

Committee Report

Item No: 3

Reference: 1648/17

**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 24 dwellings including affordable housing at 35%), drainage, landscaping and the provision of open space)

All matters reserved.

Location

Land at Post Mill Lane, Fressingfield,

Parish: Fressingfield

Expiry Date: 14/03/2018 [extension of time]

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr P. Davidson

Agent: La Ronde Wright Ltd.

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 a pre-Committee site visit in 2017 [actual date uncertain] but it is not clear if this site was included.

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[CD]	JLP 2018 [Consultation Document]
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
H4:	Affordable Housing
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

Began February 2018 and is 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 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 crystalised the position in respect of some of the relevant policies.

It concluded that the following policies are ‘Out of Date’:

- CS1: [due to it offending 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]

Outline planning consent for existing developments [Post Mill Lane] was granted in 2005 (0512/05), with reserved matters applications approved in 2007 (0586/07) and 2008 (3216/08), and all houses were completed by 2011.

Constraints

- The site is outside of the defined settlement boundary for Fressingfield
- It appears to be no longer farmed
- Public Footpath No 1 passes the site [north-south] to the west
- Within the generally adjacency of the site there are 2 x Grade II listed houses.
- The western tip of Fressingfield Conservation Area touches part of the site although the over distance is some 74m
- 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]
- It is not subject to special landscape designations or ecological designations

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 NNPF [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

1449/17: land off Stradbroke Road Road [outline application up to 85 dwellings] [YET TO BE DETERMINED – **relevant report also on this Agenda**]

1432/17: land west of John Shepherd Road [outline application for up to 99 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. Full details of comments received and reported can be viewed on-line.

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]

FRESSINGFIELD PARISH COUNCIL OBJECTS stating:

Suffolk County Council 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 decisions 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

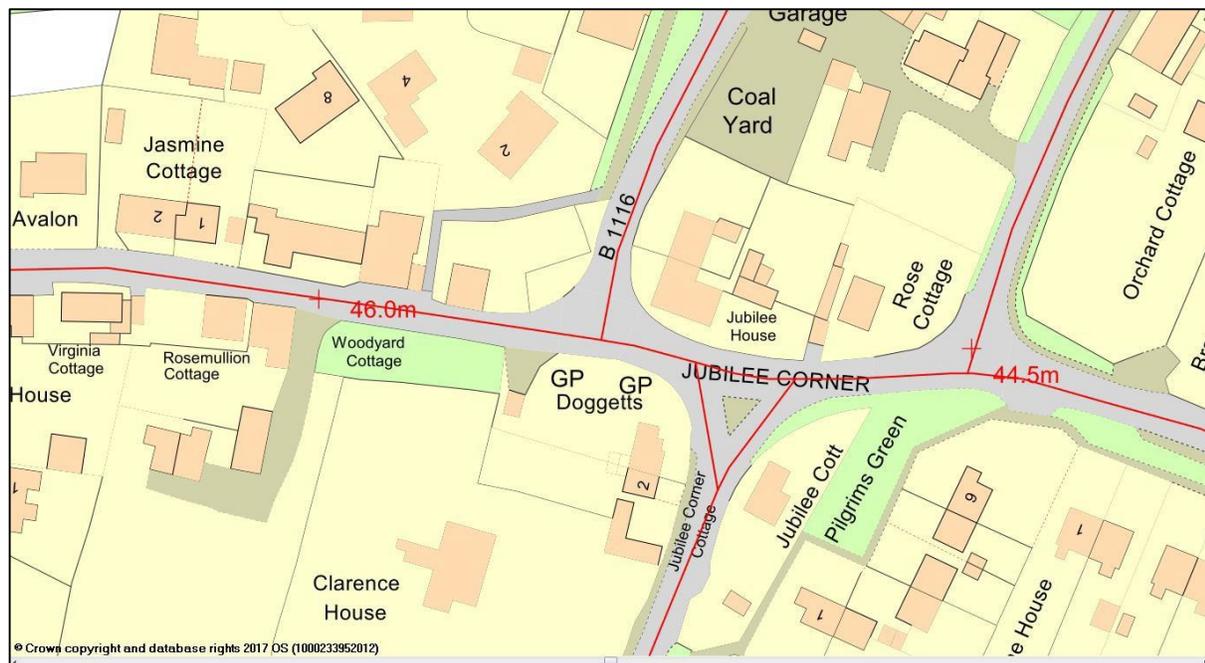
The layout of the village means that most motorised and non-motorised traffic has to pass through the ‘core’ of the village represented by the junction of Stradbroke Road / New Street

