

Committee Report

Item No: 1

Reference: 1449/17

**Case Officer: Vincent Pearce
& Jasmine Whyard**

Ward: Fressingfield.

Ward Member/s: Cllr Lavinia Hadingham.

RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION

Description of Development

Outline Application - Residential development (up to 85 dwellings including affordable housing) together with the construction of estate roads and footpaths, drainage, landscaping and the provision of public open space, including children's play space.

All matters reserved

Location

Land Off Stradbroke Road, Steer Farm, Fressingfield,

Parish: Fressingfield

Expiry Date: 31/08/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr Brown

Agent: NWA Planning

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

The Acting Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties and the location, scale and nature of the development.

It is a “Major” application on land currently not allocated for development in the Adopted Local Plan. It is therefore a ‘**Departure**’ from the Adopted Local Plan.

A petition opposing this development was received in 2017. [the Committee Clerk will refer to this in more detail at the start of the Development Control Sub Committee at which this application is to be discussed]

Details of Previous Committee / Resolutions and any member site visit

Fressingfield was the subject of an informal Committee visit in 2017 but this site has not been the subject of a formal site visit by the Committee in relation to this application.

Abbreviations used in this Report

ALC	Agricultural Land Classification
AW	Anglian Water
ALP	Adopted Local Plan 1998
CS	Core Strategy 2008
CSFR	Core Strategy Focused Review 2012
JLP [JLCD]	Joint Local Plan [Consultation Document]2018
LPA	Local Plan Amendment 2006 [affordable housing]
NPPF	National Planning Policy Guidance 2018
SAFE	Supporters Against Fressingfield Expansion
SGP	Suffolk Guidance for Parking 2015
SPD	Supplementary Planning Document

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Relevant Policies

The Council's Adopted Development Plan comprises the:

- **Mid Suffolk Local Plan [Adopted September 1998] [ALP] with the associated proposals map document] *saved policies***

SB3:	Retaining Visually Important Open Spaces
GP1:	Design and Layout of Development
HB1:	Protection of Historic Buildings
HB8:	Safeguarding the Character of Conservation Areas
HB14:	Ensuring Archaeological Remains Are Not Destroyed
H5:	Affordable Housing
H7:	Restricting Housing Development Unrelated to the Needs of the Countryside
H13:	Design and Layout of Housing Development
H14:	A Range of House Types to Meet Different Accommodation Needs
H15:	Development to Reflect Local Characteristics
H16:	Protecting Existing Residential Amenity
H17:	Keeping residential Development Away From Pollution
CL11:	Retaining High Quality Agricultural Land
T9:	Parking Standards

T10: Highway Considerations in Development
T11: Facilities for Pedestrians and Cyclists
T13: Bus Service
RT4: Amenity Open Space and Play Areas within Residential Development
SC1: Adequate Servicing of Infrastructure

- **Local Plan Alteration 2006 [LPA]**

H4: Proportion of Affordable Housing in New Housing Developments [35%]

- **Core Strategy Development Plan Document [Adopted September 2008] [CS] saved policies**

CS1: Settlement Hierarchy
CS2: Development in the Countryside
CS5: Mid Suffolk's Environment
CS6: Services and Infrastructure
CS7: Brownfield Target
CS8: Provision and Distribution of Housing

- **Core Strategy Focused Review [Adopted December 2012] [CSFR]**

FC1: Presumption in Favour of Sustainable Development
FC1.1 Mid Suffolk Approach to Delivering Sustainable Development
FC2: Provision and Distribution of Housing

Also of relevance is the NPPF 2018

Relevant SPD includes:

Suffolk Guidance for Parking [Adopted November 2014 - Second Edition November 2015]

Other Considerations

This report will also refer to two recent appeal decisions relating to development in Mid Suffolk

1. The 'Woolpit' decision - 28 September 2018 [PINS ref: APP/W3520/W/18/3194946] [MSDC ref: 2112/16] – erection of 49 dwellings APPEAL ALLOWED

The Inspector identified the main issues as the effect of the proposed development on highway and pedestrian safety; impact on designated heritage assets and the character and appearance of the Woolpit Conservation Area and whether the Council was able to demonstrate that it has a 5YHLS. [p2, paragraph 9]

2. The 'Debenham' decision – 9 October 2018 [PINS ref: APP/W3520/W/18/3196561] [MSDC ref: 0030/17] - erection of up to 25 dwellings APPEAL DISMISSED

The Inspector identified the main issue as "...the effect of the proposed development on pedestrian and highway safety" [p1, paragraph 6]

and one in Babergh -

3. The Boxford decision – 30 October 2018 [PINS ref: APP/D3505/W/18/3197391] [BDC ref: B/17/00091] – up to 24 dwellings APPEAL DISMISSED

The Inspector identified the main issues as "...the effect of the proposed development on highway safety and whether it accords with development plan policies for the location of new housing." [p2, paragraph 6]

These appeal decisions each have some relevance to the case in hand

Fressingfield Neighbourhood Plan

Designation February 2018 but at a very early stage.

Statement in Respect of the Weight to be Afforded to the Emerging Mid Suffolk & Babergh Joint Local Plan [JLP]

This currently carries little or no weight as a material planning consideration as its progress towards 'Adoption' remains at an early stage. Government advice indicates that an emerging Local Plan will only begin to attract weight once the Draft Local Plan has been 'Submitted'. At the time of writing this report the Joint Local Plan has yet to reach the 'Preferred Options' Stage.

The Current Published Local Development Scheme [LDS] for Babergh Mid Suffolk described the timetable for the delivery of the Joint Local Plan as:

Preferred options: Autumn 2018 [yet to be published]
Consultations: Aug-Nov 2018

Draft Local Plan: Spring 2019
Consultations: April-May 2019

Submission: Spring 2019/Summer 2019
Docs sent to Govt: May/June 2019

Exam.in Public [EiP]: Summer 2019

Adoption: Winter 2019/2020

This timetable may however be subject to alteration. However, in terms of the likely minimum time to reach the submission stage that is at least 6 – 9 months away on the current trajectory described in the published LDS. It is therefore not considered reasonable or appropriate to try and mount a 'Prematurity' objection to the proposal. [NPPG paragraph 014 "Refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted

for examination..... where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the plan making process”] – such circumstances are not considered to apply here as the scale of development is not strategic in nature or quantum

Weight to be Afforded to the Adopted Development Plan Documents & the NPPF [2018]

The planning system continues to be plan-led and S38 of the Planning and Compulsory Purchase Act 2004 [PCPA] restates the requirement that “determination must be made in accordance with the plan unless material considerations indicate otherwise”

The Council’s Adopted Development Plan comprising the Adopted Local Plan [1998] and Core Strategy [2008] and Focused Review [2012] is the Council’s primary planning document and within the context of S38 [PCPA] provides the ‘Plan-Led’ basis for determining planning applications in the District.

The NPPF sets out the circumstances where the ‘Presumption’ applies; this includes, and presents the ‘tilted balance’, where the policies which are the most important for the decision are out of date.

The issue in such cases is to what extent are relevant individual policies within the Adopted Development Plan considered absent, silent [about the issue/circumstances at hand] or out-of-date and therefore how much relative weight can they be given compared to those in the NPPF [2018]. In other words which needs to take precedence. Members will see later on in this report that in the recent appeal decisions quoted the respective Inspectors have offered their own opinions on the status to be afforded some of the policies which as it happens are also relevant to the determination of the application at hand. As with many things in planning ascribing weight is generally a matter of judgement in the light of evidence at hand and the context of a case.

As the application is submitted in outline the most important initial issue to resolve in respect of the weighting to be attributed to policies is to what extent are policies that relate to the principle of new residential development up-to-date and therefore capable of being significant weight

To some extent **the Woolpit decision** has crystallised the position in respect of some of the relevant policies.

It concluded that the following policies are ‘Out of Date’:

CS1: [due to it conflicting with paragraph 77 and 78 of the NPPF [2018]

CS2: [due to it obviating planning balance and being contrary to paragraphs 77 & 78 of the NPPF [2018]

CS5: [due to it exceeding what is required in the NPPF]

FC2: [conflict with paragraph 73 of the NPPF [2018]

The following was held to be 'Up-to-Date'

GP1:

All of the above are also relevant to this Fressingfield application.

[Note: The Inspector in the Woolpit appeal only addressed the weight to be given to policies relevant to that decision and that had been raised by one or other of the interested parties]. No relevance can be inferred in respect of the weight to be afforded to other policies which may be applicable to this Fressingfield application.

The Debenham appeal decision is also helpful in that the Inspector in that case concluded that T10 is "generally consistent with section 9 of the revised Framework [NPPF 2018] on promoting sustainable transport and therefore //give it considerable weight in my decision" [p.3, paragraph 14]. T10 is relevant to the consideration of the merits of this Fressingfield application.

Statement in respect of the current 5YHLS in Mid Suffolk

As a result of the Woolpit Appeal decision [28 September 2018] the Inspector in that case concluded that the Mid Suffolk District Council could not demonstrate that it had a 5-year Housing Land Supply. He estimated the 5YHLS to be **3.4 years**. [Decision letter 28 September p.14 paragraph 73]. It is clear from the Woolpit decision that the new NPPF has significantly raised the bar in the evidence required to demonstrate deliverability. Whilst the Council may currently be reviewing its estimates of expected delivery it must accept that until it is able to demonstrate that it has a 5YHLS the Inspectors assessment will be the benchmark.

On this basis it must be accepted that the 'tilted balance' will continue to apply in Mid Suffolk and that significant regard must now be given to paragraph 11 of the NPPF [2018].

Relevant Planning History [previous decisions]

- 1989 proposed new surgery building - application 0559/89 withdrawn
- 2015 informal pre-application enquiry – residential with new community facilities [identified that development may boost housing numbers but sustainability/infrastructure may be an issue and local community needed to be involved.
- 2017 'Call for Sites' : The site is the subject of an allocation request for residential purposes from the land owner. The JLP is not sufficiently advanced for this fact to carry any weight

as a material planning consideration as the Council has yet to publish its preferred options proposals as the next stage of the JLP and it may not support promotion of the site for such purposes.

Constraints

- The site is outside of the defined settlement boundary for Fressingfield
- It is agricultural land [*greenfield*] Agricultural Land Classification 3 'good-moderate'
- It is being actively farmed
- Public Footpath No 63 passes the site [north-south] to the east and designated public footpath 66 runs at right angles to Stradbroke Road opposite the application site

There are no listed buildings, preserved trees [subject to a Tree Preservation Order [TPO] on or in the immediacy of the site.

The edge of Fressingfield Conservation Area lies some 82m to the north of the northern corner of the application site

The site is in Flood Zone 1 and so is sequentially acceptable for development from a flood risk perspective [to those sites that fall within Flood Zone 2 and/or 3]

Recent and Concurrent Planning Applications for Residential Development

Members will be familiar with the planning maxim that every planning application needs to be determined on its individual merits after regard to all material considerations and so why make reference here to other proposals in Fressingfield?

The NPPF [2018] makes 10 different references to the need to take cumulative impacts into account. In particular:

paragraph 49 in relation to prematurity in the context of emerging local plans

paragraph 109 in relation to highway impacts

paragraph 156: in relation to flood risk

paragraph 180: in respect of pollution

1432/17: land west of John Shepherd Road [outline application up to 99 dwellings] [YET TO BE DETERMINED – **relevant report also on this Agenda**]

1648/17: land at Post Mill Lane [outline application for up to 24 dwellings] [YET TO BE DETERMINED – **relevant report also on this Agenda**]

3872/16: FULL permission for a new Baptist chapel and OUTLINE planning permission for up to 18 dwellings [revised scheme to 0846/15] - **APPROVED with S106 Agreement 4 July**

2018. The s106 secured amongst other things 35% affordable housing, off-site woodland and a footpath connection.

0512/05: OUTLINE [Land off New Street Fressingfield] Residential Development Granted 1 May 2008 RM 2007/2008 BUILT [now Post Mill Lane]

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received.

