

Committee Report

Item 7C

Reference: DC/19/05956
Case Officer: Vincent Pearce
Amelia Powell

Ward: Fressingfield.

Ward Member/s: Cllr Lavinia Hadingham.

RECOMMENDATION – SUBJECT TO S106 TO SPECIFIC BENEFITS IDENTIFIED THEN GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline planning application (**all matters reserved**) - Erection of up to **18** no. dwellings and associated new roads, infrastructure and open space.

Location

Land Off Post Mill Lane, Fressingfield

Expiry Date: Extension of time agreed

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: C.E. Davidson Ltd

Agent: Mrs Nicole Wright

Parish: Fressingfield

Site Area: 0.56ha

Density of Development:

Gross Density (Total Site): 32dph

Additional area with proposed wildlife area [blue land]: 0.3ha [*total gross density 30.6dph*]

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

The Chief Planning Officer considers the application to be of a controversial nature having regard to the recent planning history of this site the objection expressed by the Parish Council and the

extent and planning substance of comments received from third parties including S.A.F.E. [*Supporters Against Fressingfield Expansion*]¹

The application is also a major development of a scale outside of the scheme of delegation to the Chief Planning Officer

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Council's Adopted Development Plan comprises the following relevant policies:

- **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

- **Local Plan Alteration 2006 [LPA]**
 - H4: Proportion of Affordable Housing in New Housing Developments [35%]

¹ <https://fressingfieldhousing.org/>

- **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

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently made and Adopted and has statutory weight as a part of the development plan i.e. in accordance with the s38(6) duty, decisions are made in accordance with it, unless material considerations indicate otherwise.

Adopted Fressingfield Neighbourhood Development Plan 27 March 2020 [AFNDP20]: Particularly relevant policies

- FRES 1 Housing provision [relevant to [inter alia] discussion around principle of use]**
- FRES 2 Housing size, type and tenure [relevant as this is a housing proposal]**
- FRES 3 Infrastructure [relevant as the development will potentially add to pressure on infrastructure]**
- FRES 4 Community facilities [not relevant as the policy relates to the loss of existing facilities that is not the case here] [the field is not public open space]
- FRES 5 Fressingfield Hub [not relevant as the policy relates to the provision of new community facilities on a site yet to be identified. In terms of the CIL test it is not reasonable or proportionate to require an 18 dwelling scheme to provide such a site and funding]
- FRES 6 Protecting landscape character and natural assets and enhancing village gateways/entrances [relevant as the site is countryside]**
- FRES 7 Local Green Spaces [not relevant as the site is not defined as a Local Green Space]
- FRES 8 Non Designated Heritage Assets [not relevant as no NDA's identified in the immediate vicinity]
- FRES 9 Fressingfield Vernacular [relevant to reserved matters considerations the event that outline pp granted]
- FRES 10 Design [relevant as this is a built development]**
- FRES 11 Localised flooding and pollution [relevant as this development will generate additional foul and surface water in the village]**

FRES 12 Energy efficiency, low carbon technology and renewable energy [relevant to sustainability]

FRES 13 New and existing businesses [not directly relevant as this is a housing proposal]

FRES 14 Enhancement and redevelopment opportunities [not immediately relevant as site outside of settlement boundary but site was previously developed land [PDL] 'brownfield']

FRES 15 Transport and highway safety [relevant as the proposal will generate additional traffic movements vehicular, cycle and pedestrian]

Also of relevance is the NPPF 2019.

Relevant SPD includes:

Suffolk Guidance for Parking [Adopted November 2014 - refreshed 2019]

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 restates the requirement that "determination must be made in accordance with the plan unless material considerations indicate otherwise"

Whilst large parts of the Council's Adopted Local Local Plan [1998] and the Core Strategy [2012 focused review] are 'out-of-date' they remain the Authority's Adopted Development Plan and are therefore a material consideration. This report will therefore have some regard however limited to them. The issue in such circumstances is therefore what weight can policies that are 'out-of-date' be afforded. To what extent is the AFNDP now the primary source of policy for the Council when it takes planning application decisions in Fressingfield and at what point does the NPPF take precedence or have relevance? That is a relevant question here.

It is here that paragraph 11 of the NPPF [2019] clearly sets out what must happen.

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.

In this case the tilted balance is triggered because of the fact that much of the Development Plan where relevant is out of date (especially those most important for the determination of this application including CS1, CS2, and H7 when tested for consistency with the NPPF in accordance with its para 213) and the AFNDP20 includes a requirement for windfall sites to deliver the identified need contrary to current Government advice.

Statement in respect of the current 5YHLS in Mid Suffolk

Mid Suffolk District Council is able to demonstrate that it had a 5-year Housing Land Supply.

On this basis it is accepted that the 'tilted balance' does not need to be applied with regard to the 5YHLS situation. The provision of housing is of course less weighty a consideration than if the Council were failing to meet its five-year requirement but it is nevertheless a matter of significance given the Govt's desire to significantly boost housing supply; thus, the requisite supply is a target to be surpassed, it is not a ceiling on further development.

Constraints

- The site is outside of the defined settlement boundary for Fressingfield
- It is no longer farmed and is used as informal open space pending possible development of what was envisaged would be a second phase of development
- Public Footpath No 1 passes the site [north-south] to the west
- Within the generally adjacency of the site there are 3 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

Consultations and Representations

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

A: Summary of Consultations

Fressingfield Parish Council Comments Received – 10/01/2020

Fressingfield Parish Council recommends refusal of this application.

This is a truncated version of an application made in 2017 (1648/17) which the district council refused. The planning inspectorate dismissed an appeal. This application removes from that original application 6 houses which would have been built behind Ladymeade Cottage, a Grade II listed building.

In his assessment, the inspector confirmed that the existent LDP (1998), the Core Strategy (2008) and the Core Strategy Focused Review (2012) do carry weight when making decisions. This is in part due to their resonance with the NPPF.

Using these documents, the inspector concluded that the site in that application was not suitable for new housing. He felt that it conflicted with CS1 and CS2 (Core Strategy and CS Focused Review) and that it did not meet the aims of para 170 of the NPPF, in terms of recognising the intrinsic character and beauty of the countryside.

Officer comment:

Whilst officers note the interpretation given to the appeal decision and the Inspector's comments this report will explore in greater detail the nuances in that decision as the Inspector in places had a different view to the merits of the proposed development at the western end of the site to that at the eastern end. Members will wish to consider the implications of this when exercising their own judgements

The site for this proposed development (DC/19/05956) is within the boundaries of that previous application. The site is outside the settlement boundary but does not meet the requirements of paragraph 79 of the NPPF 2019.

Officer comment:

Officers acknowledge this point but in doing so also comment that the application site is not an isolated location. [it is in fact adjacent to existing development and the defined settlement boundary]. Officers do accept however that in using the exception criteria from paragraph 79 in FRES1 of the AFNDP20 added emphasis is given in FRES1 to there being a local need. The applicant has not claimed a local need.

At the time of his assessment, the inspector did not feel that Fressingfield's Neighbourhood Development Plan was sufficiently advanced to affect his judgements. However, it has now been assessed by an external examiner, had a few minor modifications and will go to a village referendum in late January/early February. Therefore, it should be given material consideration even though at the time of writing this comment, it does not carry statutory weight.

Officer comment:

It is accepted that the Adopted Fressingfield Neighbourhood Plan 2020 is now part of the Council's Development Plan and carries significant weight as a material planning consideration. this report considers in detail relevant policies in the AFNDP20 and the extent to which the proposed development meets those policies or not.

The section of the NDP on housing states that 60 homes could be built during the lifetime of the plan to support its vision of Fressingfield being a good place to live with a welcoming, friendly and cohesive community. It will be a village with a robust and sustainable infrastructure. The NDP anticipates that the 60 will be made up of homes already given planning permission (51); small windfall sites, not yet identified, within the settlement boundary; and conversions and new development opportunities outside the settlement boundary in accordance with paragraph 79 of the NPPF 2019 60 is 7% more than the minimum figure in BMSDCs draft Local Plan in which Fressingfield is designated a hinterland village.

Officer comment:

Officers accept that were the current proposal to be approved it would exceed the total housing 'Windfall' allocations contained in the AFNDP20 by a minor amount²

When the district council considered the previous application, councillors were appalled to hear of how raw sewage would periodically overflow from Fressingfields sewerage system into the street and a local watercourse. This problem has still not been solved: it is getting worse. Steady or heavy rain seems to be the catalyst. (Details are in the SAFE response.) A working group and closer connections with Anglian Water, Suffolk Highways and Suffolk Flood Management have been established.

However, the full causes of the problem, which is a health hazard and a 21st century disgrace, have not yet been identified. Only when that is done can solutions be designed and implemented. Any proposals that try to avoid exacerbating the problem are currently based on incomplete knowledge of the causes. Fressingfield Parish Council believes that only when these problems have been solved should new housing applications be seriously considered.

Put simply, it is not right to expect residents to live in an expanding village where the content of their loo ends up in the street and the local watercourse.

Officer comment:

Officers and the Planning Committee did endorse the local concerns about drainage problems and flooding in periods of high and sustained rainfall with the inclusion of a drainage reason for refusal of the previous 24 dwelling scheme. The foul water authority raised no objection at that time and it continues to raise no objection. The Inspector in the previous appeal did not support the Council's case in respect of drainage and the implications of this are explored in the subsequent sections of this report

Other key points from the council's planning committee meeting:

- The traffic survey submitted with this application was conducted in February which is not a month representative of traffic flow in a village surrounded by agricultural land.
- The pedestrian route assessment document makes several subjective judgements about the flow of traffic (low levels of traffic, very light traffic, very light traffic flow). This is based on making an average of a days count over 24 hours which seems unreasonable. Obviously, there will periods of the day/night when there is almost no traffic. Using these judgement-laden descriptions imply that pedestrians can safely walk along this narrow street (between 4m and 5m wide). This not the case.
- The level of traffic flow should be compared to similar situations i.e. hinterland villages.
- The route assessments were made according to AWARs guidance which takes no account of the personal safety of children travelling alone and it is presumed that all road users will behave reasonably and responsibly. The fact that there are no reported road traffic injuries would appear to confirm New Street is a safe route to walk. However, even with current levels of traffic and even when most vehicles respect the speed limit, it is a threatening journey for most pedestrians. AWARs guidance for assessing pedestrian routes takes no

² small 'windfall' sites and infill plots within the Settlement Boundary that come forward during the Plan period and are not specifically identified in the Plan; from FRES1

account of the emotional harm caused by a 300m walk on a 4/5m wide street with no pathways and being faced by cars, lorries, tractors with trailers, vans and motorbikes travelling in both directions.

- In its report to the district council at the last application (1648/17), Suffolk Highways confirmed that accidents did not need to have occurred to identify a route as dangerous, but ... that weight should be given to observed conflicts between pedestrians and vehicles... (NPPF para 110) Although measures were proposed to mitigate the dangers likely to occur with an increase in vehicular and pedestrian traffic on routes at the core of the village, the report stated, The measures proposed are the best solution available within the existing constraints (but) they fall short of making the highway safe for pedestrians.
- Steve Merry, Transport Policy and Development Manager Growth, Highways and Infrastructure concluded, 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.

Officer comment

Unlike the position in respect of the previous proposal whereby the County Council as Local Highway Authority [LHA] objected to the proposal on highway grounds [pedestrian safety] the LHA now raises no objection. Members will have noted that the Inspector who determined the previous appeal for 24 dwellings on this site did not support the District Council and County Council's case around highway safety. The Inspector noted that no convincing evidence had been produced to demonstrate that there would be unacceptable harm to highway safety even though New Street lacks a footway and people walk in the road and Jubilee Corner is complex and also lacks footways around most of its perimeter.