/ 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 constrains 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 high zone for CIL which is calculated at approval of reserved matters

MSDC Environmental Health- Air Quality

- No objection

MSDC Environmental Health- Land Contamination

- No objection

MSDC Environmental Health- Other Issues

- No objection

MSDC Environmental Health- Sustainability

- No comment

Archaeology

- No objection subject to standard conditions

Arboricultural Officer

- No objection subject to provision of arboricultural report

SCC Flood and Water Management

- No objection subject to conditions

SCC Fire and Rescue

- No objection subject to correct building regulations and fire hydrant planning condition

SCC Strategic Development

- No objection subject to consideration of cumulative impacts

Natural England

- No comment

Suffolk Police

- No objection subject to consideration of Designing out Crime in Suffolk

Anglian Water

- No objection subject to drainage strategy planning condition

Suffolk Preservation Society

- Objection recommending there be a reduction in total number of dwellings to be sustainable

Suffolk Wildlife Trust

- Object based on insufficient evidence in ensuring there is no adverse impact on protected species and priority habitats.

Strategic Housing

- No objection subject that 35% of dwellings are affordable

Ecology

- No objection subject to conditions

B: Representations

Fressingfield Voluntary Controlled Primary School

- Can adapt to the 46 houses granted, beyond this there is a risk that would pose additional strain to teaching, classes, and funding
- School's catchment also includes Metfield and Weybread any future expansion in those areas could have ramifications
- Currently inadequate parking and access to serve proposal

Fressingfield Safe Group

- Medical centre is at capacity
- School is reaching capacity
- Site was contaminated with chicken remains
- Increased flooding risk as the site is liable to waterlogging
- Lack of public transport and increased pressure on emergency response times
- Inaccurate developers transport and design impact assessment
- Loss of wildlife and trees
- Proposal cannot be served by existing road infrastructure
- Increased congestion will disrupt village life and increase accident risk
- Proposal does not address issues of parking for medical centre and village shop
- Limited facilities to serve increased population
- Current footpath does not provide safe access for pedestrians to existing services, increased population will exacerbate this
- The proposal is detrimental to the village character of Fressingfield threatening to urbanise it
- No secondary school further increasing traffic flows out of the village at peak times

93 objections received, summarised as follows:

- Associated increased traffic and congestion from proposal increases risk to road safety on an existing narrow road, poor road surface, and already busy speeding traffic (76)
- Increased traffic flows exacerbate risk to pedestrian safety, the proposal cannot be served by existing inadequate footpath (65)
- Undue pressure on medical centre and existing patient parking, with no additional funding (61)
- Primary school could not support an influx of children (39)
- Inadequate public transport to serve the proposal (38)