These are summarised below. [please note: these generally provide a summary of the issues raised. The full text of all submissions is available on the Council's website]

Consultations

FRESSINGFIELD PARISH COUNCIL OBJECTS stating:

The Parish Council remains committed to its original (Dec 2015) view that the village could accommodate a growth of 50 units over the coming 10 years and will reject proposals that exceed this. The PC was advised by MSDC that it was a village that was identified by them as accommodating a share of 500 houses across 11 'primary' villages in the district. This was deemed acceptable and became the shared view of most of the community. It reflected the level of development seen over the previous 8 years and seemed sustainable and contributed to the identified local housing need. Any site that was to be developed would need to be a rural exception site as there was no infilling or few brownfield localities available in the village.

As the picture has developed, the distribution of proposed housing development across these 11 primary villages has seemed seriously uneven with Fressingfield possibly being a recipient of over 50% of the total, other localities acquiring zero. From within MSDC own policy and guidance it is reasonable to expect close adherence to a fair distribution across the 11 identified localities.

In Fressingfield, the successful applications via 'hybrid' submissions have left the PC disappointed with the permissions granted. In the recent hybrid planning processes, some community benefits will be garnered including affordable homes, the additional hybrid elements are not considered to necessarily to have the widest community benefit. The sense that the developments were 'bounced' on the community is widely felt. Each set of proposals should have been detached so that each could have been supported/challenged on its own merits and not attached to some community gain.

The Parish Council has reservations about the procedural processes at MSDC for the development agreed for New Street (March 22nd 2017 - Panel B) and is looking at what can be taken further, in that inaccuracies were present in presentations, no member visits were recorded and there were procedural uncertainties.

Recent village survey and petition May 2017

The PC organised a village survey to every household in the village and its outskirts which was to ascertain the village view of development as well as much more to allow the development of an Enhanced Village Plan. A Neighbourhood Development Plan had been considered previously (Oct 2015) and rejected on grounds of cost, practicality, timescale and value. A view accepted widely (only 15 out of 200 communities in MSDC and Babergh DC beginning the process and only a few at completion as of Feb 2017, MSDC Scrutiny Committee). Indeed MSDC Planning officers were minded to find additional methods to ensure the local voice is heard, (SALC update at Mildenhall March 2nd 2017). Fressingfield Parish Council feel that the local planning processes and procedures are allowing due diligence not to be applied to planning in our area.

Neighbourhood Development Planning is again being considered within the village with proposals expected to be forthcoming following a 'feasibility' discussion/meeting to be held on Aug 1st, open to all residents and groups and hosted by the Parish Council. The Survey revealed an overwhelming confirmation of the PC's view that 50 units was acceptable, with 64% agreeing to 0-50 houses and a further 24% saying between 50-100 homes. More detailed analysis is available across the whole survey (May2017). A petition carried out by concerned villagers received an overwhelming 94% support for restricting development to the 50 units limit proposed by the PC.

Thus it is clear that there is very little support within the village for the possible 200+ houses proposed in the coming months. The cumulative impact on present services is not at all sustainable and is alarming to all living locally.

Impact of MSDC shortcomings

The PC in part understands the circumstances that the Government has put MSDC in, in that without sufficient land bank provision and without an up to date Local Plan and the identified 'policy of growth and saying yes to applications unless there is good sustainability reasons not to', the pressures are great. We also recognise that there are several villages in a similar predicament to Fressingfield.

The status of 'primary villages' is having once thought to be lost, is now restored within MSDC thinking. Conversations with Officers and members suggest this. Yet it is felt that having identified possible development locations across the district, including the seven greenfield/rural exception sites in Fressingfield, MSDC is allowing considerable potential exploitation by developers. Responding to individual applications.

The PC will continue to respond individually and particularly to each application as it is presented but believes that the limit as declared on Dec 2015 of 50 houses has been met and any further growth will be unsustainable and cumulatively damaging to village and its services.

Over development and sustainability

Below are areas of 'sustainability' that we feel material to the denial of any further planning permissions in Fressingfield and should be considered carefully

1. Doubling size of village:

The village of 444 households will be added to by the 50 agreed houses which are felt to be within the capacity of the community to absorb over the next ten years. The potential addition of 250+ or

perhaps more in that other sites have been identified in MSDC plan is of great concern. This number would be added to the village core of 350 houses, in that 80+ properties are well outside the village centre.

The cumulative effect on all services and facilities seems monstrous with a severe reduction for all existing villagers and for those who move into the 50 units already agreed. All infrastructure improvements lag behind development and in the meantime everyone suffers.

Where infrastructure improvements are forthcoming, the Cll contributions will not be directly transferred to improvements in the village of Fressingfield itself. It is noted that warranted improvements due to increased housing/population would not be directly transferred to improve school accommodation or replacement Health centre facilities

2. Educational consequences

The challenges for educational provision greatly exercises the providers in the area at both primary and secondary school levels. The pattern of provision is very much in transition as SCC control diminishes and other patterns emerge. The range of uncertainty is large and views offered must take into account this fluidity. The possible transition stage from a stable school population of around 140 pupils to one that results from large scale increases due to significant building/housing developments would impact deleteriously on the children in the school with likely larger class sizes and compressed accommodation. The sustainability of increased numbers relies on robust capital programmes, whose availability is unlikely in the near future. Contact with SCC Education Strategic planners confirms that Cll contributions will not in themselves cover the cost of required increases school accommodation.

Yet herewith a view from the village Primary School From Fressingfield School Governors - May 2017

Impact of planned and potential housing developments on Fressingfield Primary School

Primary age schooling in Fressingfield will certainly be affected by local housing developments and the resultant increase in the village population. School funding is based primarily on pupil numbers and the governors have a long-term plan to increase numbers in order to strengthen the sustainability and future of the school. There are currently 123 pupils on roll and this number does not generate sufficient funding for enough teachers to teach separate year groups, and one or two years have to be split between classes. The school has an allocation of 140 places from the Local Authority and would benefit from a growth in roll to that number, which could be accommodated within the teaching space available in the school.

The school has already identified a small but steady increase in roll within the next three years, based on known numbers, and we expect to be able to employ an additional teacher in 2018. With the 46 housing units already planned for Fressingfield, we might expect, based on a given ratio of approximately 20 children per 50-unit mixed development, that the school population would grow sufficiently to further justify the additional class teacher, whilst not requiring an additional classroom.

Even so, accommodation and expenditure would have to be managed carefully, as indeed they already are, and staffing costs would be challenging especially given uncertainties surrounding central government funding.

We would always want to accommodate all village children if at all possible and, although growth to a size which would enable single-year classes would be desirable in many ways, increase beyond the current 'footprint' of 140 and requiring additional teaching space would raise both staffing and capital funding issues: given variations in government policy and the current options (eg academisation) available to schools, there is considerable uncertainty around funding streams and governors would need to explore the implications carefully. The picture is complicated by the number of 'out-of-catchment' pupils (approximately 30% of the current roll) attracted to the school as, with the County Council facing a demand for 20+ new schools and 4 new high schools, capital funding of expansion in a school with a high level of out-of-catchment children would be a low priority if places exist elsewhere in the area.

It must also be remembered that Fressingfield School's catchment area includes the villages of Metfield and Weybread and any potential expansion there could contribute to growth in our school. However, unmanageable expansion at this uncertain juncture could lead to village children being bussed out to other schools - or siblings being separated - both very unwelcome outcomes. In any future for the school, governors and staff are anxious to retain the ethos and feel of a village school, with classes as small as affordable.

The welfare and safety of our children are paramount and we are aware that, whilst the housing in School Lane has been approved, the proposed chapel may not be owing to the hybrid nature of the application, and we would need assurances of the promised safe parking and sheltered access for the children.

So in summary:

- . the 46 houses already planned present few problems and would benefit the school;
- . the likely number of pupils following further development would require an increase in our allocated number (PAN): this might be granted but the capital funding for the additional space needed is so uncertain as to present the school with serious challenges with possible unwelcome outcomes.

3. Health services:

The village surgery, with a branch practice at Stradbroke (also subject to significant development pressure) is reaching the limit of patients for GPs available. A recent increase from other local areas is already suggesting increased accommodation and staffing will be necessary in the near future irrespective of increased housing. Capital funding for the NHS is major issue both locally and nationally. Revenue funding per patient lags behind the arrival of the patient on the list, making general recruitment difficult, this on top of a shortage of suitably qualified staff. The pressure is evidenced already on increasing appointment delays experienced by many patients. This will increase the more so as numbers of householders increase across the area. Another fundamental pressure is the provision of GPs for rural practices, a national issue with a local consequence. Amongst health professionals there is a 12% vacancy shortfall at present. Nationally there is no record that Cll funds have been connected with improvements to Health facilities and where contributions have been made from 'developers', they have been modest. There is no indication from this or any other proposals pending that support for improving of Health Centre provision. Parking and accommodation pressures are already difficult, even with slight increases this could become cumulatively challenging very quickly.

4. Travel, transport and roads:

The absence of any comprehensive public transport to or through the village will be made worse for by increased need for cars etc. The facility for people to travel for work, education, health needs will become increasingly impossible. There are no buses for youngsters for college or for older folk for hospital. There are only plans to reduce public services thereby increased housing will increase the need. The likelihood of increased cars in an enlarged village will make our village roads more unsafe. Three fatalities within the village over the past few years has had severe consequences and the ongoing safety issues for pedestrians on New Street will only be exacerbated by any further housing in the village. Whilst historic SCC surveys have noted traffic speed to be generally within limits, some traffic does cause serious alarm for pedestrian, old and young and any excessive increase in local traffic numbers would seem to increase the danger exponentially.

More work by Highways will need to be done to assess the potential cumulative effect of highway dangers on New Street and beyond. The road surfaces show serious dilapidation, and have warranted a widespread of patching potholes etc. These temporary repairs will be overwhelmed by any increased traffic including inevitable construction traffic and additional large vehicles supporting a probable expansion of the chicken poultry at Weybread.

As villagers will record, we experience frequent pressure points on Fressingfield roads namely - New Street across its full length at anytime of the day - Jubilee Corner (B1116) with five roads meeting on a blind corner - Stradbroke Road at school dropping of/collection times

- Church Street road narrowing from parked vehicles

- Agricultural traffic and large vehicles, only sometimes associated with local business add significant pressure on the local pressure point. Most notable at harvest time.

5. Economic & employment

The potential new residents would be obliged to travel to employment and to go shopping in that employment and shopping facilities are limited. This increase in travelled journeys and traffic adds to the unsustainability of increased housing proposals. There are no proposals to increase business/employment opportunities within the village locality. As with all the proposed housing developments, this 1449/17 proposal, offers no contribution to employment or economic advantage by suggesting a small set of industrial units or business centre to support possible digital industry. As proposed the Stradbroke Road development would significantly increase the non sustainability of the village and cause direct harm on facilities, roadways and environmental aspects and be detrimental to the local economy.

