will be permitted provided that adequate alternative parking arrangements can be made and that they do not have an adverse impact on the character or appearance of the conservation area, including the setting of nearby listed buildings.

Policy ENV4: Renewable Energy projects

136. Policy ENV4 defines where renewable energy projects would not be acceptable, but does not clearly define where they would be acceptable. In the interest of clarity and precision, I recommend the deletion of the vague reference to 'where impacts are acceptable'.
137. A neighbourhood plan cannot deal with mineral extraction matters. Thus, whilst not part of Policy ENV4, in the interest of precision, I recommend modification to the accompanying text at paragraph 10.4.1 to remove such a reference.
138. **Recommendation: to meet the Basic Conditions, I recommend the deletion of reference to mineral extraction proposals in paragraph 10.4.1. I recommend modification to Policy ENV4 to read as follows:**

Renewable energy projects will be supported where they are located to avoid any significant adverse effects on the defined views (see Policy ENV1) or the historic core of the village.

Economy

Policy E1: Tourist Information Centre

139. Core Strategy Policy CS17 recognises the importance of Lavenham as a tourist destination and supports appropriate new development that supports this role.
140. Tourism is the centre of the economy of Lavenham and I am sure that the support in Policy E1 for the extension and improvement to Tourist Information Centre facilities would be welcomed. The main attraction to tourists is undoubtedly the historic built environment. Policy E1 meets the Basic Conditions, particularly with regard to contributing towards the economic role of achieving sustainable development.

Policy E 2: Support for Small Business development

141. Core Strategy Policy CS3 states: *proposals for employment uses that will contribute to the local economy and increase the sustainability of Core Villages, Hinterland Villages and the rural economy will be promoted and supported where appropriate in scale, character and nature to their locality.* Core Strategy Policy CS15 seeks to create jobs to strengthen or diversify the local economy.
142. Policy E2 supports small business development. This is in general conformity with strategic policy and contributes towards the economic role of achieving sustainable development. Policy E2 meets the Basic Conditions.

Projects

143. Paragraph 1.6 in the Plan explains that *neighbourhood planning policies only influence development that requires a planning application and the Plan cannot therefore include policies that fall outside planning control.* In the course of consulting residents other issues arose that are dealt with in the 'Projects' section.
144. I have previously made comment regarding the Special Landscape Area in Project 13. Other than this, I have no comment to make on the projects.

Referendum and the Lavenham Neighbourhood Development Plan Area

145. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or

- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

146. **I am pleased to recommend that the Lavenham Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**

147. I am required to consider whether or not the Referendum Area should extend beyond the Lavenham Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Janet Cheesley

Date 27 April 2016

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (2012)
The Planning and Compulsory Purchase Act (2004)
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Planning Practice Guidance (2014)
Regulation 16 Representations
Consultation Statement (2015)
Basic Conditions Statement (2015)
Babergh Local Plan 2011-2031 Core Strategy and Policies (Part 1 of New Babergh Local Plan) (February 2014)
Saved policies in the Babergh Local Plan Alteration No. 2 (2006) not replaced by the Core Strategy.
Rural Development and Core Strategy Policy CS11 Supplementary Planning Document (SPD) (August, 2014)
Safeguarding Employment Land (SPD) (March, 2008)
Affordable Housing (SPD) (February, 2014)
Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination (February 2015)
A legal compliance check list (4 January 2016)
Supplementary Documentation in the Appendices to the Submission Neighbourhood Plan (Appraisal of Site Size Options Table, Views Assessment, Base Line Information, Base Line Information 2, Defined Views and Lavenham Landscape Character Assessment)