- Proposal gives rise to overdevelopment, as 46 houses have already been passed (36)
- Lack of employment and services to serve increased population, thus increasing commuter traffic (35)
- Existing sewerage and drainage regularly fail and cannot cope with an influx in housing, the proposed mitigating drainage ditches are unsuitable (35)
- Proposal gives rise to an urbanising effect which is detrimental to the historic character and village community feel of the area (34)
- Village shop lacks adequate parking and pedestrian access to serve proposal (32)
- Development of the area will result in the destruction of open space, vegetation and wildlife (30)
- Proposal is unsustainable (20)
- Traffic survey is inaccurate (18)
- Increased risk of flooding (11)
- Insufficient existing street lighting (9)
- Proposal encroaches on greenfield land (8)
- Development should not be allowed until the Joint Local Plan is introduced (6)
- Proposed dwellings are in high density and out of keeping with the existing area (5)
- Unclear details regarding affordability of housing (5)
- Application is misleading, inaccurate and does not adequately address key issues (4)
- Increased air pollution and litter (4)
- Lack of recreational facilities for younger generation (4)
- Electricity, telephone and broadband systems are overloaded (3)
- Noise pollution, heavy plant traffic and disruption during construction period (2)
- Residents promised green belt would not be built on when buying house (2)
- Proposed pedestrian access to site is not owned by the applicant
- Increased pressure on church parking
- Proposal is located on contaminated land
- Impact upon the value of existing property
- Proposal is misleading and portrayed as an extension of an existing development
- Only one shop to serve increased population
- Concerns over the policing of increased traffic flow
- Concerns over the maintenance of proposed open spaces

2 neutral comments received

4 supporting comments received, summarised as follows:

- Positive impact on the younger generation in the area
- Increased population would result in increased pressure for positive growth, namely facilities such as shops, increasing employment prospects
- School could accommodate more children with minor adjustments and consequently would receive more funding
- Allocation of affordable housing to reduce flight of younger population elsewhere
- Proposal poses no threat to endangered wildlife
- Pressure to improve bus services
- Further custom for the village shop

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 0.92ha. site comprises two rectangular fields joined to form a single parcel of land.
- 1.2 The site is located on the western edge of Fressingfield and accessed via Postmill Lane, a cul-de-sac which leads off New Street and currently provides access to 21 dwellings which are situated to the immediate west and south of the application site.
- 1.3 The application site is bounded to the north and east by agricultural land. Situated to the south and west of the western part of the field are the two small residential developments which constitute the existing residential development on Postmill Lane.
- 1.4 At present, Postmill Lane (adopted public highway) runs to the front of these developments and terminates at the boundary of the application site.
- 1.5 The southern boundary of the eastern part of the field borders residential gardens. These gardens are associated with properties fronting onto New Street and are generally older houses forming part of the historic settlement pattern of the village.
- 1.6 The northern and eastern boundaries of the site are demarcated by mature hedgerow planting.
- 1.7 The application site is set around an existing Anglian Water pumping station and electricity sub-station.

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 24 dwellings with **ALL** matters reserved
- 3.2 The application is submitted by a different landowner to the one who has submitted both 449/17 and 1449/17.
- 3.3 The proposal is accompanied by the supporting documentation that includes:
- Illustrative Layout Drawing
 - Flood Risk Assessment
 - Preliminary Ecological Appraisal
 - Transport Note Report
 - Contaminated Land Assessment
 - Geotechnical Report
 - Reptile Survey
 - Planning Statement
 - Arboricultural Report
 - Soil Percolation Test Report
 - Sustainability Report
- 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 24 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 24 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 application is supported with a provisional commitment to providing community gain via a S106 Agreement - 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.

3.7 **Included in the suggested heads of terms are;**

- * **Secure Affordable Housing**

- * **Public Open Space**

3.8 **No. dwellings, size, scale and tenure / mix**

3.8.1 The illustrative layout shows 24 dwellings of which up to 8 would be 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.

3.8.2 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

3.8.3 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]

3.9 Density

3.9.1 At its crudest level the overall gross density of the development is 27 dwellings per hectare. This 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 and therefore the starting point for the consideration of the merits 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. [Members will be aware that the granting of planning permission, particularly an outline permission, does not guarantee delivery as that is outside of the Council's direct control [save for cases where the Council is itself the developer]. This point is highlighted because since the publication of the NPPF 2018 Council's will not only be assessed against their 5YHLS figures but also the record of delivery of housing within their District where they are at the mercy of the local housing market, its buoyancy, buyers location preferences and developers build programmes. 'Land banking' does not boost delivery and there is some evidence to suggest that areas closer to London than Mid Suffolk such as Chelmsford and Colchester continue to expand residentially at the expense of more distant towns. The Norwich market does not appear to be penetrating deep into Mid Suffolk.
6. The extent to which the proposed development when judged individually and cumulatively can be considered to be sustainable development in the context of paragraph 8 of the NPPF and the extent to which public benefits arising from the development outweigh any harm
7. The extent to which the development will adversely impact the character of the village and the open countryside hereabouts.
8. Impact on heritage assets