The proposal would also conflict with the guidance set out in NPPF paragraph 55 which says that rural housing should be located where it will enhance or maintain the vitality of the community. Due to the limitations of existing services and facilities, it is considered that the proposals would have a detrimental effect on local service provision. Development of the scale envisaged should be directed to the District's market towns and larger villages, where services can (or can be expanded to) accommodate the increased population.

6. Environmental Issues

Serious uncertainty remains about the drainage/sewerage capacity of the pipework system in the village. History shows that many household rainwater systems cause flash floods of sewerage

water into Low Street as well as other locations in the Village. Whilst new development are obliged to deal with surface water issues, the cumulative effect of increased housing could only exacerbate the problems experience hitherto. Anglian Water/Envir Agency can be expected to offer clearer 'village wide' advice than what is available at present, in that they comment particularly on each application and not take a wider view. After consultation with Anglia Water officers, it clear that at certain times the village has storm water issues related to Low Road. This Stradbroke Road proposal will warrant an extensive dispersement arrangement. The existing arrangements, taking just the water from the tarmac surface of Stradbroke Road, through the Broadway onto Laxfield Road come underpressure periodically. Additional housing and roadways as the land falls towards the Playingfield would inevitably cause overflow on to the Bowling Green/Tennis Court area, as water tries to get into the watercourse, south of the Playingfield. There is already severe damage to the roadway near the culvert on Laxfield Road, evidence of rainwater undermining.

7. Cumulative impact

Having accepted the 50 units target, Fressingfield PC is most alarmed at the cumulative effect of the several identified areas for potential development in the village. A proportionate increase will have a greater chance of overcoming the potentially disastrous impact of cumulative growth which is seen as possible unless the MSDC Planning committees impose a strategic limit on growth in villages such as Fressingfield.

In summary, Fressingfield Parish Council feel that the development/addition of 50 to the core of 350 households in the village core can be absorbed over the period of the next few years. We note that any expansion beyond that is not sustainable across the areas of Health provision, Educational provision, Transport and Road matters, Economic considerations and Environmental concerns.

Above all the cumulative effect of multiple proposed large developments would render the village community as unsustainable across many areas. The potential doubling of the village core would be disastrous for this small rural community. Fressingfield Parish Council Strongly objects to this planning application, voted unanimously on July 4th 2017.

Considerations supporting the objections to the proposals: HBI The identified historic and listed buildings proximal to the potential development would be negatively affected and the village setting diminished by such a large development. The proposed development would inevitably have an urbanising effect, and this would be apparent directly from within the Conservation Area. Looking southwards along Stradbroke Road, an area of countryside would be replaced a built up frontage. The rural setting of the Conservation Area would not be preserved therefore. HB9 The development will consume a large area of countryside thereby destroying the valuable rural nature of the village of Fressingfield. This, like all recent applications for building in the village, is historically described as a rural exception site and would represent a 'demolition' of this part of the countryside. This site is a significant part of the potential 49 acres of this rural village that would be built over under the present applications. The approach to the village from Stradbroke would be visually and environmentally seriously damaged. All other routes into the village have a 'gradual build up' into the centre of the village, this would certainly not be the case here. The landscape on this approach to the village has an open character, and so any new development here would be readily apparent. Due to its scale, the proposal would appear as a significant intrusion into the rural setting of Fressingfield. The proposal would thus conflict with Core Strategy Policy CS5, which indicates that the Council will seek to protect and conserve the District's landscape qualities. GP1 This development pays little respect to the scale or density of surrounding village building.

The proposal has a cumulative negative impact on the dwellings (350) in the village core. Based on the indicative layout submitted, houses would be built much closer to the road, than those opposite, leaving little space for landscaping and appearing at odds with the generally spacious character of the area. In addition, insufficient space would be available for tree planting along the southern boundary of the site, which would be needed to maintain a soft edge to the village. T10 The density of proposed housing will suggest a large amount of traffic emerging onto Stradbroke Road. Adjacent to the entrance to and from School Lane would suggest a potential increase of danger particularly at School times. Lack of footpath access to the village facilities will increase dangers to all. With the larger numbers of inhabitants, the increased dangers for pedestrians and other traffic making use of New Street to reach village facilities has been noted historically and is yet to be exacerbated by two other developments in the village (impact yet to felt), will be increased further by this proposal. H7 The needs of housing in the village having been identified as around 12 units in a Village Survey (2013) have been met by existing accepted proposals. No additional housing need exists from within the village rural locality although up to date data held by MSDC may increase this. H10 There is no demand for accommodation for rural workers, indeed there are available rentable homes attached to agricultural interests in the village. Additional employment creation / industrial units are not part of this proposal. H16 The proposal would seriously harm the amenity of neighbours and the village as a whole. The impact will impact most deleteriously on health provision, educational capacity, traffic and transport, as well as economic and employment aspects of existing village life. These aspects, as result of the development are unsustainable in the present context with lack of certain/confirmed capital funding sources for infrastructure improvements prior to development taking place. The existing levels of amenity would be made very vulnerable in any transitional stage. Construction work/vehicles would similarly severely diminish amenity during construction. H17 The increased traffic movements and habitation noise would be increased markedly to the detriment and danger of residents. The problems of Jubilee Corner and the New Street traffic dangers, well documented, would be increased to the risk of all. COR6 Infrastructure and services would be under exceptional pressure if the proposals were accepted. With already 50 units in the pipeline within the village, it is not proven of the absorption capacity of the village for this 12% growth. Any addition to this would seriously jeopardise existing levels of service and infrastructure provision. Sadly there is no guarantee about enhanced infrastructure/service with increased housing, putting our sustainable community is at severe risk. NPPF The assumption is that the any development should be of a 'sustainable nature' in the countryside. This proposal very much falls below the expectations of sustainability. Its scale and infrastructure challenges are not sustainable for this village community. NPPF 6.3 para4 asserts that where impacts adversely outweigh benefits, permission should not be given. This proposal contains no significant or demonstrable benefits to Fressingfield community. CSFR-FC1.1 MSDC has an obligation to ensure 'sustainable development' across its area and can be expected to measure all proposals against their criteria for sustainability. CSFR 2.1 The proposal offers nothing to improve public transport provision, a problem recognised historically, including SCC Transport Planning Report 2010, and daily experienced by existing Fressingfielders. Any new residents will be disadvantaged by this severe lack of public transport. The impact of any necessary increased vehicular traffic will similarly have a deterioration of the carbon footprint locally. (503)

CS1 Settlement Hierarchy would seem to have been disregarded by this application. Fressingfield as a 'primary village' has met its obligation for development with its 50 units of building development and its local proven need is met. Further growth than this would place Fressingfield in an unacceptable category and compromise unacceptably the Council's own spatial strategy. CS5 With excessive development, it is hard to see how 'local distinctiveness' will be retained and

the environment maintained and enhanced. Fressingfield's village status as a 'primary village' has as part of its distinctiveness, its size and should allow this to be reflected in the future.

Consultees

SCC Highways

- In a response dated 2 November 2018 the local highway authority has objected after reviewing the application in the light of the new NPPF [2018] and they recommend refusal.

“Following the July 2018 revisions to the National Planning Policy Framework (NPPF) Suffolk Country Council has reviewed its position regarding planning applications 1648/17, 1449/17 and 1432/17. The significant change in the NPPF is para 109 that states that development should only be prevented or refused on highway grounds if there would be an *unacceptable impact on highway safety*, or the residual cumulative impacts on the road network would be severe. This revises the previous guidance that stated that development should only be refused where the residual cumulative impacts are severe.

In our previous response we stated that the impact of the proposed development was at the high level of significance in terms of road safety, but that no single road safety issue was considered severe as no significant numbers of crashes had been recorded in the area and hence we could not recommend refusal of these applications based on the 2012 version of the NPPF.

Recent planning appeal decisions¹ have clarified the Planning Inspectorates views on road safety and we have considered these in our response. In summary the Planning Inspectors have viewed each site as unique and that the absence of a history of crashes should be balanced against observed road safety issues when deciding if there is an unacceptable impact on highway safety.

Due to concerns raised by residents during the planning process additional site visits were undertaken involving both driven and walked inspections. I personally visited the area on the morning of the 12th October 2018.

I make the following

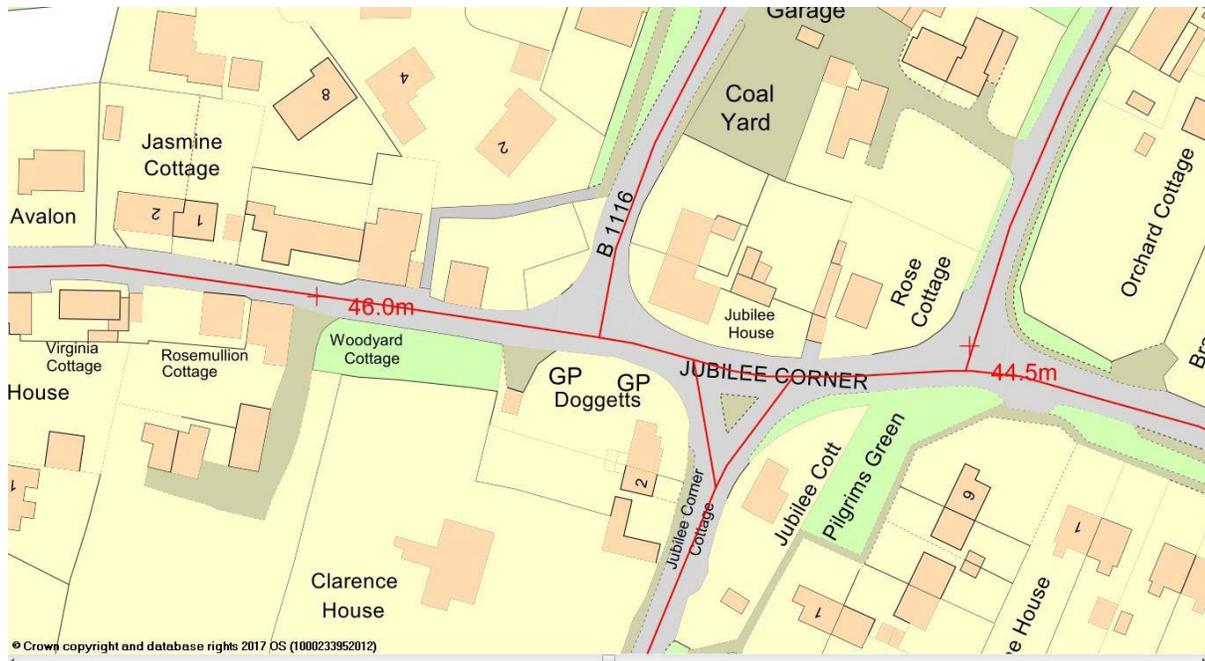
observations; General

The layout of the village means that most motorised and non-motorised traffic has to pass through the 'core' of the village represented by the junction of Stradbroke Road / New Street / Laxfield Road / B1116 known as Jubilee Corner as:

- The primary school is located to the south off Stradbroke Road
- The village shop is located to the west on New Street
- The two public houses, Church and Baptist Chapel are located to the north
- The Sports and Social Club to the east off Laxfield Road

Residential developments are generally equally spread around the core which results in trips to much of the village infrastructure will be through the 'core'.

Stradbroke Road (S) / New Street (E) / Laxfield Road (E) / B1116 (N) Junction (Jubilee Corner)



There is a narrow footway on west side of Stradbroke Road leading to New Street. This footway is currently not wide enough for more than one person. It was observed that when used by groups of pedestrians some walked in the road. A driven survey identified an elderly pedestrian walking on the road on the inside of the bend on the B1116. The highway boundary is the fence to the rear of the path and any widening would be into the carriageway.