- There are no public transport links to and from the village.
- The claim that 18 houses is a modest number ignores the fact that it effectively doubles the size of the estate.
- The only entrance to this estate is close to the busy entrance to the medical centre. The pedestrian access to the medical centre is already difficult due to the lack of footpaths.
- Planning permission already exists for 51 houses in the village.
- If permission is granted for this new development, it would mean that planning permission had been given to 23% more than the minimum required in BMSDC draft Local Plan. There are 2 other development applications currently on the table. These would add a further 48 homes to the village. The figure of 117 (51+18+48) is more than double that in the draft Local Plan. The plan has another 16 years to run.
- As permission has been granted for 51 houses already the medium-term sustainability of the school is not an issue.
- Benefits would accrue to the parish via a CIL allocation.
- Speed restriction plans for New Street would be welcome.

Suffolk County Council - Development Contributions Manager - Received 03/01/2020

A S106 contribution Of £14,400 for school transport is sought other contributions to be sought through CIL.

Suffolk Preservation Society - Received 10/01/2020

Object to the application due to the unsuitable location, the disproportionate scale of the development and the impact on the setting or heritage assets.

“Suffolk Preservation Society welcomes the reduction in the scale of the development to address the harm caused by the development to the setting of Ladymeade Cottage and the acknowledges the contribution made by the proposal to housing need generally and the public benefit of no. 6 affordable housing units. However, we remain concerned that the proposal remains disproportionate, relative to the level of growth allocated and planned for in the emerging Neighbourhood Plan. If this proposal were to be approved, it would prejudice the policy making process by undermining the plan-led approach”

“Granting planning permission would undermine community confidence in the plan making process after successful Examination but in advance of a Referendum of that Plan”

“The community through the neighbourhood plan process, has clearly rejected this site for development whilst setting out alternative sites that are capable of contributing towards the housing need in the district. Suffolk Preservation Society considers this application would seriously undermines the neighbourhood planning process and we therefore urge that the proposals are yet again refused”

Flood and Water – Received 05/11/2020 (most recent consultation response)

Maintaining a holding objection.

“The reason why we are recommending a maintaining a holding objection is because whilst the applicant has answered most of the points highlighted by the LLFA, one point from the January 2020 consultation response has not been addressed”

1. Resubmit the drainage strategy to include reference to the Drinking Water Safeguard Zones (Surface Water) that covers the parish.

Environmental Health Land Contamination - Received 14/01/2020

Environmental Health Land Contamination have no objection to the proposed development.

“I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advice that the developer is made aware that the responsibility for the safe development of the site lies with them”

Suffolk County Council Highways – Received 14/01/2020

“The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads”

“The works within the public highway will be required to be designed and constructed in accordance with the County Council’s specification. The applicant will also be required to enter

into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst the other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding agreements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.”

Ecology Place Services - Received 10/01/2020

No objection subject to securing biodiversity mitigation and enhancement measures.

Strategic Housing - Received 03/01/2020

Six affordable dwellings are sought. 4 as affordable rent and 2 as shared ownership. All to meet Nationally Described Space Standards [NDSS].

The unit sizes should be:

Affordable rented 4 x 2 bed 4 person houses @ 79.0sq.m

or 2 x 1 bed 2 person houses @ 58 sq.m.
and 2 x 2 bed 4 person houses @ 79.0sq.m

Shared Ownership 2 x 2 bed 4 person houses @ 79.0sq.m.

The proposed affordable units within the scheme match this requirement and the requirement can be built into the S106.

It is noted that that Strategic Housing Officer has suggested that the number of 3 bedroom units may be higher than preferred or needed in terms of the open market units and that the scheme lacks bungalows.

The layout has since been amended to provide a bungalow. It is also noted the the AFNDP20 advocates 2-3 bedroom units for families

Heritage Team – Received 16/01/2020

“ The application follows refusal of 1648/17 and dismissal at appeal. I advised on that proposal that loss of the immediate relationship of the listed Ladymeade Cottage with its rural surroundings was harmful.

The Inspector essentially supported this assessment.

In the present application, the site is reduced by omission of land to the rear of the listed building Ladymeade Cottage. This revision in effect removes development to the rear of

Ladymeade, overcoming the harmful impact of the previous scheme. In my view the proposal now poses no harm to the setting or significance of the listed building.³

I recommend imposing a condition requiring details of landscaping on any permission so that the site's eastern boundary will present a 'soft' edge of rural character. We would defer to the landscape expert on the details of any scheme put forward."

Suffolk County Council Fire and Rescue - Received 09/01/2020

"If the Planning Authority is minded to grant approval, the Fire Authority require adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage"

"If the Fire Authority is not consulted at the planning stage, or consulted and the conditions not applied, the Fire Authority will require that fire hydrants be installed retrospectively by the developer if the Planning Authority has not submitted a reason for the non-implementation of the required condition in the first instance"

"Until Suffolk Fire and Rescue Service receive confirmation from the water authority that the installation of the fire hydrant has taken place, the planning condition will not be discharged"

Suffolk County Council Archaeological Service - Received 10/01/2020

"There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed"

In this case the following two conditions would be appropriate:

1. No development should take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority
2. No building should be occupied until the site investigation and post investigation assessment has been completed"

Natural England - Received 07/01/2020

Natural England has no comments to make on this application

Public Realm - Received 02/01/2020

"Public Realm note that a similar application for this site was refused planning permission in 2018. Should a decision be made to grant permission for this application the Public Realm Team would require that an adequate level of public open space is achieved within this site"

³ Emboldening of the text is the planning officer's highlighting but the words are those of the Heritage Officer

Communities (Major Development) – Received 21/01/2020

Concur with the Public Realm's response (an adequate level of public space must be achieved within this site).

Anglian Water – Received 27/01/2020

Assets Affected

"There are assets owned by Anglian water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site"

"The site layout should take this into account and accommodate the infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 meters from the boundary of a sewage pumping station If the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created"

Wastewater Treatment

"The foul drainage from this development is in the catchment of Weybread Water Recycling Centre that will have available capacity for these flows"

Used Water Network

"Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements."

Surface Water Disposal

"The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option"

"The Environmental Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented"

Internal Consultee Responses (Appendix 6)

B: Representations

The Council's normal neighbour notification process has triggered a total of 79 objections

Concerns expressed are summarised thus: [please note all correspondence received can viewed in full on the Council's planning website under the application reference].

Objections

- Affects Local Ecology and Wildlife 14

- Conflict with District Plan 2
- Conflict with Local Development Plan 26
- Conflict with Neighbourhood Plan - Site not approved in the new Neighbourhood Development Plan – Fressingfield NDP recommends the construction of 60 new homes, 51 have already been approved and another two applications are currently pending – this would bring the total number of new housing developments to 117 46
- Conflict with NPPF 26
- Design 8
- Development too high 10
- Dominating and Overbearing 17
- Drainage/ Sewage Issues 52
- Health and Safety – enhanced danger to school children, dog walkers and the elderly from inadequate road infrastructure proposals 31
- Impact/ Harm to Listed Buildings - Grade II listed building (Ladymede Cottage) 9
- Inadequate public transport provisions 7
- Inappropriate in a Conservation Area 16
- Increase Danger of Flooding 38
- Increase in Pollution 17
- Increased Traffic and Highway Issues – there are few footpaths and existing roads are too narrow, existing road infrastructure too narrow for deliveries and emergency service vehicles 58
- Lack of Employment Opportunities (in the surrounding area) – new occupants would need to drive to work, causing increased traffic and increased carbon footprint 29
- Lack of parking provisions 20
- Landscape Impact 13
- More Open Space needed on the development 3
- Out of Character with the Area 28
- Scale of the Development 19
- Strain on existing community facilities – Doctors Surgery is nearing capacity (Fressingfield Medical Centre) and local school 32
- Sustainability 25
- Over Development in the area 59

S.A.F.E. [Supporters Against Fressingfield Expansion]

SAFE strongly opposes this Application

This is an Application for 21 houses as an extension to the existing Post Mill development giving an urban housing estate of 39 houses. No Planning Gain is proposed.

Policy Background

Since November 2018 when the original Post Mill Application was heard a number of significant policy changes have come about.

*MSDC have now confirmed a minimum 5 year housing land supply. This is important as without this number a number of Planning Policies can be ignored.

*The Joint Draft Local Plan has been consulted upon and whilst not yet adopted it does carry some weight. The Plan has corrected the error of our being a " core" village. We are now correctly identified as an "Hinterland" village capable of sustaining limited development. Currently there is no timetable for the adoption of the Plan.

*The Neighbourhood Development Plan is due to go to referendum in late January/ early February 2020. Whilst not yet adopted it does carry some weight. The NDP does not identify Post Mill as a potential development site. To include this site would push the agreed housing ceiling, of 60 houses over the Plan period, well over target. To support this Application would undermine the validity of the NDP.

* The site is not within the Settlement Boundary. Policy CS2 does carry some weight and should be applicable to Post Mill.

*Any potential development in Weybread should be factored in as it is integral to the infrastructure in Fressingfield. This would impact on highways, the medical centre, the school and pollution.

Post Mill Appeal

In November 2018 the Post Mill Application for 24 houses was not approved by MSDC for the following reasons

1. Outside the Settlement Boundary.
2. Contrary to Local Planning Policy
3. Would result in localised flooding
4. Would impact on a listed building.

The decision was appealed by the Developer. The Appeal was overruled and costs were not awarded. The plank of Inspector's argument was the visual impact of the proposed development of Ladymeade Cottage, a listed building. In this Application the Developer has partially addressed this issue by removing all buildings directly behind Ladymeade and compressing 18 houses with very small gardens into a tight space. Whilst the development does not impede upon Ladymeade it does compromise the setting of both Ladymeade and an adjacent Listed Building.

The Inspector did not give weight to the flooding /sewerage issue because Anglian Water raised no objection. Critically, since the time of the Inspector's Report Anglian have changed their position. Whilst accepting that there is capacity within the sewerage for normal dry flows at the time of persistent rainfall the sewerage is flooded. The CEO of Anglian Water wrote on 14th November 2019 " Our foul sewer is being overwhelmed by other water sources." It is significant that the Applicant is reliant on Preplanning advice from Anglian Water on the original scheme (para7.4.2) this has not been updated. It is also significant that the developer for the John Shepherd and Stradbroke Road sites is proposing mitigation measures to reduce the capacity within the sewer at times of heavy rainfall to allow extra capacity for surface water. For the developer of Post Mill to ignore this and rely on an outdated Appeal decision is not sensible.

SAFE believe that this Application clearly runs contrary to paragraph 163 of the NPPF and will increase the risk of flooding elsewhere.

General

The majority of the supporting reports and data collection is seriously out of date and relates to the previous Application. Decisions cannot be reached on information which is no longer valid. Highways. The cumulative impact of the this and the proposed two developments would increase the number of cars in the village by approximately 100 cars.

Whilst the Transport Study is dated March 2019 all of the data relates back to the previous scheme as do the drawings. The correspondence log between SCC highways and the developer ends abruptly on 13/11/18 - ten days before the initial hearing.

In attempting to present the development as being close to many local amenities numerous bus stops and a post box are cited. As there are no public buses the proximity to bus stops is a complete irrelevance.

The increased traffic will impact significantly on New Street as New Street is the only way in and out for the Post Mill residents. We have produced papers on congestion and pinch points as well as the large number of unreported and reported accidents

fressingfieldhousing.org New Street is of particular concern as it is at the centre of the village. The War Memorial is another worrying junction being a four way junction. It is just statistically untrue to state that the increase in the number of cars will not increase the number of accidents. If you have more cars statistically there will be more accidents. None of the proposals within the transport document meet the requirement for green and sustainable transport. Policy T 10 is of relevance.