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**.
- 4.6.3 If the site were within the settlement boundary a 2.2 % increase in the total housing stock in the village might not be considered that significant and may constitute small scale development [or at least smallish]. This is a matter of judgement.

- 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 smallscale'. 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 smallscale in that the number of units proposed is between 10 and 199. Schemes with more than 199 units are defined as major largescale. The reference to smallscale within the type category does not mean it is smallscale in the context of the Adopted Local Plan.
- 4.6.5 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.
- 4.6.6 An increase of up to 24 units in itself is not necessarily bound to change the character of this small relatively isolated village and put pressure in its limited amenities, services and facilities. However, regard needs to be given to the fact that when combined with other concurrent proposals in the village [indeed one immediately adjoining the site] the impact may be intensified.
- 4.6.7 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.
- 4.6.8 However before these themes can be explored further we must recognise that the Inspector in the Woolpit case concluded that CS1 and CS2 are out-of-date.
- 4.6.9 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].
- 4.6.10 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].
- 4.6.11 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]
- 4.6.12 In terms of the 'in principle' benefits offered by this proposal one must acknowledge and give **low weight** to the fact that it will provide up to 24 new homes at a time when there is a deficiency in the District's 5YHLS but this is a small additional to the overall total across the District. [but less so for Fressingfield]
- 4.6.13 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**.

4.6.14 A **low weighted benefit** to be taken into account when applying the 'tilted balance' is the fact that the proposal if approved and built-out [delivered] would provide 8 much needed affordable homes - the delivery of which is a Council priority although in overall terms it is a small increase in total stock across the District. [although it will make a real difference to the eventual occupiers]

4.7 Design and layout [a reserved matter]

4.7.1 The indicative layout suggests that a development comprising as many as 24 dwellings may be capable of being accommodated on the application site and satisfying relevant parking and amenity standards. The basic layout is divided into two parcels currently defined by field boundaries.

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. As a Departure from the Local Plan one would expect the proposed development to be aiming to achieve the very highest quality in order to help justify its approval.

4.7.4 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 As with 1449/17 and 1432/17 this is one of the aspects of the proposed development that gives rise to concern. Unlike to other two proposed developments this site already has access via an estate road built at the time of the previous development in Post Mill Lane. Indeed with development on the south and west sides of this road already in place it would appear that there had been a lingering ambition to extend the development at some point in the future.

4.8.2 However unlike the other two applications Post Mill Lane connects directly to New Street where there are no footways. Therefore pedestrians wishing to walk in any direction are almost certainly going to use New Street.

4.8.3 In the event that members approve 1432/17 it may be possible with the co-operation of owners to link the two developments with a path. That path would allow passage to and from Harleston Hill from both developments via the internal estate footway system. However for those wishing to access facilities and services in or accessed via New Street there would be no alternative to walking in the road along New Street.

- 4.8.4 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 accessing New Street by 24 without being able to improve pedestrian and highway safety in New Street and Jubilee Corner is a serious impediment to safely permitting new development.
- 4.8.5 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.
- 4.8.6 Also included in the proposal is a prescriptive footpath at its eastern end to provide access between the development and New Street.