The island at the junction of Stradbroke Road and the B1116 does not provide a safe crossing point for pedestrians due to the limited visibility. Currently no dropped crossings are provided at this junction. No footway is present on the east side of Stradbroke Road although a verge is available for use by fit pedestrians.

Although vehicle speeds through this area appear low this does not prevent occasional conflict between vehicles. Large vehicles turning south into Stradbroke Road are required to use both lanes so that any northbound vehicle is required to stop. This was observed at the time of the site visit. Several vehicles were also observed turning around in the entrance of New Street, a manoeuvre which requires use of the full width of carriageway in an area without footway. Both manoeuvres increase risks for pedestrians.

Stradbroke Road / Laxfield Road

Access from Laxfield Road to Stradbroke Road is via a narrow concrete footpath across Pilgrims Green which is not public highway. While passible the width of the path does not allow an adult to walk side by side with a child. Two right angle bends plus the narrowness makes access for those with pushchairs, wheelchairs or mobility scooters difficult. The alternative is to use the verge to access Stradbroke Road and cross at the island described above.

New Street

Pedestrians exiting from the footway north of Woodyard Cottage have poor visibility to either side and step straight onto the carriageway. Pedestrian barriers are present to restrain pedestrian but constrain

the footway for those with pushchairs, wheelchairs or mobility scooters.

No footways are present on New Street resulting in pedestrians walking in the road. During the site visit a number of pedestrians, some elderly, were observed walking to the local shop. When vehicles approach there was a tendency for pedestrians to step into private driveways when possible. Where parked cars were present pedestrians often must walk into the road around them. When two cars meet one must stop if a pedestrian is in the road and no driveway is present.

Having examined the site, it is difficult to see how significant lengths of footway could be provided without reducing road widths and relocating on street parking. The presence of buildings abutting the road places further limitations as existing thresholds will need to be maintained.

Travel Modes

While not considered a scientific survey, it was noted that in the morning site visit only 3 children accompanied by two adults walked to school from north of Jubilee Corner, but a significant number of school children were in cars travelling through the junction. It is possible that concerns about safety discourage pedestrians particularly in the core of the village.

Conclusion

There are hazards to non-motorised users travelling on New Street or through Jubilee Corner. The layout of the village means that this is the desirable route to reach many services. The proposed developments will result in increased vehicle and pedestrian movements through this core area.

While it is appreciated that all three developers have contributed in finding ways to improve road safety the constraints imposed by the existing highway network severely restrict the practical options. The measures proposed are the best solution available within the existing constraints they fall short of making the highway safe for pedestrians.

While it is noted the few crashes have been recorded in this part of Fressingfield recent planning appeals have determined that weight should be given to observed conflicts between pedestrians and vehicles. It is the Highway Authority's opinion that this is the case on New Street and Jubilee Corner if further development were approved which increased pedestrian and / or vehicle movement through the core of the village without the provision of safe, practical alternatives.

It is the Highway Authorities opinion that further traffic passing along New Street and / or through Jubilee Corner would result in an unacceptable impact on highway safety particularly for vulnerable pedestrians.

For this reason, the Highways Authority recommends that permission is refused for these applications."

Infrastructure Team

- Development proposed in a high value zone to be calculated upon approval of reserved matters

SCC Flood and Water Management

- No objection subject to standard conditions

Archaeology

- No objection subject to standard conditions

SCC Strategic Development

- No objection subject to appropriate assessments and mitigation for the cumulative impact of developments

Highways England

- No objection

Suffolk Preservation Society

- Objection based on disproportionate scale and unsustainable location

BMSDC Housing

- No objection subject to 35% allocation for affordable housing (29 dwellings)

BMSDC Environmental Health- Land Contamination

- No objection subject to standard conditions

BMSDC Environmental Health- Other Issues

- No objection subject to construction condition

BMSDC Environmental Health- Sustainability

- No objection subject to standard conditions

BMSDC Environmental Health- Air Quality

- No objection

BMSDC Arboricultural

- No objection

NHS England

- No objection subject that CIL contributions help mitigate impact on medical centre

Place Services- Ecology

- No objection subject to standard conditions

Place Services- Landscape

- No objection subject to addressing recommended mitigation measures

SCC Wildlife Trust

- No objection subject to recommended planning conditions

SCC Fire and Rescue

- No objection subject to standard conditions

SCC Travel Plan

- No objection

Anglian Water

- No objection subject to planning conditions regarding foul sewerage network and surface water disposal

Summary of Representations

SAFE objections summarised as follows:

- Blocking access for emergency vehicles access
- Road width and pedestrian footpath allocation cannot be improved, thus increasing risk of accidents
- Unsuitable main road for increased traffic due to reduced junction visibility
- Medical centre will be further stretched and already caters for patients from surrounding areas
- Unclear where funding could be sourced to support an increase in medical centre patient numbers
- Challenges posed in recruiting NHS staff to cater for increased patient numbers
- Road traffic accident figures are not accurate as many go unreported
- Provided proposal traffic reports are flawed and unrepresentative
- Inaccurate representation of facilities, the single village shop cannot be deemed a supermarket
- Lack of local employment will result in increased commuter traffic
- The type of vehicles travelling further increase road safety risks, there is a high volume of agricultural, heavy plant and HGV vehicles
- There is a lack of adequate public transport to serve proposal
- The risk of flooding is not adequately addressed by the flood risk assessments submitted and failure to supply a sequential test
- Parking allocation at both the medical centre and village shop is insufficient
- Issues of policing the increased traffic on the roads
- Inadequate drainage systems to cope with increased dwellings, raising the risk of raw sewage pollution

Public Representations

169 objections were received, summarised as follows:

- Proposal would pose risks to road safety by increasing often speeding traffic on the main narrow road, including an increase in heavy plant vehicles during construction period (134)
- Proposal places more pressure on the stretched medical centre with already inadequate patient parking (127)
- Overdevelopment and village cramming at a rapid pace with new dwellings becoming dominating and overbearing (118)
- There is insufficient public transport and connections to main transport networks to serve proposal (92)
- Inadequate sewerage and drainage system to serve proposal, with an associated increase in flooding and pollution (81)
- Lack of existing local employment in the area would increase commuter traffic (80)
- The proposal conflicts with the local plan, Fressingfield has had a disproportionate amount of development compared to other villages, namely Hoxne and Laxfield, and should be delayed until a development plan is in place (73)
- Only one village shop to serve proposal and associated increased pressure on existing insufficient parking allocation outside village shop (73)

- Lack of safe and appropriate footpaths to serve proposal (73)
- School cannot cope with an influx of school children from the proposal, there is existing inadequate parking, dangerous access and there will be a further increase in traffic on roads at peak times (71)
- Proposal is out of character with the local historic conservation area (60)
- Proposal is unsustainable (53)
- The proposal has an urbanising effect on the village environment (43)
- Ecology and environment will suffer from construction and consequent urbanisation (36)
- Absence of fair consultation platform and process (24)
- Increased risk of accidents from increased traffic flow and population (24)
- Increased air pollution increasing associated respiratory health problems (16)
- Increased noise pollution from construction traffic and increased population (10)
- Inadequate parking provision in the proposal (9)
- Proposal threatens the open spaces (8)
- Inaccurate and misleading proposal reports (7)
- Inadequate street lighting for the proposal (7)
- Needs of disabled people are disregarded in the proposal (6)
- Proposal threatens residential amenity through privacy and view (6)
- Affordable housing is excessive and will not benefit the immediate local community (5)
- Proposal will threaten the character of the area reducing the appeal and thus employment within tourism industries (5)
- Proposal will result in the loss of vital agricultural land (4)
- Electricity and telecommunications provision is at capacity and there is no gas supply to serve the proposal (3)
- Proposal will adversely impact property value (3)
- Emergency vehicle access will be threatened by increased traffic (3)
- Hospitals situated a long distance from the proposal, putting a higher population at risk (3)
- Disruption to village peace during construction period (2)
- Missing details within the proposal (2)
- No leisure facilities for younger generation to serve increased population in proposal (2)
- Village shop as one of the only local facilities is on the market and could disappear resulting in reduced facilities to serve proposal (2)
- Increased residential environment will raise risk of crime and anti-social behaviour (2)
- Rise in on-line ordering from increased population will further congest roads (2)
- Insufficient services and infrastructure to deal with cope with increased population
- Loss of vegetation and trees because of the proposal
- Provision for green space within proposal is of no value to the community
- Increase in litter from proposal
- Lack of police enforcement to deal with an increased population from proposal
- Development proposed on contaminated land

1 neutral comment was received

1 supporting comment was received, summarised as follows:

- Fressingfield can help alleviate housing shortage issues
-

Councillor Lavinia Hadingham [ward member] has made the following representation:

“As you know I have not been opposed to development in Fressingfield in the past and only earlier this year supported two applications totalling 46 dwellings; which I felt was reasonable growth for a village the size of Fressingfield with its limited services and infrastructure. However, I feel that these applications are too much and too soon following on the heels of the previous applications and without adequate infrastructure including public transport and employment, they are therefore unsustainable. The applicant of the Stradbroke Road and John Shepherd Road has exaggerated the local services, calling the small village shop a "supermarket" and claiming that a bus service ran daily when there is in fact, only one bus, once a week, to Norwich on a Saturday. This does not fit in with the NPPF's call for less reliance on the private car, most families in rural Suffolk have 2 cars and if they have children over the age of 17, more. Our own Local Plan calls for "the right housing in the right place" and this is not it! Without good transport links and in the main street, a road too narrow for pavements, the increase in traffic will be disastrous for Fressingfield which already has frequent accidents on Jubilee corner and elsewhere. The traffic survey undertaken by the applicants only monitored the traffic for 24 hours, surely that is not sufficient to analyse and predict how the roads will cope in the future? I would say that the cumulative impact on the highways would be severe and an unacceptable risk to public safety.

Public feeling in the village is strongly opposed to all 3 developments and a petition signed by 460 residents was received by our council in July. Unlike other villages that have had development thrust upon them, Fressingfield is not in the "transport corridor/" it does not have hourly, even daily buses. It does not have a train station or a takeaway restaurant, hairdressers or an industrial estate. It has been overestimated by our own officers and I hope to see it declassified from a "core" village to a "hinterland" village which reflects its true nature.

I am fully aware that without a 5 year land supply we have to look favourably on development and the usual" rules/guidelines have less weight but surely there has to be a limit on what these villages and their limited infrastructure can take? I believe that these 3 developments are unacceptable and their impact severe and permanent.

Summary

The overwhelming number of responses from local people express objection. Fressingfield Parish Council objects, the ward member expresses concern and S.A.F.E. opposes the development. Reasons cited for objecting to the proposal are legion but focus principally but not exclusively on the themes of highway issues, lack of local infrastructure, unsustainability, inadequate drainage, overdevelopment and parking problems

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. This broadly rectangular site occupies an area of some 3.78ha on the south side of the village of Fressingfield, in what is open countryside [farmland].
- 1.2 Its boundaries are defined by the following:
 - West: frontage onto the east side of Stradbroke Road [opposite dwellings with frontage onto the west side of Stradbroke Road and the road that serves the village primary school.
 - North: adjacency to the bottom of rear gardens of properties on the south side of 'Broadway'
 - East: adjacency to Fressingfield sports clubs and playing field
 - South: adjacency to open farmland/countryside
- 1.3 The site is generally flat and devoid of flora save for hedgerows along its western, northern and eastern boundaries
- 1.4 As you approach Fressingfield from the south along Stradbroke Road your view to the right [application site] is of hedgerow and open fields whilst on the left as you enter the 30mph speed limit you are confronted by modern houses and thin frontage hedging or fencing. Stradbroke Road is a definite marker between the urban and rural components of the landscape.