Pedestrian safety

The highways report does not examine pedestrian trip rates either now or projected into the future. The Report does state that short sections of 4 pedestrian routes are "unsafe" then does proposes almost nothing in mitigation (para 2.6.4.)

On Road Parking

Throughout the area many roads have no walkways and on street parking is very common. The Medical Centre, shop, and Anglican Church all have insufficient "off road" parking. With an increase in population and increased use of these venues there will be more parking on very narrow streets. Parking for the Anglian Church is not limited to Sundays because of bell ringing, meetings and choir practice. There is permanent on street parking on Church Hill as very few houses have off street parking this is very narrow and there are no footways in this area.

The entrance to Post Mill is a particular problem as increasing numbers of cars park in this area as overflows from the Medical Centre

Local Employment

There 58 whole time equivalent posts in the village. (Total population 1021) Part time work is available at the shop and Fox and Goose. Full time posts are at the surgery and School, although most of these full time personnel choose to live outside the village. CP Davidson, the main employer is based outside the village. The vast majority of villagers leave the village by car to go to work in neighbouring towns. There are no cycle lanes and the roads are narrow and overcrowded. Some people commute to London, therefore driving to the station at Diss.

Medical Care

The small amount of spare capacity at the surgery will be taken up by the residents of the 51 new houses approved, but not yet built. Waiting times for consultations have already significantly increased and this will get worse. Parking at the surgery is already inadequate and more patients will result in more overspill parking in New Street. There is no space to expand the car park because of adjacent recent house building.

A new medical centre, providing a full range of services is professionally priced at E12 million. There is no funding available for either a rebuild or enlargement (which would be physically difficult). The only alternative would be funding by the developer.

Education

One of the major planks of the Applicants submission is the support from the School Governors in needing the Post Mill Development to support pupil numbers at the school. Whilst SCC have not commented on this Application in response to the proposed development at John Shepherd Suffolk County Council wrote on 20th December 2019 "The existing primary is at capacity and it is clear that the site proposal will add to challenges in terms of adding capacity." The viability of the school is therefore not an issue. There is no local secondary school. School Buses or private cars are the only means of getting to the secondary school.

Affordable Housing

A perceived major advantage of the Application is the inclusion of 6 affordable homes. Currently there are 11 families on the local waiting list these can be accommodated in the affordable home provision within the developments approved, but not yet built. Further affordable housing is surplus to need in the village.

Green Credentials

There will be more residents all with cars as realistically there is no alternative travel in Fressingfield. This will mean more pollution and certainly is contrary to all relevant Guidance

Heritage

The proposal is contrary to Policy HB1 of the adopted Local Plan (1998) which states that the Council places a high priority on protecting the character and appearance of buildings of architectural and historic interest and that attention will be given to protecting the settings of listed buildings. This site is designated as "countryside" and the proposed development will further erode the villages connection to that countryside. Whilst no longer impacting directly on Ladymeade .

The view from Harleston Hill will be compromised as the Post Mill housing estate of 39 houses will be visible in winter. This vista is protected under the NDP.

Flooding and Sewage Egress

Flooding and sewage egress are very serious issues in Fressingfield and of great concern to villagers. They affect the quality of life and create health issues., which have been brought to the attention of Public Health England by Suffolk's Director of Public Health.

There are two discrete, but linked issues. Firstly surface water flooding and secondly the egress of sewage onto the highways and into gardens.

Flooding

We believe that significant flooding is underreported. It occurs primarily in Low Road/Cratfield Road, but serious flooding has also occurred in other parts of the village. We know that it occurred four times in five months between 22 December 2017 and 24th April 2018 and twice in 2019 . It is a long standing problem and has occurred over a number of years. (see SAFE web site fressingfieldhousing.org "Low Road historic flooding" where there are representative photos at 20 year intervals) The problem does not only occur in Winter, but also occurs in Summer (12 July 2016) .Flooding is caused by 3 factors- the overtopping of the Beck, the sewer manholes being raised and the excessive surface water running down from the high point of the village to the low point, Low Road. Fressingfield is unique in being surrounded by hills, to the east (Buckingham) west (Harleston) north (Church Hill) and south (Canser) .The soil is heavy clay and impervious. The roads themselves act as conduits bringing water to the low point of the village, eventually entering the Beck. Increased water into the Beck increases the likelihood of overtopping.

With climate change this situation would be expected to worsen.

Sewage Egress

In Low Road, at times of heavy rainfall the sewerage manhole covers lift and raw sewage and sanitary products spill onto the road and into gardens. The contaminated water flows into the Beck to be dissipated further. The reason for this is that surface water is entering the closed foul sewer thereby reducing the functional capacity of the sewer.

This is a very long standing problem. There exists correspondence between the then MP Michael Lord and the CEO of Anglian Water, Peter Bray. The Chief Environmental Health Officer was also involved.

The problem is becoming more common and more severe. The contamination has been such that Anglian Water have had to provide teams to clean up the debris. Sewage egress has occurred 9 times in the last 2 years.

In May 2018 Dr. Abdul Razaq, the then Director of Public health wrote " I would agree that the situation relating to sewage leaks is not acceptable and unpleasant."

More foul sewage that is discharged into the sewerage the less space there is for surface water thereby increasing the risk of the manhole covers being elevated. This development will impact on the sewerage and result in off site flooding. It is significant that the Applicant for John Shepherd and Stradbroke Road recognises this serious issue and has chosen to investigate [sic] possible mitigation.

The Applicant for Post Mill ignores the problem and falls back on the Appeal Report which has now been superseded with Anglian Water recognising that under certain circumstances the sewerage does not have capacity.”

In an email dated 25 September 2020 Elizabeth Manero [S.A.F.E.] wrote:

“In your report to the Committee (attached) back in November 2018 when 1432/17, 1449/17 and 1648/17 were unanimously rejected by the Committee, you quite rightly drew that attention of the Councillors to the requirements of the NPPF on assessing cumulative impact (at page 7): *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’*

As the three pending applications are direct successors to the previous ones, there is no reason to depart from the principle you set out in 2018 – indeed it is hard to see how legally compliant decisions can be arrived at without them being heard together, because of the requirements of the NPPF to which you refer. I would be very grateful if you would please confirm that the three applications will be heard together.

Finally, we do realise of course that it has been extremely difficult to progress things as usual with all the constraints you are under. However we just wondered whether you were able to give us any update on the remote meeting you kindly set up with us and others back in March, in relation to the idea of concrete holding facility for sewage on New St? I have attached your notes again. The sewer is continuing to overflow regularly – it is overflowing now and last did so on the 7th August. “

Members are advised that SAFE has been pursuing the following complaints

1. Formal complaint to the Consumer Council for Water about Anglian Water’s ongoing failure to a) provide accurate information about the contributory factors causing the sewage flooding to the local planning authority in discharge of its statutory functions, and b) to resolve the problem,
2. Formal complaint to Ofwat about Anglian Water’s ongoing failure to act in accordance with relevant factors and provide accurate information, who contend that it is the responsibility of yourselves to verify the information from Anglian Water
3. Correspondence with the lead Cabinet member for the environment at Suffolk County Council about the Council’s legal responsibility in respect of sewer flooding under the relevant legislation
4. Internal review of Anglian Water’s response to our application under the Environmental Information Regulations
5. Correspondence with the environment agency about actions they can take against Anglian Water on their repeated pollution of a water course
6. Request to the Environment Agency that they notify the local planning authority that there are areas in Fressingfield that are subject to critical flooding, changing the level of flooding assessment required from the applicants

7. Formal complaint about MSDC's Environmental Health department for their failure to a) provide accurate information to its planning department to inform their planning decisions and b) to take action on statutory nuisance c) to provide a reporting mechanism for sewage pollution or any public access to records about such pollution
8. Correspondence with MSDC's Director of Public Health about ongoing public health hazards of repeated pollution which has happened more than 6 times since October alone.

Planning History

REF: 1648/17 Application for outline planning permission with all matters reserved for up to 24 dwellings and associated roads, infrastructure and open space **DECISION:** REF 22.11.2018

Subsequent appeal dismissed

REF: 3216/08 Details of Ten dwellings including external appearance, scale, siting, layout, design and landscaping of the site, being reserved matters pursuant to Outline Application 512/05 for the demolition of existing storage sheds and erection of residential dwellings (inc affordable housing) & associated roadways together with details of access pursuant to condition 14. **DECISION:** GTD 24.12.2008

REF: 0512/05 Outline application for the demolition of existing storage sheds erection of residential dwellings (inc affordable housing) & associated roadways. **DECISION:** GTD 01.05.2008

REF: 0005/03/OL Erection of 37 residential dwellings (including 9 affordable housing) and associated roadways, following demolition of existing chicken sheds. **DECISION:** REF 11.03.2003

Applications that were concurrent with and determined at the same meeting as the previous 24 dwelling scheme at Post Mill Lane.

1432/17
Land West Of John Shepherd Road

Application for Outline Planning Permission with all matters reserved for residential development, up to **99** dwellings, including affordable housing, together with the construction of estate roads &

footpaths, drainage, landscaping & the provision of public open space, including children's play space

REFUSED [not appealed]

1449/17

Land Off Stradbroke Road Street Farm

Outline application for 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.

REFUSED [not appealed]

Concurrent applications [with current Post Mill Lane proposal] in Fressingfield

DC/19/05740

Land West Of John Shepherd Road

Application for Outline Planning (all matters reserved) - Residential development (up to 27 dwellings, including affordable housing) and the construction of estate roads and footpaths together with related drainage and lands [Yet to be determined]

DC/19/05741

Land Off Stradbroke Road, Street Farm

Outline Planning Application (all matters reserved) - Erection of shop (Class A1) and residential development (up to 21 dwellings including affordable and self-build housing), construction of access road, driveways, parking areas and footpaths with related drainage and landscaping [Yet to be determined]

DC/20/03457

Land And Buildings At Red House Farm, Priory Road

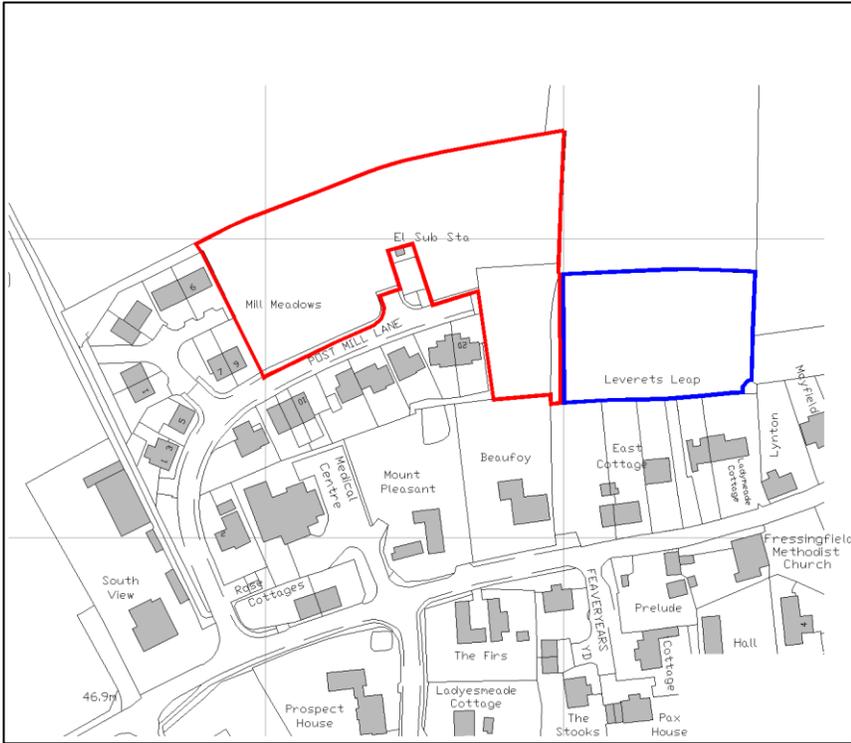
Reserved Matters application relating to Hybrid Permission 4410/16. Submission of details for the Outline Planning Permission for Layout, Landscaping, Appearance and Scale for the construction of up to 28no dwellings (some [Yet to be determined])

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. This 0.56ha. site comprises an L-shaped parcel of land formed by a large rectangular plot on the north side of Post Mill Lane and a smaller rectangle on the south side. On the inside elbow is an existing pumping station and enclosure.
- 1.2 The site is located on the western edge of Fressingfield and accessed via Post Mill 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 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 Post Mill Lane.
- 1.4 Immediately to the east is an enclosed field which has been left to regenerate naturally. This plot unlike the previously unsuccessful proposal for 24 dwellings is not within the present application site.
- 1.5 At present, Post Mill Lane (adopted public highway) runs to the front of these developments and terminates at the boundary of the application site.
- 1.6 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.
- 1.7 The northern and eastern boundaries of the site are demarcated by mature hedgerow planting.