4.9 Open Space

- 4.9.1 The proposal as shown on the illustrative layout provides at adequate consolidated open space and this should provide adequate space to provide play and recreation areas for the development. That said it should be noted that the largest tranche of proposed open space is poorly supervised as it is away from dwelling frontages and is in effect part of a field beyond dense planting that has been marshalled into open space use. It is also noted that this area is shown on the illustrative layout as having a depression at its centre which may imply it is intended for use as a sustainable drainage feature that may at times hold water. This is therefore likely to be of limited play value but could form a useful new habitat.
- 4.9.2 The area shown as public open space is well supervised by proposed overlooking dwellings

4.10 Parking

- 1.10.1 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
- 1.10.2 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.
- 1.10.3 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

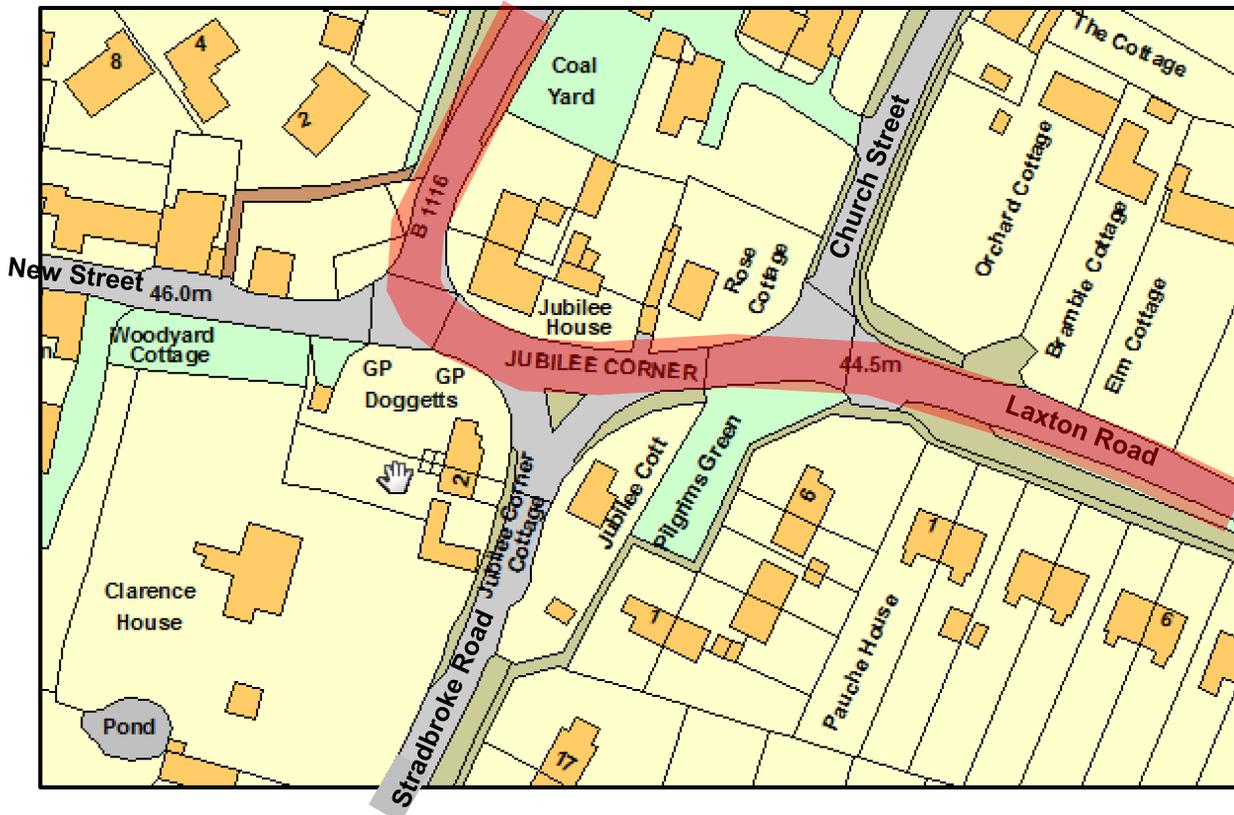
- 4.11.1 As discussed earlier in this report Fressingfield is isolated geographically, served only by an unlit B-roads and a myriad number of winding country lanes. It is poorly served by public transport. Jobs within the village are few and far between and the most people are required to commute out 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 peoples 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 is not it would appear 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 significant levels of new development connecting to the Fressingfield foul water system. As it becomes increasingly common to experience extreme weather conditions in the UK it seems ridiculous and completely unacceptable to expect local people to endure what at times looks and smells like a medieval living environment.
- 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