2.0 Fressingfield – An Overview

- 2.1 Fressingfield is defined as a 'Primary Village' in the Adopted Core Strategy Development Plan Document [September 2008] [Policy CS1]. A Primary Village is one that is considered capable of limited growth where local need has been established. Primary Villages are expected to have basic local services including a primary school and food shop.

Within Fressingfield facilities, including the following, can be found:

- a small village shop [*Fressingfield Stores – Mace*]
- a primary school [*Fressingfield CofE primary School*]
- a GP surgery [*Fressingfield Medical Centre – Fressingfield and Stradroke Surgery*]
- a bowls club
- a tennis club
- playground
- 3 x places of worship [*Methodist Church, Fressingfield Baptist Chapel St Peter and St Pauls Church*]

- 2.2 Fressingfield is defined as a Core Village in the JLPCD [Aug 2017] suggests the such locations might be required to take between 15% and 35% of planned growth depending on the preferred spatial distribution option finally agreed. Currently the JLP has little to no weight as a material planning consideration because it represents an early stage of the Emerging Local Plan process. Such settlement definitions may also be subject to change as the Local Plan process moves on through the various stages of consultation and analysis.
- 2.3 Fressingfield has an estimated population of approximately 2347 [2016]. It has a higher proportion of over 65's and a lower proportion of 0 – 15 year olds and 16 - 64 year olds than the Suffolk average.
- 2.4 The current number of properties in Fressingfield is 1080 [2017]. This produces an average occupancy rate of 2.17 people per dwelling.
- 2.5 The nearest 'towns' are:
- Eye 8.8ml 19 mins
 - Diss [Norfolk] 13.7mls 25mins
 - Harleston [4.7ml 9 mins
- 2.6 The closest 'Key Service Centre' is:
- Stradbroke 3.7mls 8mins
- 2.7 The village has 5 bus stops:
- Fox & Goose (adj)
 - Fox & Goose (opp)
 - Memorial (adj)
 - Memorial (opp)
 - Pilgrims Green (adj)
- and is served by two routes
- the number 40 [Norwich City Centre – Diss] [1hour and 4 minutes journey between Fressingfield and Norwich; and,
 - the number 522 [Metfield- Fressingfield- Worlingworth- Framlingham] [46 minute journey between Fressingfield and Framlingham]
- 2.8 The number 40 runs once a day through Fressingfield on a Saturday only, leaving at 09:14hrs with a return stop at 16.11hrs.
- 2.9 The 522 runs through Fressingfield once a day [Monday – Friday only. Not Sat or Sun], leaving at 07:54hrs with a return stop at 16.41hrs
- 2.10 The closest 'A' road is some 4.55miles away in the shape of the Needham/Harlesden junction on the A143 or 13.3 miles away in the form of the Yoxford junction on the A12.

2.11 The nearest railway station is Diss which is approximately 10 miles away by road.

3.0 The Proposal

3.1. This is an **outline** planning application for up to 85 dwellings with **ALL** matters reserved

3.2 The application is submitted by the same landowner as 1432/17 [an outline proposal for up to 99 dwellings] that also appears on this Development Control Sub Committee agenda. The applicant is therefore seeking permission cumulatively for up to 184 dwellings in Fressingfield.

3.3 The proposal is accompanied by the supporting documentation that includes:

- Design & Access Statement
- Illustrative Layout Drawing
- Flood Risk Assessment and Drainage Strategy
- Ecological Assessment
- Utilities Assessments
- Transport Assessment
- Cumulative Transport Assessment
- Phase 1 Contaminated Land Assessment
- Arboricultural Impact Assessment

3.4 Members are therefore being asked to consider the principle of residential use only but to do so in the knowledge that the applicant if successful will seek to construct up to 85 dwellings. The application is accompanied by 'illustrative' layout drawings which the applicant seeks to demonstrate how that many units might be arranged to accommodate up to 85 dwellings. The drawings do not however formally constitute part of the application.

3.5 In the event that after consideration of all material considerations Members find the proposal acceptable it should be noted that unless the number of units is conditioned the permission in terms of overall dwelling numbers will not be fixed. It should also be noted that whilst all matters including layout are reserved experience indicates that unless total unit numbers are conditioned the 'up to' number suggested in the description of any development is perceived after the event by developers as the actual number rather than the upper limit only if all other aspects of policy can be satisfactorily accommodated. To that extent reference to 'up to' can be misleading. Members are therefore advised to assess the merits of the proposal in the light that reserved matters approval for 85 dwellings may be sought rather than a lesser number. This report will therefore provide commentary upon the merits of the indicative layout and the extent to which it accords with policy.

3.6 The layout as originally submitted has been amended [*without prejudice*] at the request of both the Council as local planning authority and Suffolk County Council as local highway authority.

3.7 The principal amendments [revisions to initial proposal] are:

- Reconfiguring the layout along the Stradbroke Road frontage so as to omit the previously proposed direct vehicular accesses onto Stradbroke Road. They are now accessed by a private drive off the estate road
- Increasing visibility spays [to the south] from the estate access on Stradbroke Road
- Reconfiguring the layout to ensure that the planned open space is provided with improved surveillance from adjacent dwellings
- Introduction of proposed highway works at Jubilee Corner



3.8 The application is supported with a provisional commitment to providing community gain via a S106 Agreement - the broad details of which are summarised below. Any draft S106 Agreement would need to secure the following were Members minded to grant outline planning permission. These are considered to pass the C.I.L. test in that they are proportionate, reasonably required and relate to the development itself.

3.9 Head of Terms [draft S106]

*** Secure Affordable Housing**

The Owner Covenants with the District Council-

- I. The development shall provide 35% Affordable Unit in accordance with the details submitted with the Planning Application. 75% of the Affordable Units shall be Affordable Rent and 25% shall Shared Ownership
- II. Concurrent with the Reserved Matters to provide details of the proposed location, type, tenure, size and phasing of the affordable housing units must be agreed with the Council to ensure they are integrated within the proposed development according to current best practice.
- III. To ensure the Affordable Housing Dwellings are used as Affordable Housing in accordance with the details submitted with the application.
- IV. The Affordable Rented Housing Units shall be retained and managed by a Registered Provider in accordance with the objectives of the Registered Provider.
- V. The Shared Ownership Housing Units shall be sold, rented, and managed by a Registered Provider in accordance with the objectives of the Registered Provider.
- VI. As soon as possible after Commencement of development to enter into an agreement with a Registered Provider for the construction and subsequent transfer to the Registered Provider of the Affordable Housing Dwellings.
- VII. The registered provider must enter into a deed of nomination rights with the District Council 3 months before the date of the transfer to the Registered Provider.
- VIII. No more than 70% market housing shall be occupied until the affordable housing has been constructed to the satisfaction of the Registered Provider, are ready for occupation and have been transferred to the Registered Provider.

*** Public Open Space**

The Owner Covenants with the District Council-

- I. Details of the Public Open Space Land including timescales for provision (phasing), position, size, any play equipment, and planting specification, shall be set out in a landscape management plan submitted to the District Council concurrent with the submission of the Reserved Matters application for landscaping.
- II. The landscape management plan shall also identify the long-term ownership arrangements of all or part of the Public Open Space by a management company or other such arrangement as agreed by the District Council.
- III. The Public Open Space shall be implemented in accordance with the management plan
- IV. Maintain the Public Open Space Land in strict accordance with the terms of the planning permission and the landscape management plan.

***New Footpath**

- I. Prior to the occupation of any dwelling the new footpath as shown on the indicative site layout linking Stradbroke Road with the existing Rights of Way network to the south east shall be provided and thereafter retained.
- II. Prior to occupation of any dwelling, details of the construction and future management of the footpath shall have been agreed with the District Council and implemented in accordance with the approved details.
- III. The footpath shall remain free from instructions for the pedestrian movements of the public.

3.8.1 In later discussion the applicant has also verbally indicated that he may also be willing to provide off-site [but nearby] allotment facilities in order that statutory provision may be met in proportion to the increase in population of the village that would result from this development.

3.9 No. dwellings, size, scale and tenure / mix

3.9.1 The illustrative layout shows 85 dwellings and supporting statements refer to up to 29 [if rounded down] of these being affordable units [which equates to a policy compliant 35%]. Whilst the applicant does not define what they mean by such a term it is clear that the Council requires such accommodation to be predominantly affordable 'rented' in nature.

3.9.2 In the event that members consider the proposal to be acceptable the delivery of 35% affordable housing will first need to be secured by way of a S106 Agreement.

3.9.3 The outline application does not provide a breakdown of proposed unit sizes as this is a matter to be determined later at reserved matters stage in the event that outline planning permission is first granted. However, from the illustrative layout it can be seen that it would, not unsurprisingly, be possible to provide a broad range of dwelling types and unit sizes. The amended illustrative drawing shows a mixture of detached, semi-detached and terraced properties of what appear to be relatively different sizes [floor area and/or bedrooms]. No indication of likely storey heights is provided on the illustrative drawings and no indication of the likely distribution of affordable units throughout the development is offered. That said there is nothing to suggest that an appropriate level of "pepper-potting*" of affordable units cannot be achieved.

*[* 'pepper-potting' is the term used to describe the scattering of affordable units across a site [like pepper sprinkled from a pepper pot onto food] so as to spread them widely amongst open market units. The aim being to make them indistinguishable ['tenure blind'] from the open market units. Generally clusters of up to 15 units or less are held to be pepper-potting but some 'providers' prefer to have larger groupings as this has management advantages but may not produce the same degree of wider integration within the immediate community]*

3.10 **Density**

- 3.10.1 At its crudest the density of the proposed development [gross] is 22.5 dwellings per ha. which is relatively low.

4.0 **Assessment of the Merits of the Proposal**

- 4.1 Council's are advised by the Government in paragraph 8 of the NPPF [2018] that the planning system has three overarching objectives:

"Paragraph 8:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) ***an economic objective***

to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) ***a social objective***

to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) ***an environmental objective***

to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

- 4.2 Consequently these themes will be repeatedly explored throughout this report as they deliberately form what is described by the Government as the 'golden thread' that runs throughout the planning system, holding it together, giving it shape and glinting to attract admiring attention.

4.3 In determining this application *[and all others]* the Council must have at the heart of its deliberations appropriate regard to the advice contained in paragraph 11 of the NPPF where the all important '**Presumption in Favour of Sustainable Development**' is described for decision takers:

"Paragraph 11:

Plans and decisions should apply a presumption in favour of sustainable development.

.....for **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

ii. 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."

4.4 This report will give very careful consideration to what is set out in paragraph 11 above because in determining this application the Council is currently in the position described by (d) above (where it cannot presently demonstrate a five-year supply of deliverable housing sites) and therefore an important point for the consideration of the application is that planning permission should be grantedthat is..... unless either of the circumstances described in (i) or (ii) apply.