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◀ figure 1: **site plan**

▶ figure 2:
site marked on aerial image



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 Hinterland Village⁴ in the JLPPOD⁵ [July 2019] Currently the JLP has limited 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 is served by just one operator and one route. The 552⁶ ROUTE- Metfield – Fressingfield- Worlingworth – Framlingham [operator - Simonds]

⁴ D. Development within Hinterland and Hamlet Villages will be permitted within settlement boundaries where: I. Design is sympathetic to its rural surrounding and demonstrates high-quality design by having regard to the relevant policies of the plan; II. A high standard of hard and soft landscaping, appropriate for the location is used; III. Hedgerows and treelines which make an important contribution to the wider context and setting are protected, particularly in edge of settlement locations; and IV. The cumulative impact of proposals will be a major consideration.

⁵ Joint Local Plan Preferred Options Document 2019

⁶ Update will be provided at the meeting

- 2.8 The service is restricted to week day school days and provides one bus out of Fressingfield [Fox & Goose stop] at 07.54 hrs. and one again arriving in Fressingfield at 16.41 hrs. [Fox & Goose stop]
- 2.9 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.
- 2.10 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 18 dwellings including 6 affordable units [35%] with **ALL** matters reserved
- 3.2 The proposal is accompanied by the supporting documentation that includes:
- Illustrative Layout Drawing
 - Flood Risk Assessment [amended]
 - Preliminary Ecological Appraisal
 - Transport Note Report
 - Contaminated Land Assessment
 - Geotechnical Report
 - Reptile Survey
 - Planning Statement
 - Arboricultural Report
 - Soil Percolation Test Report
 - Sustainability Report
 - Wildlife area management plan
 - Wildlife area masterplan
- 3.3 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 18 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 18 dwellings. The drawings do not however formally constitute part of the application.
- 3.4 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 18 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.



figure 3: amended layout plan

3.5 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. Reg 122 test.

4.0 DETAILED OFFICER ASSESSMENT of THE MERITS of the APPLICATION

4.1 Relevance of the Appeal Decision in respect of the refusal of 24 dwellings in Post Mill Lane by the same applicant

4.1.1 In considering the merits of the present application regard needs to be given to the appeal decision of 25 September 2019 in respect of the proposal reference 1648/17 [outline 24 dwellings, Post Mill Lane].

4.1.2 It is now a material planning consideration because in reaching the decision he did to dismiss the appeal, the Inspector considered and commented upon many of the issues that arise from the proposal currently under consideration. Whilst the policy background may have changed since the decision was issued his comments remain, in large part, relevant.

4.1.3 Members may recall that the proposal for up to 24 dwellings was refused on four grounds. Namely; *[in summary]*

1. *Contrary to policy for primary villages in that proposed development is not small scale and represents development in the countryside outside of the settlement boundary; and,*
2. *Adverse impact on highway safety [Jubilee Corner and New Street]; and,*
3. *Exacerbate local flooding problems which results in raw sewage in some streets during periods of high rainfall; and,*
4. *Less than substantial heritage harm to the listed building 'Ladymeade' - The nature and degree of that harm not being suitably outweighed by the potential public benefits that might arise from the proposed development*

4.1.4 The Inspector dismissed the subsequent appeal in a decision letter dated 25th September 2019.

4.1.5 In his decision the Inspector cited as the main issues:

Issue 1

Whether the site would be an appropriate location for residential development having regard to the development plan and national planning policies and the character and appearance of the area;

4.1.6 In his conclusions on this issue it is important to note that the Inspector stated:

- "12. No substantive evidence has been submitted to demonstrate that the proposal would comply with any of the exceptions outlined within the CS. Nor is the development necessary for the purposes of agricultural or other activities appropriate to the countryside listed under CS Policy CS2. Therefore, the principle*

of the development in this location would be contrary to policies CS1 and CS2 of the CS”

- “13. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. The appellant contends that the site is highly deliverable and would be within reasonable access to services and facilities within the village, including Fressingfield Primary School. Therefore, the development would contribute towards the vitality of rural communities. I give these benefits some weight.”*
- “14. Turning to the character and appearance of the area, the site is broadly separated into two separate fields. The first section includes the area located around the existing road of Post Mill Lane2. The second part of the appeal sites relates to the smaller parcel of land adjacent to this field and to the rear of the Grade II listed Ladymeade Cottage. The first part of the appeal site which fronts Post Mill Lane and is adjacent to the existing modern housing development appears more like open space associated with the existing housing development. As such its contribution to the open countryside is limited. Therefore, despite the site being outside of the settlement boundary for the village, I find that the principle of the development on this part of the site would not harm the character and appearance of the countryside.”*
- “15. However, the second part of the appeal site to the rear of existing properties on New Street, including the Grade II listed Ladymeade acts as a break in built development. Unlike the first part of the appeal site, the existing road of Post Mill Lane, does not surround this existing field. This part of the appeal site has a distinctly more natural and rural character surrounded by dense vegetation and mature trees which makes a positive contribution to the open countryside at the edge of the village. The proposed illustrative plan shows a new access driveway and the introduction of up to ten dwellings into this part of the site. The proposed development, regardless of access, scale, appearance, layout and landscaping would introduce a significant amount of built form and hard surfacing into this area and reduce the undeveloped qualities of the site which is currently laid to grass with dense vegetation and trees. As a consequence, the development would erode the contribution that this part of the site makes to the open countryside and would harm the character and appearance of the countryside.”*
- 16. For the reasons set out above, whilst the proposed development would contribute towards the vitality of rural communities, I conclude that the site is not a suitable location for new housing, having regard to the development plan and national planning policies, and the character and appearance of the area. In this respect the proposal would be in conflict with the aims of CS Policies CS1 and CS2, outlined above. It would also not meet the aims of paragraph 170 of the Framework, in terms of recognising the intrinsic character and beauty of the countryside. Whilst the submitted drawings are indicative only, there is no evidence before me which leads*

me to consider that an alternative layout would satisfactorily overcome the harm identified”

4.1.7 Reference to this decision and its relevance to the case at hand will be made throughout this report

4.2 The Adopted Development Plan and the Principle of Development

4.2.1 This Committee Report deliberately quotes extensively from this section of the Inspector’s report because each has a strong resonance and relevance to the case in hand.

4.2.2 First off in paragraph 12 The Inspector acknowledges that the proposed development is contrary to policies in the Core Strategy [*citing CS1 & CS2*] in that the principle of development in this countryside setting [beyond the settlement boundary] is unacceptable. The Council’s Adopted Development Plan remains as it was at the time of the appeal and therefore the proposal remains contrary to it (and in effect the development plan as a whole).

4.2.3 However, since the previous application was refused on 22 November 2018 and the appeal dismissed on 25 September 2019 Fressingfield has seen the Adoption of the Fressingfield Neighbourhood Development Plan [March 2020].

4.2.4 The first Neighbourhood Plan Policy to consider as highly relevant is FRES 1 Housing Provision. It states:

“The Neighbourhood Plan area will accommodate development commensurate with Fressingfield’s classification within the settlement hierarchy.

This Plan provides for around 60 dwellings to be developed in the Neighbourhood Plan area between April 2018 and March 2036. This growth will be met through:

- i) The allocation of the following sites for development: a) Land at Red House Farm – approximately 28 dwellings b) Land West of School Lane – approximately 18 dwellings*
- ii) small ‘windfall’ sites and infill plots within the Settlement Boundary that come forward during the Plan period and are not specifically identified in the Plan;*
- iii) conversions and new development opportunities outside the Settlement Boundary in accordance with paragraph 79 of the NPPF 2019*

The focus of new development will be within the Settlement Boundary as defined on MAP 5.1.

Proposals for new residential development outside of the Settlement Boundary, other than development in accordance with paragraph 79 of the NPPF 2019 or residential extensions, will only be permitted where it can satisfactorily be demonstrated that there is an identified local need for the proposal supported by a

housing needs assessment and that it cannot be satisfactorily located within the Settlement Boundary.

Allocated sites and the Settlement Boundary are shown on Map 5.1”

4.2.5 The first things to note are that the application site is not:

1. identified for residential development in the Neighbourhood Plan on *Map 5.1* ; and,
2. within the settlement boundary as drawn in the Adopted Neighbourhood Plan; and,

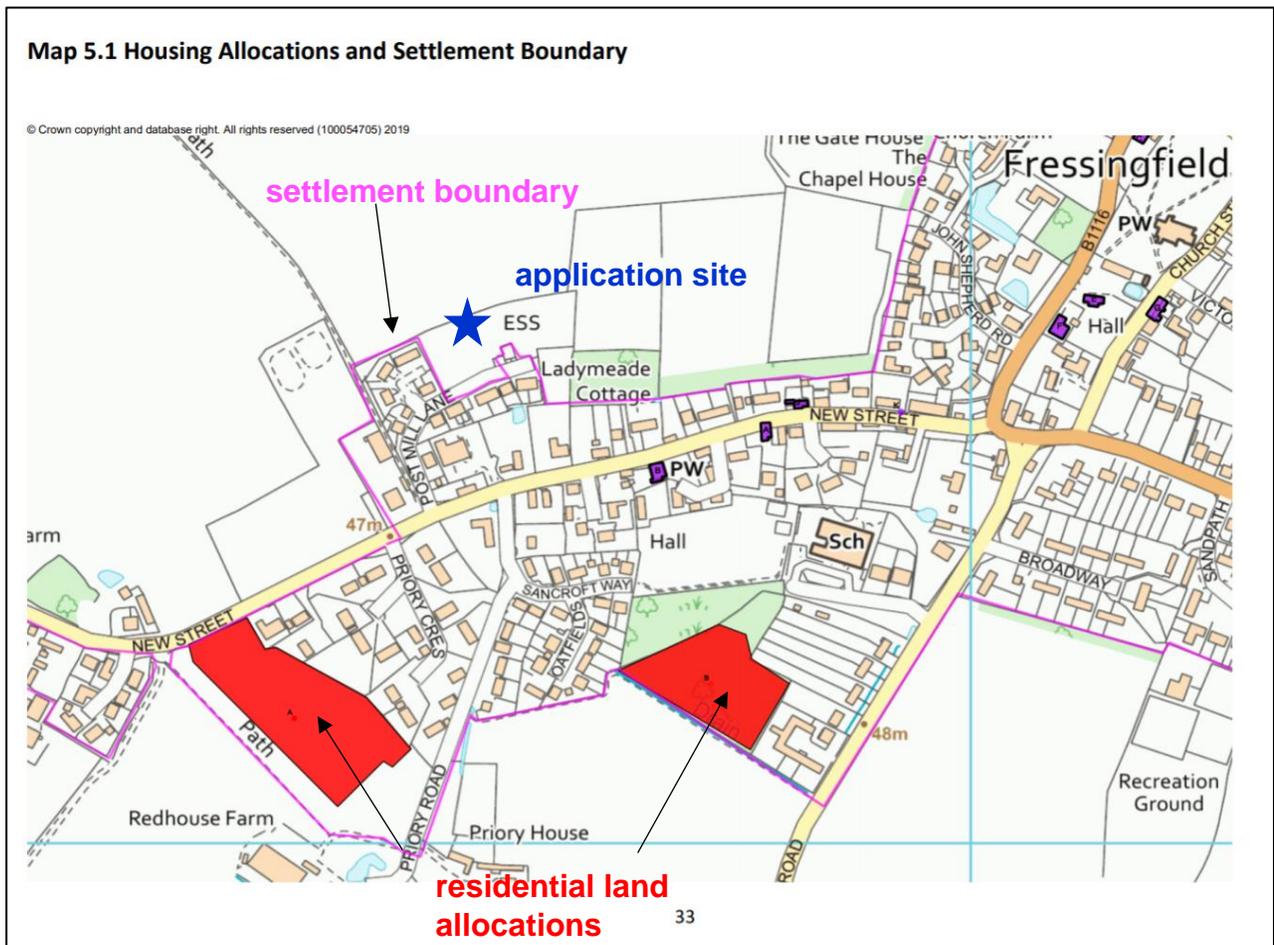


figure 4: **Extract from Adopted Fressingfield Neighbourhood Development Plan [March 2020]. Map 5.1 [policy FRES 1]**

and, in terms of the application itself it is not:

3. specifically submitted to support a local need as identified through a housing needs survey;

but:

4. in terms of paragraph 79 of paragraph 79 of the NPPF⁷. The site cannot be considered to be isolated

4.2.6 It is therefore contrary to Neighbourhood Plan Policy FRES 1. The Fressingfield Neighbourhood Plan now forms part of the Council's Adopted Development Plan and is itself 'up-to-date'

4.2.7 Mid Suffolk District Council is able to demonstrate that it has a 5-Year Housing Land Supply [5YHLS] and therefore the Council is not required to exercise the 'tilted balance' in respect of Housing Supply as otherwise required by the Government in situations where this is not the case.

4.2.8 The Council also has a good delivery record for new housing.

4.2.9 Therefore when assessed against the twin considerations of the 5YHLS and the record of housing delivery across the District there is no justification on these grounds to approve the application as a departure from policy FRES 1 or Policy CS2 the Adopted Local Plan.

4.2.10 As previously stated the site sits outside of the defined settlement boundary for Fressingfield and is therefore within the countryside. In pure land use policy terms residential development is precluded in such locations by Policy CS2 [Adopted Core Strategy]. [as well as FRES1]:

"In the countryside development will be restricted to defined categories in accordance with other Core Strategy policies....." [CS2].

4.2.11 The proposed development meets none of the 'exception to policy' criteria set out in CS2.

4.2.12 The proposed development is therefore contrary to policy CS2.

NPPF

4.2.13 It must however be recognised that Policy CS2 has been held to be out of date at appeal because it is not compatible with the NPPF insofar as CS2 excludes development in the

7

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

countryside save for cited exceptions. The same has also been true in respect of policies CS1 and H7.

4.2.14 In terms of parts of the Core Strategy and Adopted Local Plan being out of date it remains the starting point for all decision making. It must also be recognised that as it was adopted as recently as March 2020 and is part of the Council's Adopted Development Plan it takes precedence over out of date policies in the Adopted Core Strategy where there may be a conflict.

4.2.29 Conclusion [principle of the use]

4.2.30 Establishing whether a proposal complies [or not] with land use policy is the but the first step in assessing the merits of any proposal. If it is established that there is a conflict with policy then the next steps are to assess the extent to which policy/policies are breached and then identify the the material harm that is likely to arise to an interest of acknowledged importance and whether or not this can be suitably mitigated.

4.2.31 The proposed development is contrary to CS2 and AFNDP20 Policy FRES 1.

4.2.32 The AFNDP20 is not as robust as it might otherwise because it relies on a small number of houses being provided through windfall sites. but the overall shortfall in allocated sites is minimal. Certainly, less than proposed here.

4.2.33 If one is to assess the planning harm that arises from the proposed development – this being the test at appeal one only has to look as far as the previous Inspector to realise that the development is in principle sustainable and therefore in line with the central plank of the NPPF. [*sustainability being the Golden Thread' that stitches it altogether*]

4.2.34 On this basis the principle of the proposed development is considered acceptable despite strong local objection and despite the Adopted Fressingfield Neighbourhood Plan seeking to preclude development other than exceptions outside of the settlement boundary for the reasons described. This is on account of the fact that the development is not isolated (and would accord with the policies of the NPPF), and the quantum of development proposed would not significantly exceed the aspirations of the AFNDP20 but where noting that the *District's* housing policies are out of date. The conclusions of the appeal Inspector have also been factored into account. Therefore, where policy breaches are acknowledged, and the development would not comply with the plan as a whole in this respect, the significance of those conflicts are considered to be less weighty.

4.3 Mix, Size, Tenure and type of accommodation

4.3.1 Whilst at 18 dwellings the proposal comprises 6 fewer units than that previously refused the Inspector's comments in respect of the previous proposal at paragraph 13 of the appeal decision are germane.

4.3.2 The Inspector acknowledged that the proposal would fall within *paragraph 78* of the Framework which states that:

"housing should be located where it will enhance or maintain the vitality of rural communities" when he accepted the appellants contention that *"the site is highly deliverable and would be within reasonable access to services and facilities within the village, including Fressingfield Primary School"*.

4.3.3 On this basis he accepted that:

"..the development would contribute towards the vitality of rural communities." and he gave *"these benefits some weight."*

4.3.4 In many ways his conclusion in respect of this aspect of the previous development is equally applicable to the present proposal and indeed is within the spirit of the *'Vision for Fressingfield'* set out in the Fressingfield Neighbourhood Development Plan [March 2020] which states:

'By 2036, having built on its reputation, the parish of Fressingfield will continue to be a good place to live with a welcoming, friendly and cohesive community, with its vibrant and diverse range of facilities and cultural activities meeting the existing and future needs of the village and its rural hinterland. It will have a robust and sustainable infrastructure and will be a place where natural and historic assets are protected. Through high quality design and the use of sustainable materials, new development will be sympathetic to local building styles and enhance the character of the area.'

4.3.5 It is appropriate now to consider the merits of the application against Policy FRES2 'Housing size, type and tenure' as this too is relevant. It states:

"Encouragement will be given to a wide range of types of housing that meet local needs to enable a mixed and inclusive community.

In line with the latest evidence of need, developments should provide:

- Housing for older people (e.g. Retirement living housing /supported / sheltered housing, bungalows and retirement complexes)*
- Family housing – (2-3 bedrooms)*
- Starter homes/first time buyers • Adaptable, 'life-time' homes*
- Affordable housing Support is given for maximising the delivery of affordable housing on all qualifying sites in Fressingfield.*

It should be noted that the above housing types may not be suitably accommodated on every site."

4.3.6 Looking at this policy to what extent does it meet the criteria within it?

- *Older people*

The units are not sheltered or specifically for those of retirement age but as a result of a revision since its original submission the proposal does now include a bungalow. It would therefore appear to comply with this element of FRES 1

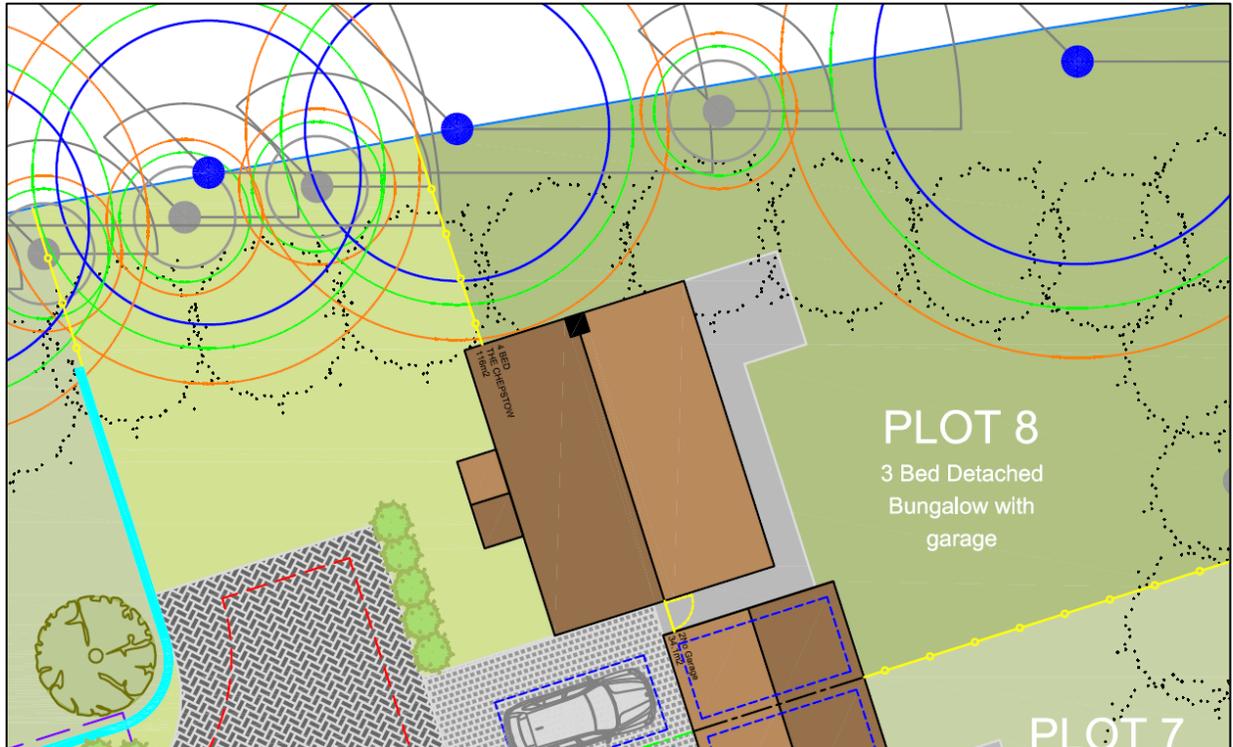


Figure5x: **Plot 8 bungalow included in amended layout**

- *Families [2 & 3 bedroom dwellings]*

Of the 18 units seventeen of them are shown as 2 or 3 bedroom units on the illustrative layout. [with the remaining one units being a 4 bed detached dwelling]. Judged against this criterion the proposal does qualify as the type of family accommodation sought in Fressingfield as defined in Policy FRES2.

- 8 x 2 bed semi-detached houses
- 1 x 3 bed bungalow
- 2 x 3 bed semi-detached houses
- 3 x 3 bed terraced houses
- 3 x 3 bed detached houses
- 1 x 4 bed detached house

- *Starters / first time buyers*

This cannot be ascertained from the illustrative layout.

- *Adaptable / life time homes*

This is an outline application and unit size and facilities is something that would be resolved at Reserved Matters stage [provided suitable conditions are attached to any outline planning permission if such is granted]. The extent to which the Council can require all dwellings to meet a life time homes [or equivalent] standard is limited to current national guidance and the Building Regulations as the Council does not have a specific planning policy in respect of this issue. All of the units will be expected to meet Nationally Described Space Standards [NDSS].