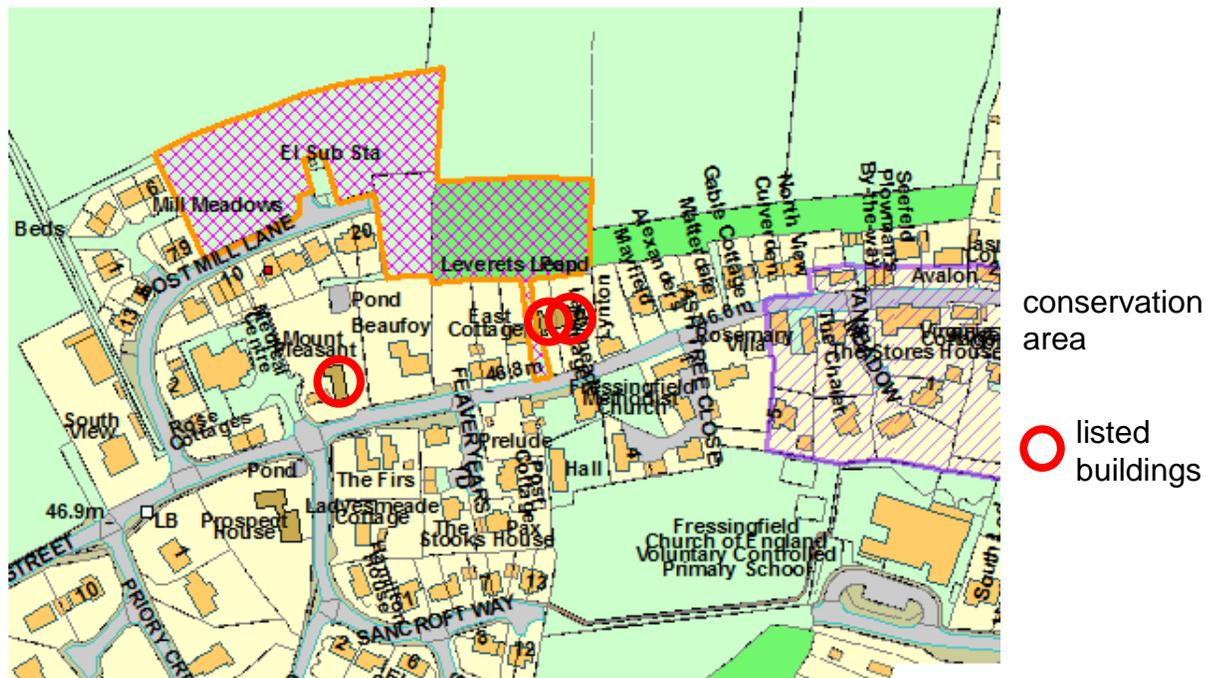
The proposal here is to employ sustainable urban drainage techniques where possible to ensure that surface water is retained and/or attenuated on site. Suffolk County Council as the floods & suds authority has raised no objection on the basis that at reserved matters stage [in the event of outline planning 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.

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 Heritage Impacts

4.14.1 Modern development [post 2008] already occupies much of the south side of Post Mill Lane and these properties have established a new relationship to older properties in New Street. The proposed new dwellings on the north side of Post Mill Lane (east of the existing Post Mill Lane dwellings on the north side of the land between it and the new dwellings that extend along its south side) will not harm acknowledged heritage interests any more so than the current dwellings.