4.5 The key planning issues raised by this application are considered to be:

1. The principle of the proposed residential use and the extent to which it represents an unacceptable and unjustified Departure from the Adopted Local Plan
2. The effect of the proposal on pedestrian and highway safety
3. The effect of the proposal on the local foul drainage system and any associated adverse environmental impacts in terms of overflow pollution on local streets
4. The weight to be afforded to the Adopted Local Plan in the light paragraph 11 of the NPPF
5. The extent to which the Council's inability to demonstrate that it has a 5YHLS in Mid Suffolk tips the application of the 'tilted balance' firmly towards granting planning because to do so will help to address the strategic shortfall in housing numbers in the District.
6. The extent to which the proposed development when judged individually and cumulatively can be considered to be sustainable development in the context of local

and national planning policy and the extent to which public benefits arising from the development might outweigh any harm

7. The extent to which the development will adversely impact the character of the village and its countryside setting.

Other impacts may also be material and if so will also be explored herein.

4.6 The Principle of Residential Development

- 4.6.1 The site lies outside of the village settlement boundary for Fressingfield [inset map 36 'Fressingfield' Adopted local Plan 1998.] Fressingfield is not defined as a Town or Key Service Centre where the majority of new residential development is normally directed [CS1].
- 4.6.2 As a defined Primary Village [CS1] Fressingfield may be expected to accommodate **small-scale housing growth to meet local needs**. This application includes as many as 85 dwellings. As the site is outside of the defined village settlement boundary it is therefore in the defined **countryside**, where the grant of planning permission for residential development would not ordinarily be forthcoming.
- 4.6.3 As a matter of planning judgement, even if the site were within the settlement boundary a 7.9% increase in the total housing stock in the village would have to be considered medium-large scale and **not the** small scale expressly envisioned by the policy.
- 4.6.4 Readers of this report should not be confused or misled by the reference in the report title to the application being defined as falling into the category of 'major small-scale'. This term is one used by the Government for the collection of performance data [speed of processing applications] purposes. The application is a '**major**' application and is sub categorised as small-scale in that the number of units proposed is between 10 and 199. Schemes with more than 199 units are defined as major large-scale. The reference to small-scale within the type category does not mean it is small-scale in the context of the Adopted Local Plan. What constitutes a small or major-scale development is not defined and is considered to be a matter of planning judgement having regard to the relevant circumstances and material considerations relevant.
- 4.6.4 If one includes the impact of this development along with the scheme already approved in 2018 and the other concurrent speculative residential applications in Fressingfield the total of 222 new dwellings represents a 20.6% increase in the total housing stock in the village.
- 4.6.5 An increase of up to 85 units in itself is bound to change the character of this small relatively isolated village and put pressure in its limited amenities, services and facilities. Even more so when aggregated with current proposals.
- 4.6.6 CS2 sets out that in the countryside (as is the application site) development is to be restricted to defined categories that do not include speculative residential development.

- 4.6.7 However before these themes can be explored further we must recognise that the Inspector in the Woolpit case with the evidence at hand concluded that CS1 and CS2 are out-of-date.
- 4.6.8 This and the current 5YHLS situation then potentially opens the door for the ‘tilted balance’ to come into play through reference to paragraph 11 of the NPPF [2018].
- 4.6.9 We are required to look at all other material planning considerations and assess whether the nationally and locally important need to deliver new housing [and more particularly affordable housing] and other positive impacts are outweighed by other negative impacts. The tilted balance means that the need to address the shortfall in 5YHLS carries with it significant weight. [more so than if the Council had been able to demonstrate that it does have a 5YHLS].
- 4.6.10 To that end this report will now go on to explore other aspects of the proposed development and the relationship to Adopted Policy and the NPPF [2018]
- 4.6.11 In terms of the ‘in principle’ benefits offered by this proposal one must acknowledge and give **significant weight** to the fact that it will provide up to 85 new homes at a time when there is a deficiency in the District’s 5YHLS.
- 4.6.12 Were the development to be considered acceptable it would, if built-out [delivered], also ultimately provide construction jobs for the lifetime of the build programme and may benefit local suppliers, sub-contractors and tradespeople. As these will be short-term for the limited life of the build they should be given **low weight**.
- 4.6.13 Another **moderate benefit** to be weighed when applying the ‘tilted balance’ is that fact that the proposal if approved and built-out [delivered] would provide 29 much needed affordable homes the delivery of which is a Council priority.

4.7 Design and layout [a reserved matter]

- 4.7.1 As described earlier in this report the amended indicative layout suggests that a development comprising as many as 85 dwellings may be capable of being accommodated on the application site and satisfying relevant parking and amenity standards.
- 4.7.2 Whilst design and appearance is not a matter for determination here it must be noted that the indicative layout is nothing more than a proving layout for the applicant to establish potential total unit numbers and therefore the value of the site.
- 4.7.3 There appears to have been no effort to establish or describe character areas within the layout and there is no accompanying commitment to a design code which would establish the level of quality that would be achieved in terms of urban design and architecture were planning permission to be granted.
- 4.7.4 As a Departure from the Local Plan one would expect the proposed development to be aiming to achieve or exceed the level of quality expected within the NPPF [2018] in order to help justify its approval.

4.7.5 That said it ought to be possible with the necessary commitment to quality, design flare and attention to detail to produce a development that complies with GP1 and H13.

4.8 Connectivity

4.8.1 This is one of the aspects of the proposed development that gives rise to concern. Whilst it is proposed to provide the site with a new footway along its Stradbroke Road frontage that will connect to an existing path further to the north this extended footway will effectively continue to deposit pedestrians into the carriageway at Jubilee Corner and on New Street. [if they wish to travel in each of the respective directions].

4.8.2 It would be possible to get to the village primary school by footway having first to cross Stradbroke Road but for those wishing to get by foot to the village shop, the GP surgery or the Methodist Chapel or friends in New Street or the Church , village pubs or community hall via Jubilee Corner would be exposed to highway dangers as a result of having to walk in the road. [and a busy road at that at times with mixed traffic including tractors pulling trailers articulated hgvs from nearby poultry processing units]

4.8.3 Whilst the highway authority has tried to find solutions to the accessibility problems for pedestrians around Jubilee Corner these unfortunately amount to little more than changing the surface colour of the road surface to try and subconsciously alert drivers to a potential hazard. The geometry of the bend, connecting roads and adjacent residential curtilages is such that there is little to scope to remodel the junctions. Increasing the number of dwellings in Stradbroke Road by as many as 85 without being able to improve pedestrian and highway safety in New Street and Jubilee Corner would pose a serious impediment to safely.

4.8.4 It is proposed to provide an informal crossing point in New Street but in order to access this you first have to use an existing dog-leg path between back gardens from Harleston Hill to exit at a point immediately adjacent to a building that fronts new Street, thereby requiring pedestrians to step into the road to gain a view of what vehicles may be coming. Attempts to widen the only section of footway around Jubilee Corner [the short narrow section on the south-west corner] are severely restricted by an adjacent garden fence, street furniture and the dangers associated with narrowing the road on this sharp right hand [90°] bend.

4.8.5 It should be noted that the proposal includes the creation of a new footway along the sites Stradbroke Road frontage but that is only of real benefit for subsequent occupiers of the proposed development were it to be approved. Were the development not to proceed the lack of footway here would not represent a lost opportunity to improve pedestrian connectivity for the wider village.

4.8.6 Also included in the proposal are to informal prescriptive footpaths, one along the sites southern boundary and one on the northern boundary.

4.8.7 This [the proposed southern path] will enhance pedestrian connectivity as it will create a new link between existing public footpaths number 66 and 63. This is a factor that needs to be given **moderate weight** in the overall balance as will allow easier access between the village sports clubs/ground and the school via an extended footpath link. For some properties in Laxton Road this may mean less occasion to navigate Jubilee Corner

4.9 Open Space

4.9.1 The proposal as shown on the illustrative layout provides adequate consolidated open space and this should provide adequate space to provide play and recreation areas for the development

4.10 Parking

4.10.1 Parking will be expected to meet the Council's Adopted Parking Standards and there is no reason to believe from the indicative layout and proposed density that such standards cannot be achieved

4.10.2 The illustrative layout does not include any of the 'in-line' triple parking spaces that are unacceptable to the local highway authority and the Committee.

4.10.3 Parking is shown as being provided in a combination of forms garages, driveway hardstandings and collective bays but with no rear parking courts.

4.11 Sustainable Travel

4.11.1 As discussed in earlier in this report Fressingfield is isolated geographically, served only by unlit B-roads and a myriad number of winding country lanes. It is poorly served by public transport. Jobs within the village are few and far between and the most people are required to commute out for work. [using cars]. There is no secondary school within walking distance and only one small village shop. Even movement around is potentially curtailed by the hazardous roads and lack of footways as described previously.

4.11.2 Fressingfield is a small settlement that is not well placed to accept larger scale new development and expect that development to improve modal shift and facilitate sustainable travel in terms of paragraph 8 of the NPPF [2018].

4.11.3 Whilst relative isolation is a fact of life of most settlements in Mid Suffolk as a result of the District's largely rural and agricultural character this in itself should not be used as a reason to accept unsustainable development on the basis that you are unlikely ever to get viable public transport services operating over such a relatively sparsely populated area. That is why primary villages are only expected to take small scale development and that's why Council policy directs the majority of new development to towns and service centres where the critical mass of population can support sustainable development.

4.11.3 As described elsewhere in this report movement around the village is already made more hazardous by the fact that New Street has no footways and Jubilee Corner only has one short narrow section of path on one corner. This already appears to reduce the willingness of many parents to walk their children to school and make local trips by foot. Considerably increasing the local population will inevitably increase car trips within the village.

4.12 Highway Impacts

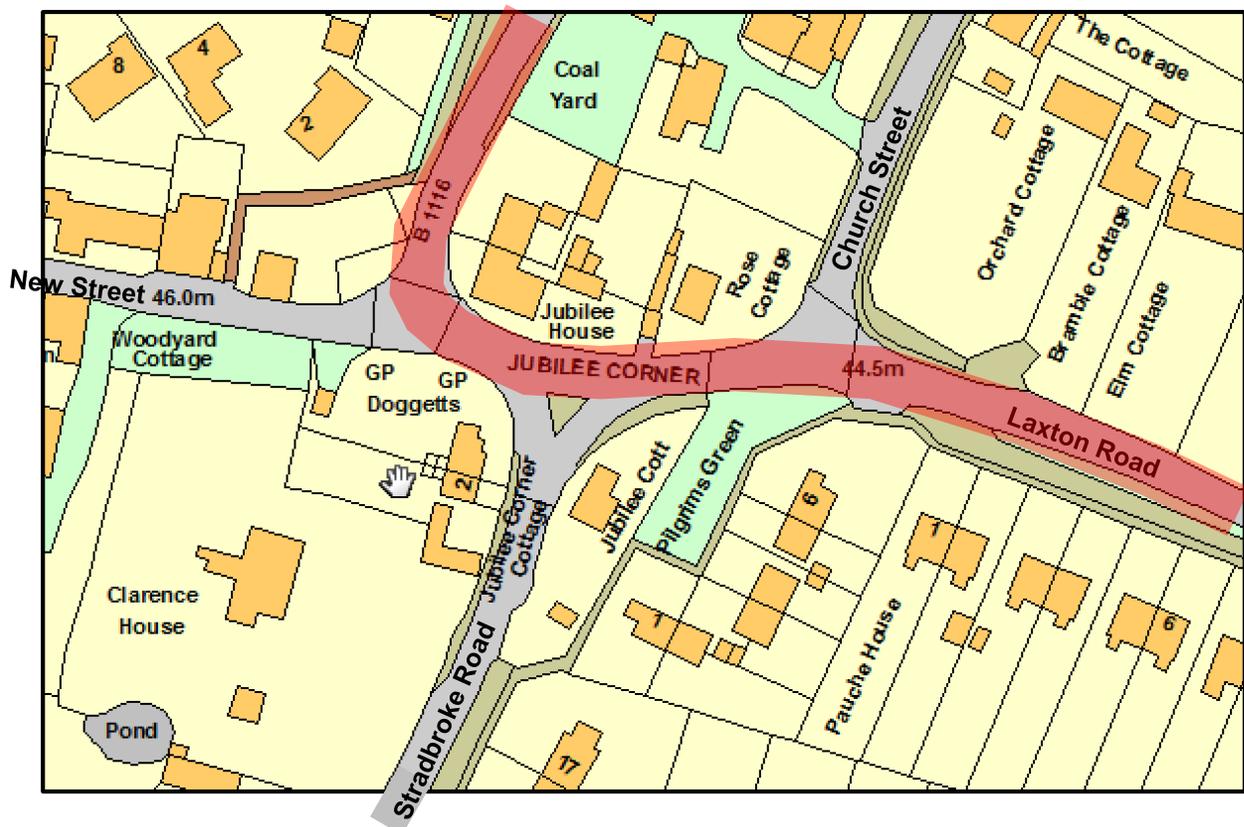
4.12.1 New Street runs through much of the historic core of Fressingfield and the associated conservation area. It is a well-used vehicular connection providing access to and from Jubilee Corner and points beyond with villages to west of Fressingfield.