- *Affordable Housing.*

The proposed development includes 6 affordable dwellings [35% of total]⁸

6 x 2 bed houses

This aspect of the proposed development conforms to the relevant criterion

4.4 Layout, Design & Density

- 4.4.1 This is an outline application supported with an illustrative layout and no elevations as is normal in such circumstances.
- 4.4.2 The layout has been subject to extensive negotiation and is considered to form a good basis for underpinning Reserved Matters if Members were to be minded to grant outline planning permission and wished to tie the future layout to a basic layout plan.
- 4.4.3 The layout includes a central area of formal open space that is overlooked and well surveilled by adjacent property. One side of this proposed open space adjoins the existing pumping station and its brick wall enclosure.
- 4.4.4 Whilst the existing pumping station and GRP housing may not be particularly attractive the fact that most of the pumping station is enclosed within a high red brick wall below which the plant sits is well considered compared to what is normally provided – this being a metal palisade fence or wooden fence.

⁸ As rounded down in line with policy. 35% of 18 dwellings = 6.3 dwellings



figure 6: **Existing pumping station and enclosure surrounded by application site**

- 4.4.5 This could be an ideal opportunity to further soften the visual impact of the utility within a landscaping scheme for the new development [*condition therefore suggested*]
- 4.4.6 The existing section of Post Mill Lane that serves existing development on its south side will be used to deliver access to the north and a short eastwards extension will serve a limited number of properties at the eastern end of the site.
- 4.4.7 Dwellings are suggested as being two storey with one bungalow and this reflects the scale of the recent development that exists in Post Mill Lane.
- 4.4.8 Similarly proposed density is reflective of that recent built in Post Mill Lane.
- 4.4.9 There is no reason to suggest that house types will be any different to those previously approved and built in which case they will prove attractive and harmonious
- 4.4.10 There is no reason to expect off-street parking levels not to meet the Council's adopted standards [refreshed 2019] at Reserved Matters Certainly the indicative layout shows at least two off-street spaces per dwelling with the 4 bed unit having additional space to deliver more.



figure 7: **Existing cottage style dwellings within Phase 1 with application site beyond**



figure 8: **Existing nicely designed and proportioned dwelling within phase 1 with attention to detail and a curved brick wall to the frontage** [good urban design]

- 4.4.11 As the application is in outline and as the proposed layout is purely illustrative Members cannot rely on the presently suggested mix/size as being what is included in any reserved matters application [*in the event that outline planning is granted*] unless that is conditioned. In that case Members could if so minded indicate a requirement for a number of bungalows in order to fully satisfy FRES 2 and eventual mix could be a matter to determine at Reserved Matters by condition attached to any outline permission if so granted.
- 4.4.12 The affordable housing element will, if Members are minded to grant permission, be secured by S106 Agreement.
- 4.4.13 Therefore, in terms of FRES 2 the proposal may be said to generally comply presently with the criteria .

4.5 Impact of the development [heritage & residential]

Heritage

- 4.5.1 By the time the Inspector gets to paragraphs 14 and 15 of the appeal decision, he is drawing a very clear distinction between the impacts of the western part of the site compared to that part which sat at the eastern end - to the rear of Ladymeade. That part is currently defined by boundary hedgerow which effectively encloses that part of the site as a discrete 'green'

pocket. The Inspector explicitly stated that it is development on this part of the site that is unacceptable. The current proposal does not include any development on that parcel of land and it is not included within the red line.

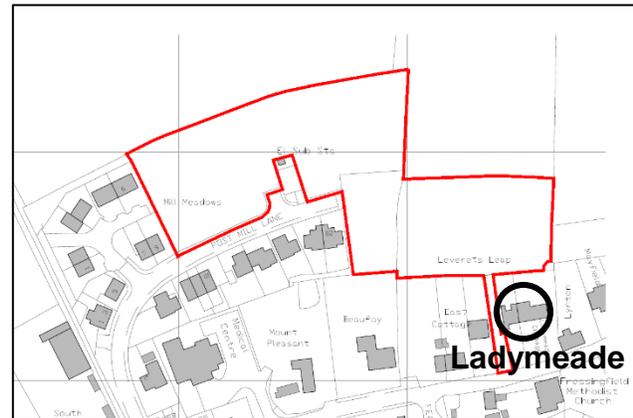
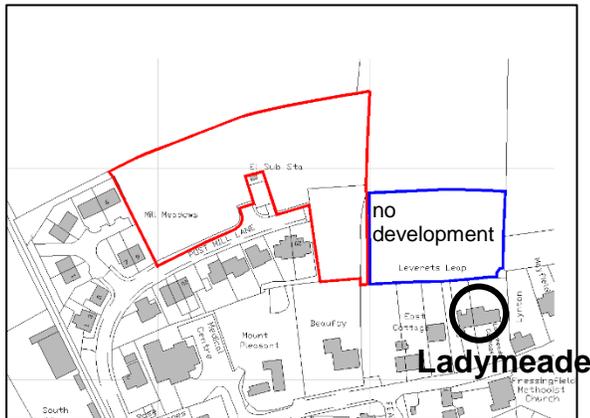


fig 9a: 2020 application site Ref: DC/20/011537 fig 9b: 2017 application site: Reference 1648/17

4.5.2 What cannot be lightly dismissed or ignored however are his comments in respect of the western part of the site when he states categorically that:

“...As such its [the western part of the site] contribution to the open countryside is limited. Therefore, despite the site being outside of the settlement boundary for the village, I find that the principle of the development on this part of the site would not harm the character and appearance of the countryside..” [extract from paragraph 14]

4.5.3 In so doing the Inspector has precisely qualified the point he made in paragraph 12 about the unacceptability of the whole proposal in terms of principle by identifying that part of the proposal which if it were to have been the only part would have been acceptable in his view.

4.5.4 What this does is give a clear signal to anyone who reads the decision as to what is required in the Inspector’s opinion, to make an acceptable proposal from the point of view of ‘principle of development’ - That is not to include the enclosed field behind Ladymeade.

4.5.5 The present applicant [*who is the same one as before*] has understandably acted on that signal and made revisions to the earlier layout that mean development is now restricted to the western part of the site. This leaves the field behind Ladymeade untouched and therefore following the Inspector’s conclusions should now result in no harm to the character and appearance of the countryside.

4.5.6 This was but the first of the issues looked at by the Inspector and in and of itself is not decisive. Other considerations [some of which the Inspector cited and some which may have arisen since the decision was issued.] also require careful scrutiny and analysis.

4.5.7 In the end and in the view of the Inspector the appeal revolved around whether or not the proposed development would adversely affect the setting of the Grade II listed Ladymeade. In his view it would and would do so to an extent that was not justified against NPPF

paragraph 196 in that the harm caused was not outweighed by the public benefits associated with the residential development.

4.5.8 In his conclusions on this issue it is important to note that the Inspector stated:

“25. Concluding on this main issue, the proposed development would not preserve the setting of Ladymeade and would result in harm to the significance of this listed building. Therefore, it would not accord with saved Policy HB1 of the Mid Suffolk Local Plan, 1998 (LP), which states that the Council places a high priority on protecting the character and appearance of all buildings of architectural or historic interest, and that attention will be given to protecting the settings of listed buildings. Whilst this policy is of some age, it is broadly consistent with the Framework policies on the conservation of heritage assets, including listed buildings, and therefore I attach significant weight to it.”

“26. It would also conflict with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment. Finally, it would not preserve the setting of the listed building as required by Section 66(1) of the Act, but instead would be harmful. This carries considerable weight and importance to my decision.”

4.5.9 The latest proposal by avoiding any development within the enclosed field behind Ladymeade and by avoiding having a footpath connection running beside Ladymeade effectively leaves the immediate setting of the listed building untouched. It will continue to retain a vestige of its connection with the countryside that once spread out northwards from the backs of dwellings in New Street.



figure10: The field that is now outside of the proposed development area

4.5.10 Local Plan Policy HN01 is relevant and remains compatible with the objectives set out in the NPPF. HB01 states:

[THE DISTRICT PLANNING AUTHORITY PLACES A HIGH PRIORITY ON PROTECTING THE CHARACTER AND APPEARANCE OF ALL BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST. PARTICULAR ATTENTION WILL BE GIVEN TO PROTECTING THE SETTINGS OF LISTED BUILDINGS.

4.5.11 The Council's Heritage Officer's comments are unequivocally clear in that the current 18 dwelling proposal is considered to cause NO HARM to the listed heritage asset that is Ladymeade. This is the officer who cited the previous 24 dwelling scheme with units behind Ladymeade as having 'less than substantial harm' thereby triggering the balance required by Paragraph 196⁹.

“ The application follows refusal of 1648/17 and dismissal at appeal. I advised on that proposal that loss of the immediate relationship of the listed Ladymeade Cottage with its rural surroundings was harmful.

The Inspector essentially supported this assessment.

*In the present application, the site is reduced by omission of land to the rear of the listed building Ladymeade Cottage. This revision in effect removes development to the rear of Ladymeade, overcoming the harmful impact of the previous scheme. **In my view the proposal now poses no harm to the setting or significance of the listed building.***¹⁰

I recommend imposing a condition requiring details of landscaping on any permission so that the site's eastern boundary will present a 'soft' edge of rural character. We would defer to the landscape expert on the details of any scheme put forward.”

4.5.12 The view expressed above is considered decisive in respect of the heritage impact and refusal of the current application on heritage grounds is not warranted or reasonable in that it will not, unlike previously, harm the setting of Ladymeade. If Members were minded to grant permission they could do so – in the event that they agree there would be no harm to heritage assets – consistent with their s66 duty that requires special regard to be paid to the desirability of keeping assets from harm.

4.6 Residential Amenity

4.6.1 The indicative layout has been carefully considered to avoid unacceptable problems to existing residents from undue overlooking and/or overshadowing and /or adverse impact on outlook.

⁹ Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

¹⁰ Emboldening of the text is the planning officer's highlighting but the words are those of the Heritage Officer