4.14.2 The eastern end of the site does however back onto a Grade II listed building known as Ladymeade Cottage. This is described as:

“House, latterly 2 cottages. Late C16. Timber framed and plastered, the facade lined to imitate ashlar. Pantiled roof with glazed black tiles at the front. 2 storeys and attic. 2-cell form; there is evidence for a parlour cell, now lost. 2 windows, C18-C19 casements. C19 4-panel door (the upper panels glazed) within a mid C20 enclosed porch. Gable stack to left and a later external stack against the right gable. Exposed framing inside with several blocked original windows. Paired square-headed service doorways (one blocked). A stair at the service end is partly composed of solid triangular blocks. Intact roof structure with clasped purlins and cranked wind-bracing.”

4.14.3 The intrusion of 3 new dwellings and a hammer-head turning area into the open space at the foot of Ladymeade’s garden will adversely impact the setting of this property which was once two modest cottages set against a rural backdrop. The parcel of land to the rear retains vestigial rural character and the introduction of urban form so close to the property will finally enclose the cottage with built form. The rear of Ladymeade is only 13m from the boundary with the proposed development.

4.15 Visual [landscape] and Ecological Impacts

4.15.1 Undoubtedly the proposed development will change the character of the landscape hereabouts forever. But that impact will be limited by virtue of the relatively small site area, existing recent development and well developed field edge screening.

4.15.2 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.

4.15.3 It is considered that with suitable mitigation and the natural containment provided by the mature field edges within which development is proposed the visual impact of the development could be accommodated into the landscape.

4.15.4 The same can be said for ecological impacts.

4.16 Impacts on residential amenity [adjacent dwellings]

4.16.1 The illustrative layout suggests that a development of up to 24 dwellings could be accommodated on this site without causing unacceptable harm to the residential amenity of existing properties that back onto it but care will be needed to ensure that all back-to-back distances [proposed to existing] are adequate

4.16.2 This will be achieved through a combination of orientation, repositioning, the degree of physical separation, and planting.

- 4.16.3 The proposed development will inevitably obstruct views of the current enclosed field from some existing properties but as members will know the planning system is not able to protect private views.

4.17 Impact on supply of agricultural land

- 4.17.1 The site appears not to be farmed and the recent Post Mill Lane development has resulted in small awkwardly shaped fields which may be difficult to farm efficiently. In addition agricultural activity is likely to disturb new residents now living in Post Mill lane such is the intimacy of the geography.

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 **low 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 **low** 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 and **moderately less than substantial** impact on the setting of an adjacent heritage asset, namely Ladymeade – a Grade II listed building; 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.

4. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* sets out the statutory duty of a decision-taker, where proposed development would affect a listed building or its setting and requires that they: "*shall have special regard to the desirability of*

preserving [a] building or its setting or any features of special architectural or historic interest which it possesses”.

The ‘*special regard*’ duty of the Act has been tested in the courts on numerous occasions and has been confirmed to require that considerable importance and weight should be afforded by a decision taker to the desirability of preserving a listed building along with its setting i.e. having special regard to the desirability of keeping designated assets from harm. Furthermore, the identification of harm gives rise to a strong presumption against planning permission being granted.

The revised NPPF of 2018 builds upon and transposes the statutory duty and associated legal principles into national planning policy. Policies HB1 and HB8 of the development plan seek to secure the preservation and/or enhancement of the historic environment, including listed buildings and conservation areas. As applicable to this case, the NPPF goes on to require that (at Paragraph 196) where ‘less than substantial’ harm to significance is identified, this harm should be weighed against the public benefits of the proposal. The revised NPPF does, however, go beyond the statutory duty in encouraging decision takers to take account of the desirability of sustaining *and* enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness (at Paras. 192(a) and (c)). In addition, whereas the similar ‘*special regard*’ duty applicable to conservation areas is clear that only relates to land falling within that designation, the NPPF (at Paragraph 194) makes clear that: “*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”; this would include development within the setting of a conservation area.

This application proposes the development of 5 new dwellings [within an up to 24 unit proposal] on open land immediately to the rear of Ladymeade a Grade II listed building. This would result in harm to the setting of this historic building as a result of introducing intimate [proximity] unsympathetic modern built form into the vestigial area of open land behind the cottage which once provided it with a much wider backdrop and rural context.

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.