4.12.2 Along the New Street frontage are some 28 [north-side] and 20 [south-side] properties, with a further 20 [north-side] and 59 [south-side] on side roads. A total of some 127 properties. Also on this stretch of frontage are the only shop in the area, the Methodist Chapel and Fressingfield GP Surgery. **Despite this level of development there are no footways.**

4.12.3 Pedestrians are required to walk in the road sharing the 4.2wide carriageway [at its narrowest] with cycles, motorbikes, cars, vans, lorries and assorted farm vehicles from tractors through to occasional combined harvesters.

4.12.4 The section of highway with no footway runs for some 413m on its north side [where it briefly touches the footway serving Post Mill Lane] and some 599m [to the village edge] on its south side [with no footway into the countryside beyond].

4.12.5 Jubilee Corner is itself quite a complex junction comprising a sharp 90° 'blind' [when travelling southwards] bend on the B1116 [Laxton Road/Harleston Hill] with three different side roads springing off it. [New Street, Stradbroke Road and Church Street].



- 4.12.6 All the roads within the vicinity of the Jubilee Corner junction are subject to a 30mph speed limit.
- 4.12.7 There is also parking associated with a number of the properties along New Street particularly the village shop. This further reduces the width of carriageway available to vehicles and pedestrians and increases the risk of contact and adds to potential concealment of pedestrians.
- 4.12.8 As a result of the above there is no straight forward quantitative means of establishing the safe capacity of New Street by reference to policy or guidance. It follows that the assessment of the impact of the additional movements generated by the application proposal is to a large degree a matter of judgement.
- 4.12.9 The objection of Suffolk County Council Highways is critical to the determination of this application and their recommendation to refuse permission carries **substantial weight** when applying the tilted balance.

4.12.10 **The Boxford Appeal Decision**

- 4.12.11 In dismissing the appeal the Inspector took the view that the proposed development of just 24 dwellings and the seven or eight additional vehicle movements it would generate along a section of adjacent highway would pose a risk to highway and pedestrian safety because of the circumstances that prevailed in the immediacy of the site.
- 4.12.12 In particular he noted:

“17. The parking at the junction of Swan Street and Church Street affects the forward visibility of drivers turning left into Swan Street. Whilst parking at this location does not comply with the Highway Code, it appears to occur consistently and there is nothing to suggest that enforcement action has been, or will be, taken. There was some dispute at the Inquiry over the appropriate vehicle speed to use to establish the forward visibility distance. However, even if actual vehicle speeds are somewhat lower than the 24-25mph adopted by the Council, the parked cars prevent drivers approaching Swan Street from Church Street seeing vehicles travelling south along that road until after they have committed to making the turn. Since the road is not wide enough for two vehicles to pass safely, drivers coming from Church Street are required to stop on the junction and, on occasions, reverse in order to allow the Swan Street vehicles to pass.

18. To my mind these findings show that Swan Street is not dealing with the demands placed on it by current traffic conditions. The combination of driver frustration, relatively high vehicle speeds, the need to make awkward manoeuvres and instances of a mix of vehicle types sharing or intruding into pedestrians spaces poses a substantial risk to highway safety. There is no record of personal injury accidents in this part of Swan Street. However, there is a substantial body of anecdotal evidence from local residents and the Parish Council of near misses involving vehicles and pedestrians, as well as damage to vehicles and buildings.

Indeed, I saw on the site visit several examples of damage to structures which, realistically, could only have been caused by contact from moving vehicles. This illustrates the difficulties in manoeuvring through the area. That the structures are within the Conservation Area heightens this concern.”; and,

*“22 Pedestrians walking from the appeal site to the facilities in Boxford using the new link would avoid the narrowest section of footpath, which is to the north of the link. Nevertheless, there are obstructions along the footpath to the south of the link, including a telephone pole close to where the link joins Swan Street, steps protruding from the front of buildings and, on occasions, wheelie bins on the footpath. I have also noted that vehicles have been observed to mount the kerb in the Council’s survey Area 5 which is to the south of the new link. Moreover, people walking from the existing residential areas to the north of the new link would be likely to continue to use this stretch of Swan Street where the footpath is so narrow that it is necessary to walk in the carriageway. I am also mindful that people using this route would include vulnerable groups such as the elderly, those with reduced mobility, children and push chair users. Having regard to these considerations, I find that the proposal would lead to a significant reduction in highway safety for vehicles and pedestrians using Swan Street.”; **and he went on to make the critical observation...***

“24 Consequently, I find that the proposal would have a significantly harmful effect on highway safety. It would, therefore, conflict with paragraph 109 of the Framework, which states that development should be refused if it would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.”

4.12.13 There are very obvious parallels between the circumstances in that case and the position in Fressingfield and the fact that SCC Highways objects on highway safety grounds may prove over-riding considerations

4.12.14 **The Debenham Appeal Decision**

4.12.15 This is also relevant to the case in hand because at the centre of the deliberations was the question of pedestrian and highway safety.

4.12.16 The Inspector in that case noted:

“14.

Policy T10 of the Mid Suffolk Local Plan 1998 (LP)(saved policies) requires consideration of, amongst other things, safe access to and egress from a site, the suitability of existing roads giving access to the development, including the safe and free flow of traffic and pedestrian safety, and whether the needs of pedestrians and cyclists have been met. While the LP is of an advanced age, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised Framework. Due weight should be given to them, according to their degree of consistency with the revised Framework. LP policy T10 is a general transport policy which seeks to address the potential impact

of developments on transport networks, and avoid any adverse effects. I consider it to be generally consistent with Section 9 of the revised Framework on promoting sustainable transport, and therefore give it considerable weight in my decision.

15.

Whether or not the footpath and road widening would be deliverable due to land ownership, the proposed footpath would terminate at the adjacent property boundary at Village End. This would necessitate pedestrians walking on the carriageway and would be likely to result in conflict between road users from Village End towards the junction of Derry Brook Lane and Little London Hill. Given the number of family houses within the proposed development and its location close to the primary school, there would be likely to be children and adults walking to and from the proposed development to the school and the other local services. This would be likely to hamper the safe and free flow of vehicular traffic, particularly at peak times when there is increased on-street parking associated with the school. The risk of conflict would be increased by the potential number of additional vehicle and pedestrian movements resulting from the proposed development. Given the vulnerability of the highway users under consideration, I consider that even a relatively small increase in risk to them would be significant. As such, the proposed development would cause harm to pedestrian and highway safety. “

- 4.12.17 Again there is a strong resonance between the Inspector’s finding in that case and what occurs in Fressingfield. However in Fressingfield the scale of development is significantly larger.

In consideration of the forgoing, it must be conceded that each application must in any event be judged on its merits. The considerations highlighted require the exercise of planning judgement in determining whether the proposal before Members would pose an unacceptable risk to highway safety and the need to provide for a safe and suitable access for all. Officers consider that this is the case here.

4.13 Drainage matters

4.13.1 Foul Water

- 4.13.2 The foul water system serving the majority of Fressingfield is described by Anglian Water [AW] as a ‘closed’ system. That is to say that it was not originally designed to accommodate surface water in a combined pipe and was historically not constructed for such dual functionality. Its function is to transport foul water only. It was constructed with no surface water connections. Therefore when modelling foul flows arising from new development Anglian Water’s models only factor in foul water flows and the impact on capacity because it is ‘designed’ as a closed foul water system.

- 4.13.3 Anglian Water has investigated the possible causes of acknowledged localised flooding where raw sewage comes up out of the sewer when the manholes are 'popped' open by the excess pressure in the system during storms. They have ruled out ingress of surface water into the foul water system as a result of broken pipes. The only plausible cause therefore can only be surface water connections.
- 4.13.4 Since the systems construction in the early nineteenth century an unknown number of domestic surface water connections have been connected to the foul water system as was the custom without the knowledge of the foul drainage authority. This is not peculiar to Fressingfield but occurred all over the country.
- 4.13.5 In raising no objection to additional development in Fressingfield Anglian Water does so because the Fressingfield 'closed' foul drainage system theoretically has sufficient capacity to accommodate the foul flows from the three proposed developments.
- 4.13.6 The fact that surface water connections have been made and therefore increase the amount of water in the pipes is not a material consideration for AW because those connections should not be there. That said their hands are tied because they do not have the legal powers or budget to have such historic connections removed.
- 4.13.7 They will only take action when the pressure in the system during storms is such that raw sewage backs up and forces its way out of domestic lavatory bowls into people's houses.
- 4.13.8 For Fressingfield this means that when large quantities of rain fall in a short time the spare capacity in the foul water pipes is rapidly occupied by surface water and the build-up of pressure and content causes the manhole covers to pop and diluted raw sewage to spill into the road and the Beck.
- 4.13.9 The additional development currently being proposed in Fressingfield [including the application site under consideration here] is not likely to significantly impact the capacity in the foul surface system in its own right in normal conditions. However, it is reasonable to assume that in periods of high rainfall in a short period of time it will take less surface water to fill the capacity of the foul water system [because it now contains more foul sewage] and that as a result an equivalent amount of rainfall post development completion will increase the risk and quantity of flooding. This flooding is also likely to contained increased levels of foul sewage content.
- 4.13.10 Whilst this would not appear to be an issue that can be resolved by AW as the budgets do not exist and it is not a problem of AW's making, it is reasonable for the planning authority to conclude that the impacts described above can be expected even where no additional surface water is entering the foul water system from the new developments.
- 4.13.11 This cannot be considered environmentally sustainable. The pollution of parts of the village and the Beck, however occasional, with raw sewage, sanitary products and toilet paper is unacceptable pollution that will only worsen with the level of development being proposed here connecting to the Fressingfield foul water system.
- 4.13.12 Residents within the village who do enjoy the benefit of surface water 'connections' to the foul water system could make things easier for those fellow residents who experience

the flooding by installing water butts to reduce the pressure on the foul water system - That is to say storage in butts will mean the foul system will not be expected to accept so much abnormal flow during high rainfall. It seems unlikely however that residents of properties with historic surface water connections to the foul system will opt to pay for the installation of a separate surface water drain even if it could be established by investigation [dyes] that they did have such a connection.