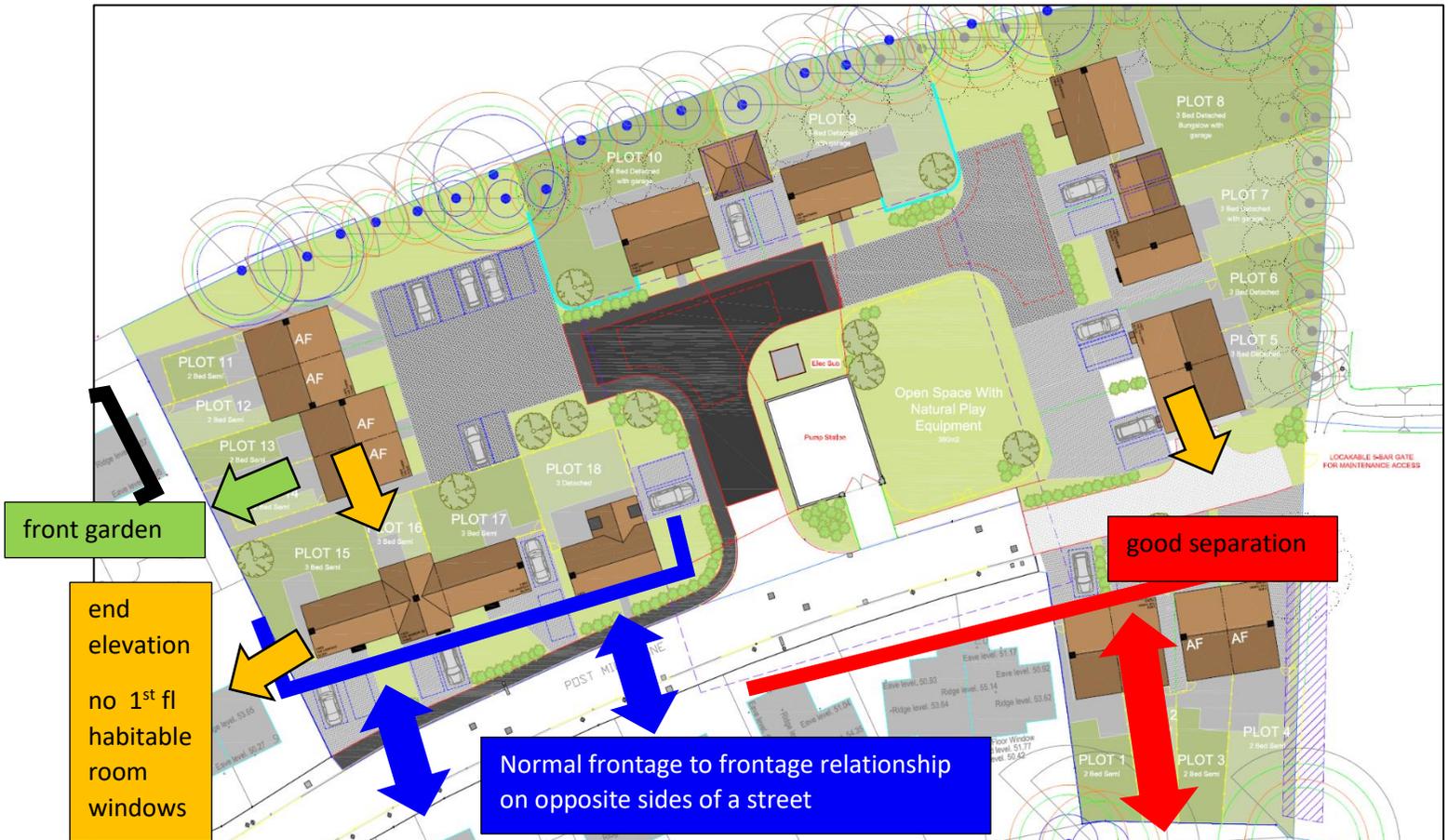


figure11: **Good amenity by design**

4.7 Greenspace, landscape, trees and wildlife/nature area

4.7.1 It should be remembered that this site sits within what is by definition¹¹ countryside and the Adopted Fressingfield Neighbourhood Development Plan at policy FRES 6 ‘Protecting landscape character and natural assets and enhancing village gateways/entrance’ sets out the appropriate policy. It states:

“The visual scenic value of the landscape and countryside surrounding Fressingfield village will be protected from development that may adversely affect its character.

Development that significantly detracts from the following views (shown in Map 6.1), by failing to respect their distinctive characteristics, will not be supported.

1) Long view of the Church looking north from Stradbroke Road

¹¹ Outside of the settlement boundary and therefore within terms of CS1 and CS2 is countryside

2) Views between the Church and Fox and Goose Public House

3) Long views looking west from Laxfield Road

4) View from the north looking south at Harleston Hill

Proposals should avoid harm to or loss of irreplaceable habitats such as ancient woodland and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Proposals that would enhance the visual appearance of a natural asset in the parish or an entrance or 'gateway' to the village will be supported.

Opportunities to improve the public realm through the use of appropriate hard or soft landscaping measures will also be supported where they include the use of vernacular materials, native planting and the innovative application of energy efficient or recycled materials.

Proposals should be designed to ensure that gateway enhancements do not detract from highway safety and visual amenity and should minimise the need for additional lighting."

Map 6.1 is shown below for reference.

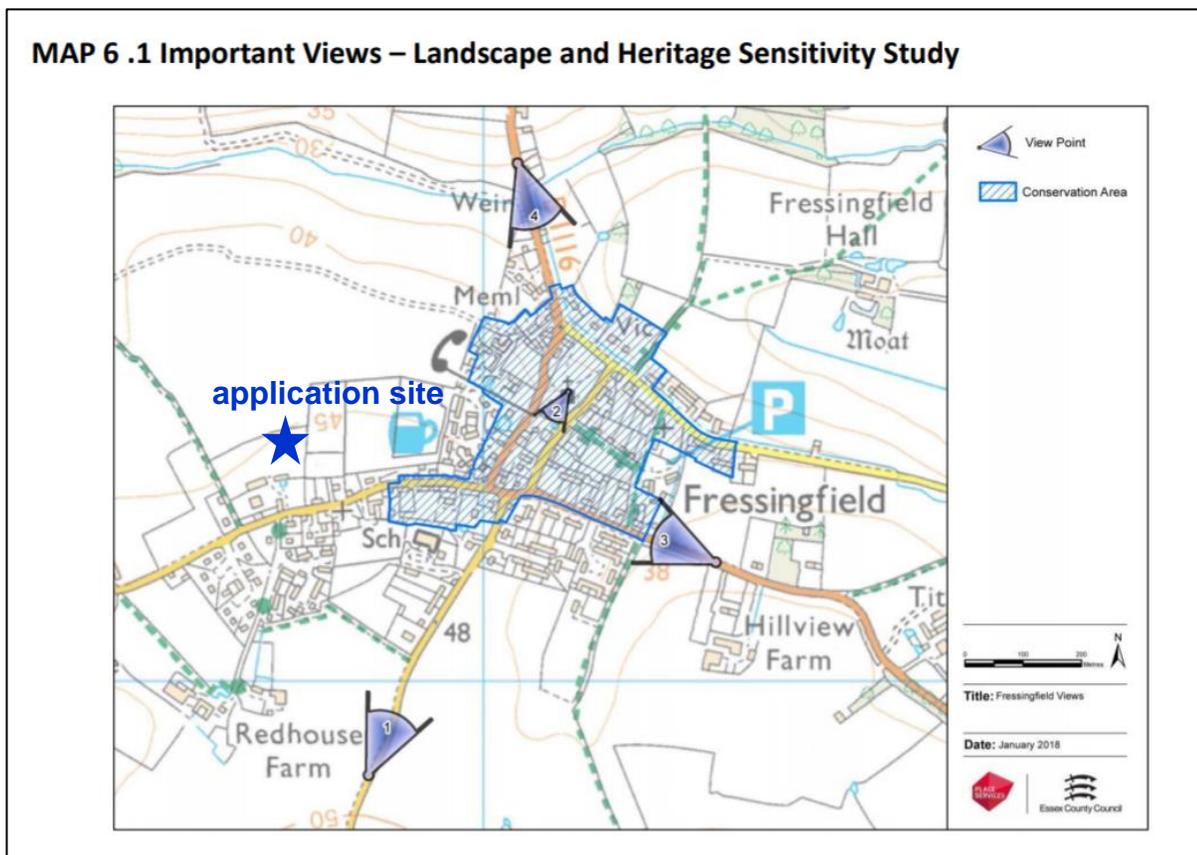


figure12: Extract from AFNDP20

- 4.7.2 As can be seen the site is not within any of the key vista points around the village as defined by map 6.1 and FRES 6.
- 4.7.3 That is understandable because as the Inspector noted the field which now forms the application site effectively reads as open space to serve the recent residential development immediately to the west and south. Indeed the fact that a pumping station currently stands alone at the eastern end of existing development in Post Mill Lane and that the estate road that serves Post Mill Lane already extends the length of the application site serving as it does presently development on its south side all conspire to puncture any impression that this remains open countryside.



figure13: **Logical extension to phase 1?**

- 4.7.4 Moreover, the application site is not identified as a local greenspace in the Fressingfield Neighbourhood Development Plan [March 2020] within Policy FRES 7 'Local Green Spaces' and does not appear on any of the Local Green Space Maps that accompany that policy [Maps 6.1a – 6.1d]

“FRES 7 Local Green Spaces

The following areas as shown on Map 6.2 a-d below are designated as Local Green Spaces as they are considered to be of local significance to their community due to their visual, historical, recreational or wildlife value:

- a) Graveyard and land to rear of Methodist Church, New Street*
- b) Land surrounding Fox and Goose (2 parcels) i) Sancroft Field and Paddock ii) Pond*
- c) Churchyard of St Peter and St Paul*
- d) Land south of Victoria Terrace – community gardens*
- e) Sports and Social Club playing fields, bowling green and play area*
- f) Pilgrims Green, Laxfield Road*
- g) Land at Church Farm Green*
- h) Graveyard at Baptist Chapel, Low Road*
- i) School Playing Field*

Proposals for development on the Local Green Spaces will only be permitted in very special circumstances.”

- 4.7.5 It must therefore be concluded that the site is not protected from development as a ‘Local Green Space’ It is however accepted that the site may not be so designated because it falls outside of the defined settlement boundary and therefore may be considered as countryside, although the Inspector, as cited earlier, did not accept it read as part of such any longer.
- 4.7.6 Development of this site is not considered to contravene FRES 6 or FRES 7.
- 4.7.7 The site is well screened on its northern and eastern boundaries by mature trees and hedgerow.
- 4.7.8 It is proposed to retain these and to protect them during construction [if planning is granted].
- 4.7.9 It is vital to retain these natural features because they will provide excellent screening of the development from the open countryside to the north and are important habitats and a key part of the local green corridor network that enables wildlife to move about without having to break cover.



figure14: **Strong natural edges to the site**

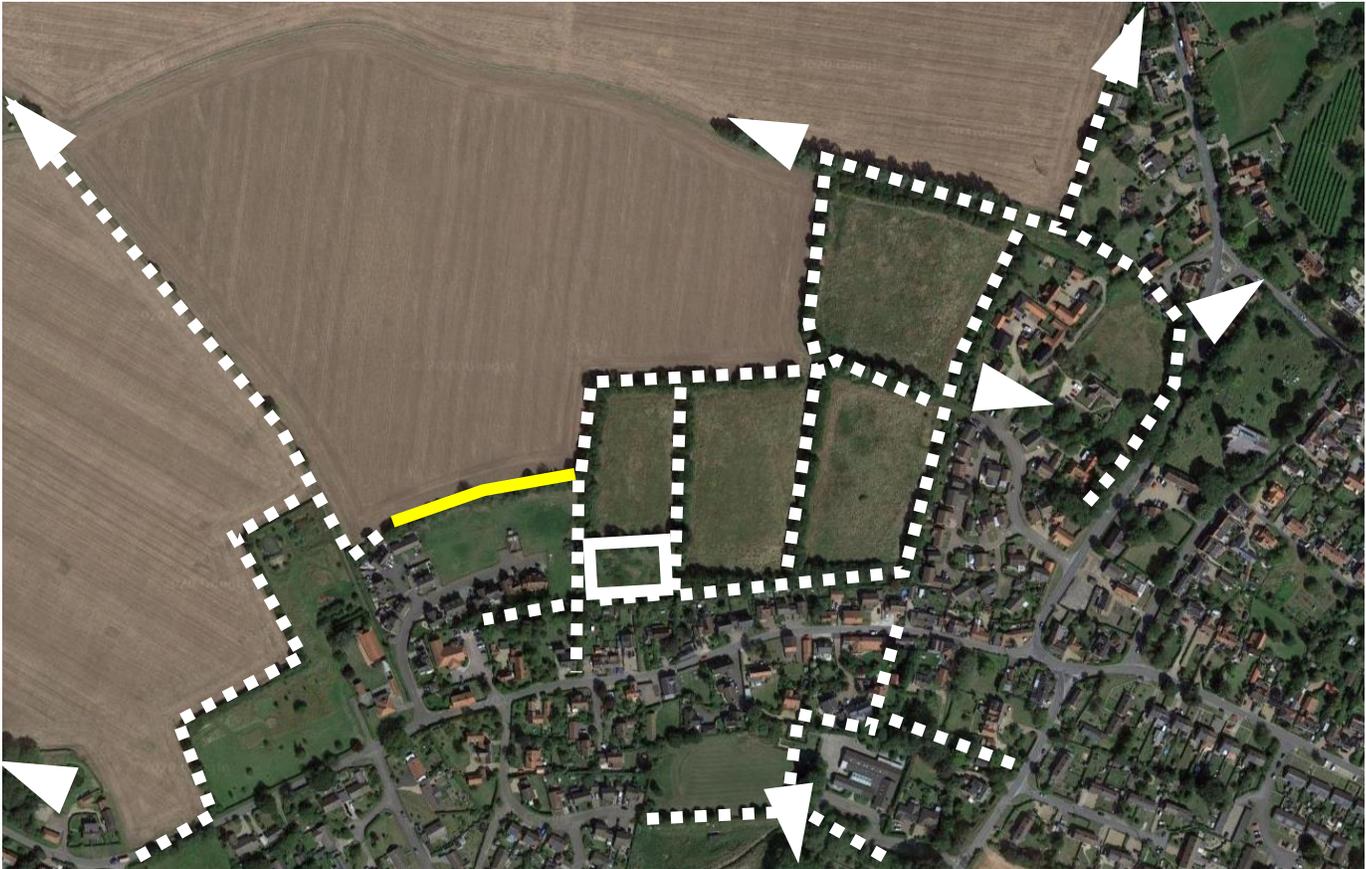


figure15: **the natural network of green corridors**

4.8 Offered wildlife area

4.8.1 Included in the proposal is an offer to create a wildlife area within the land edged blue.

4.8.2 Such an offer if secured by S106 in perpetuity would have two main benefits:

1. It would ensure that the field in question is never developed for housing [or other built development] which would provide comfort that the present 18 dwelling proposal if approved doesn't represent a stalking horse with expanded proposals coming up on its heels. This would also safeguard the setting of the Grade II listed Ladymeade
2. It would ensure that the site is allowed remain untouched [save for agreed management] so that in the fulness of time it becomes a valuable wildlife resource and habitat and helps create a green corridor with the landscape beyond.