4.13.13 Surface Water

4.13.14 The proposal here is to employ sustainable urban drainage techniques where possible to ensure that surface water is retained and/or attenuated on site. Suffolk County Council as the Lead Local Flood Authority has raised no objection on the basis that at reserved matters stage [in the event of outline planning permission being granted] they will require discharge rates from the development not to exceed the greenfield run off rate currently experienced. [ie maintaining the status quo]. At this stage it would appear that surface water will not be directed into the foul water system and so will not thereby compound existing [and potential development related] problems of pollution. It should be noted that Anglian Water have not been able to rule out connection to the foul water system of new surface water flows in a case of last resort.

4.13.15 The Beck which runs through the village at its lowest point has also been known to over-top during heavy rain storms. Surface water from new development will almost certainly exit into the Beck at some point and therefore attenuation measures will need to be carefully negotiated by SCC SuDS at RM stage in the event that outline planning permission is granted if the over topping of the Beck is not to become more common.

4.14 Visual and Ecological Impacts

4.14.1 Undoubtedly the proposed development will change the character of the landscape .. The flat farmland that comprises the site and that is typical of that part of Mid Suffolk will be transformed. Urban built form will have pushed further out into the countryside and will be clearly visible in views from Stradbroke Road and Public Footpath 66 that runs along its eastern edge. Paragraph 170(b) of the NPPF reiterates the importance of recognising the intrinsic beauty of the countryside. Likewise, the force of Policy CS2 serves to maintain careful control of settlements and the development that might otherwise be permitted within the countryside; this is a spatial as well as visual consideration.

4.14.2 Members will have noted from the constraints section of this report that the countryside hereabouts carries no statutory or local designation for its particular quality.

4.14.3 It is considered that with suitable mitigation the visual impact of the development could be suitably softened with appropriate mitigation.

4.14.4 The same can be said for ecological impacts.

4.15 Impacts on residential amenity

- 4.15.1 The illustrative layout suggests that a development of up to 85 dwellings could be accommodated on this site without causing unacceptable harm to the residential amenity of existing properties in Broadway and on the other side of Stradbroke Road.
- 4.15.2 In the case of rear gardens in Broadway this will be achieved through a combination of orientation, the degree of physical separation, and planting

4.16 Impact on supply of agricultural land

- 4.16.1 If approved the development would ultimately result in the loss of some moderate-good farmland [ALC 3]. The land in question is currently farmed and is not of a size or shape that renders it difficult to farm with modern farm vehicles. It cannot be said to be of little agricultural use and its loss cannot reasonably be described as logical rounding off.
- 4.16.2 That said it would be difficult to reject the proposed development on the grounds of a loss of good farmland because the parcel is itself not large enough in itself to pose a strategic or significant loss of farmland – Particularly when it is not Grade 1 or 2 land and the Council is unable to demonstrate that it has a 5YHLS.
- 4.16.3 That said the NPPF [2018] does provide some protection for good quality agricultural land in paragraph 170 when it states:

“ Planning policies and decisions should contribute to and enhance the natural and local environment by:

.....b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the **best and most versatile agricultural land**, and of trees and woodland;

“ [Committee report author’s emboldening of text]

The NPPF defines versatile agricultural land as:

“**Best and most versatile agricultural land**: Land in grades 1, 2 and 3a of the Agricultural Land Classification”. [Annex 2: Glossary NPPF [2018]]

- 4.16.4 Farming remains a key economic driver within Mid Suffolk and the site does therefore deliver economic benefits in a way that recognises the intrinsic character of the countryside. In terms of Council policy any policy that seeks to protect the countryside for its own sake now fails to comply with the NPPF [2018] and so the Council will need to demonstrate that the loss of this land will generate overriding harm to the character of the undesignated countryside and/or landscape and/or the village setting that cannot be off-set by other benefits. In this particular case it is not considered appropriate to mount such an argument.

4.17. Heritage Assets

- 4.17.1 The proposed development will not directly harm the character, significance or appearance of any listed building or the setting of any listed building as the site is remote from such assets.
- 4.17.2 The proposed development is sufficiently distant from Fressingfield Conservation Area not to pose any harm to its character and/or appearance. Whilst some may argue that the loss of part of the villages agricultural hinterland will harm its historic context and to some degree this may be true but the village has over the past century expanded beyond its traditional historic core adjacent development to the site is of 20th century origin.
- 4.17.3 There are considered to be no reasonable grounds to refuse the development on heritage grounds.

4.18 Archaeology

- 4.18.1 It will be possible to safeguard any archaeological value that the site may possess by the application of appropriate conditions as requested by SCC [in the event that planning permission is granted]

4.19 Educational provision

- 4.19.1 SCC has not objected to the proposed development presumably on the grounds that if additional educational infrastructure is required in due course to accommodate a shortfall in available appropriate additional demand for school places this can be funded through CIL.

4.20 Health provision

- 4.20.1 As the proposed development will be eligible for CIL payments measures to address material shortfall in GP provision within the village would be expected to be the subject of bid for funding from CIL.

4.21 Cumulative Impacts

- 4.21.1 The application must principally be judged on its individual planning merits but the NPPF [2018] does make it clear that cumulative impacts may also be a material consideration in particular instances.
- 4.21.2 Of particular relevance here is paragraph 109 of the NPPF [2018] where such impacts are referred to in the context of the road network. The highway safety dangers identified by the highway authority in this case will be multiplied by additional development around Fressingfield were this to be approved.

4.21.3 Similarly paragraphs 156 and 180 identify the need to assess cumulative impacts in respect of flooding and pollution both issues that have been identified in this report as arising from [or being exacerbated by] this development and as Members will see from other Fressingfield related reports on this agenda other developments within Fressingfield. Again issues may be compounded by ever increasing levels of development in the village. Such impacts appear incapable of adequate mitigation.

PART FOUR – CONCLUSION

5.0 Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal would offer some economic benefits. Construction-related benefits would be temporary and, in any event, they would apply to new housing in most locations. Therefore, it is suggested that these be afforded **low weight**.

The introduction of new residents would also provide a limited degree of support for local businesses and services. The proposal would provide benefits in the form of community open space and the opportunity for bio-diversity enhancements. Footpath links to the wider countryside if secured in a Planning Agreement would also represent a **moderate weight** benefit.

The proposal would meet a need for affordable housing. Having regard to the number of units proposed [29] it is suggested that **moderate weight** be given to this benefit. Similarly in the absence of being able to demonstrate a 5YHLS the proposed open-market housing would be a benefit, although this would in isolation be **moderate** in the context of the District as a whole [although significant in terms of adverse impacts on Fressingfield] and it is therefore suggested this be given **moderate** weight.

Irrespective of the housing land supply position the proposal will have, if approved:

- an unacceptable and **substantially adverse** highways impact and conflicts with NPPF [2018] paragraph 109 and T10.; and,
- an unacceptable and **substantially adverse** impact on the foul water system in the village and is likely to exacerbate existing well catalogued pollution problems associated with the overflow of raw sewage into the street at Low Road during periods of heavy rainfall.; and,
- an unacceptable **significantly adverse impact** on the Council's wider District Wide Settlement Hierarchy and Housing Distribution Strategy in that it will result in a significant

level of new residential development being located in a village where only smallscale sustainable development is encouraged due to the poor accessibility , relative isolation and low economic, environmental and social sustainability of the location; and,

It will result in unsustainable and inappropriate development contrary to paragraph 8 of the NPPF.

The adverse impacts of granting permission will significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal does not amount to sustainable development and, therefore, does not score positively against other material considerations including the tilted balance triggered by the coming into play of paragraph 11 (d) of the NPPF [2018]

RECOMMENDATION

That outline planning permission be refused for the following reasons:

1. The proposed development lies outside of the settlement boundary for Fressingfield which is defined in the Council's Core Strategy as being a 'Primary Village' within the Settlement Hierarchy. Primary Villages sit below Towns and Service Centres in that hierarchy and are expected to accommodate 'small-scale' development to meet local needs. The construction of up to 85 dwellings is considered by the Council to be a significant and inappropriate level of development that in any event falls outside of the settlement boundary of the village, contrary to Local Plan Policy CS2. This level of growth is considered unacceptable and inappropriate for the reasons demonstrated and on that basis considerable weight is afforded the conflict posed with the development plan where the benefits posed would not significantly and demonstrably outweigh the harm and conflict identified.
2. There are currently hazards within Fressingfield to non-motorised users travelling on New Street or through Jubilee Corner. The layout of the village means that this is the desirable route to reach many services. The proposed development will result in increased vehicle and pedestrian movements through this core area, thus increasing the collective risk to safety that would be posed.

The nature of the existing highway network severely restricts practical opportunities for acceptable mitigation. The measures that have been proposed are the best solution available within existing constraints and fall short of making the highway safe for pedestrians and would increase the likelihood of conflicts between them and vehicular traffic.

An approval of the development would increase pedestrian and/or vehicular movement through the core of the village without the provision of safe, practical alternatives.

Further traffic passing along New Street and/or through Jubilee Corner will result in an unacceptable impact on highway safety, particularly for vulnerable pedestrians. This risk is considered to be unacceptable and in its own right would significantly and demonstrably outweigh any benefits that would arise from the proposed development. The harm to pedestrian safety identified is contrary to Local Plan Policy T10 and contrary to Paragraph 109 of the NPPF.

3. Whilst the relevant drainage authorities have raised no objection to the proposed development it is acknowledged by them that Fressingfield experiences localised flooding problems in the vicinity of Low Road [the low point in the drainage system]. This flooding takes the form of overspill from the foul water system via 'manhole' inspection covers during periods of high rainfall. This flooding results in raw sewage and storm water standing in the road and on the verges. The adjacent Beck is also known to overtop. It is acknowledged by Anglian Water that whilst the foul water system in Fressingfield is defined as 'closed' [foul water only] it does in fact contain an unknown number of surface water connections. The system when operating in effect as a 'partially combined' system [foul and surface water] cannot cope during periods of high rainfall and the pressure build-up in that system causes manhole covers to 'pop' [lift-up] thereby permitting raw sewage to escape into the street. The proposed development will exacerbate the known flooding and pollution problem in the Low Road area of the village not as a result of adding surface water to the foul water system [provided surface water is not connected to the foul system] but as a result of the fact that the foul system will contain more foul water from the significant new development when it floods during periods of heavy rainfall. Raw sewage can and does also enter the Beck. The resultant pollution is an unacceptable environmental and public health risk that appears unable to be reasonably mitigated by the drainage authority. It is not possible to seal the manholes in question because to do so would potentially cause a pressure build-up that would result in sewage backing-up in the system to a point where it might escape into homes via residents' toilet bowls. The proposed development is therefore unlikely to be adequately serviced and would overburden existing infrastructure. The proposed development is also contrary to Paragraph 163 of the NPPF in that the proposed development will increase flood risk elsewhere [namely the Low Road area]. In addition it is also contrary to Paragraph 180 of the NPPF in that it will not ensure the new development is appropriate for its location as it does not take into account the likely effects, including cumulative effects, of pollution upon health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This risk is considered in its own right to significantly and demonstrably outweigh the benefits that might arise from the proposed development.

The harm to significance that has been identified is 'less than substantial' within the meaning provided by the NPPF but is nevertheless of notable importance and it is not considered that the development would deliver any public benefits, individually or collectively, that would outweigh the harm that has been identified, nor is any such harm necessary in supporting such benefits. The proposed development is contrary to the aforementioned policies and should be refused for this reason alone, noting the importance attached to the harm that has been identified.