4.8.3 The offer did include dedication of the land [transfer] to the Parish Council or another body with a commuted sum for its maintenance but the Parish Council's opposition to the proposal has meant that there is no firm interest to take up this offer. Consequently, it is proposed that the land owner manages the site in perpetuity as a wildlife/nature area in accordance with a management plan to be agreed. Whilst this means local people do not have the final say on how the site is managed and will lack ownership to control future activity the S106 should safeguard the site from further built development.

4.8.4 Originally the site was going to be freely available to the public but after discussion it was considered appropriate to exclude public access to ensure as little disturbance to wildlife as possible and to safeguard the amenity and security of adjoining occupiers. This does not necessarily prevent the management plan from permitting occasional open days and perhaps the site could be available for curriculum field trips by children at the local primary school.

4.8.5 It is however considered appropriate to include a cascade clause in the S106 that would require the land to be offered to the Parish Council in the first instance after which if declined it becomes the land owners responsibility to manage in line with the management plan.

4.8.6 This would then allow the Parish Council a further chance to acquire the land for £1 if after reflection and having seen the permission granted [if that is what happens] they see a public benefit in taking up the offer. They would be under no obligation to do so.

4.8.7 The applicant has already submitted a preliminary wildlife management plan and masterplan and this would be worked up further to provide the overall basis for future management of the site within the recommended S106 Agreement.



figure16: the offer of a wildlife area

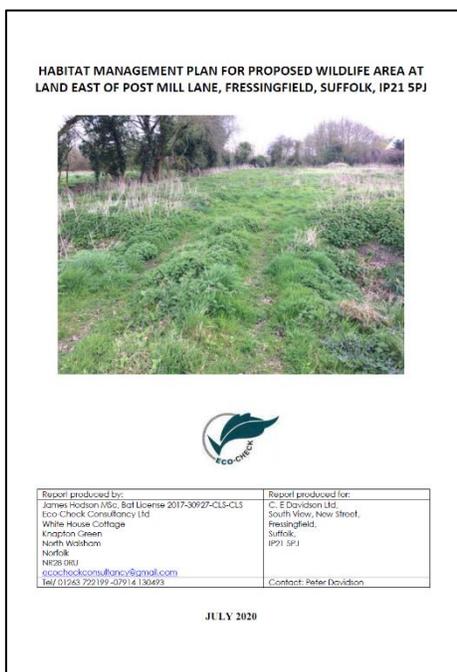


figure17: Preliminary management plan



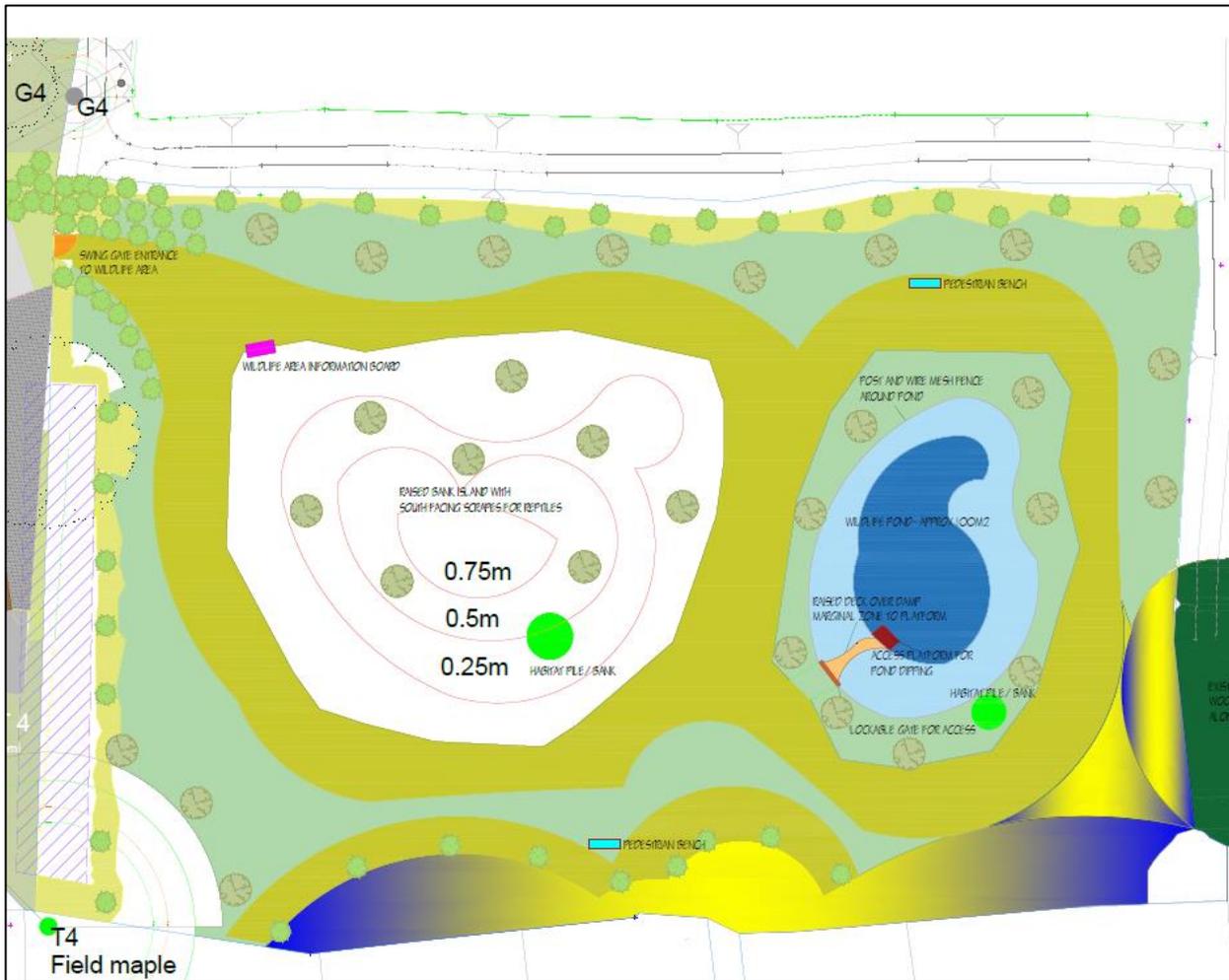


figure18: Preliminary wildlife area masterplan

3.5 The effect of the proposed development on highway and pedestrian safety in the vicinity and floodrisk.

3.5.1 In his deliberations in respect of the issue of pedestrian safety in New Street and at Jubilee Corner at the time of the previous proposal/appeal the Inspector stated:

“28. Whilst I acknowledge concerns from the Council and local residents on this matter, the Council accepts that there is a low incidence of reported accidents in this area. Furthermore, there is little substantive evidence before me to demonstrate that the proposal would result in pedestrian and highway safety concerns.”

....and,

Issue 4

Whether the proposed development would exacerbate the existing flooding and pollution in the village during periods of heavy rainfall.

3.5.2 In his conclusions on this issue the Inspector stated:

“30. The Council and residents have raised objections to the proposal stating that the proposed development would exacerbate the existing flooding and pollution problem in the village as a result of adding further foul water to the existing system which already floods during periods of heavy rainfall. However, Anglian Water, raises no objections to the proposal subject to a condition requiring compliance with the agreed drainage strategy. This response from the relevant drainage authority confirms that the development would not cause harm to the capacity of the sewer system, and I have no reason to take a different view from their professional advice.”

“31. As such, I find that the proposed development would not exacerbate the existing flooding and pollution problem in the village during periods of heavy rainfall. In this respect, the proposal would not conflict with paragraphs 163 and 180 of the Framework which amongst other things, seeks to ensure that flood risk is not increased elsewhere and that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on 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.”

3.5.3 It is noted that in an email of 5 November 2020 the Suffolk County Council Floods & Water Team updated their advice stating:

*“The following submitted documents have been reviewed and we recommend a **maintaining a holding objection** at this time:*

- *Site Location Plan 3325-TD-LW-XX-DRG-AR-1004-A*
- *Site Indicative Site Plan 3325-TD-LW-XX-DRG-AR-1003-A*

- *Further Additional information requested by Lead Local Flood Authority in respect of application 1648/17/OUT*
- *Flood Risk Assessment and Surface Water and Foul Water Drainage Strategy Ref 21647a Rev 0*
- *Flood Risk Assessment and Surface Water and Foul Water Drainage Strategy Ref 21647a Addendum*
- *Suds Viability Options Review dated August 2020*

The reason why we are recommending a maintaining a holding objection is because whilst the applicant has answer most of the points highlight by the LLFA, one point from the January 2020 consultation reply have not been addressed.

1. Resubmit the drainage strategy to include reference to the Drinking Water Safeguard Zones (Surface Water) that covers the parish.”

- 3.5.4 The areas of concern have now reduced to the one technical matter that is being addressed and the resubmitted drainage strategy document will address the Drinking Water Safeguard Zone matter.
- 3.5.5 On this basis the SuDS authority is expected to lift its holding objection as there are no fundamental issues remaining with developing a suitable strategy that is appropriate an outline proposal stage. A verbal update will be provided to Committee.
- 3.5.6 Whilst the concerns of the Parish Council, S.A.F.E. and local residents in respect of the issues that arise in Fressingfield as a result of surface water frequently being channelled into the foul water system the drainage strategy that has evolved through discussion is likely to be accepted by the SuDS authority. At the appeal referred to earlier the Planning Inspector did not support the Council’s drainage case for refusing the earlier 25 dwelling proposal on Post Mill Lane. It is therefore considered unreasonable to mount a similar objection.
- 3.5.7 It is acknowledged that at times of high rain fall some manholes on Low Road ‘pop’ and a mixture of surface water and diluted sewage flood into the road and the Beck.
- 3.5.8 Anglian Water as the foul water authority as before raises no objection, indeed they repeat that:
- “ The foul drainage from this development is in the catchment of Weybread Water Recycling Centre that will have available capacity for these flows.”*
- “The sewerage system at present has available capacity for these flows.”*
- 3.5.9 At the time of commenting it was noted that AW stated:

“The development site is within 15m of a sewage pumping station. This asset requires maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15m of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by normal operation of the pumping station.”

3.5.10 As a result of the receipt of this comment the layout was amended to ensure that the illustrative layout did not have homes encroaching into the 15m distance referred to.



figure19: Amended layout with dwellings set back beyond a 15m pumping station

3.5.11 The AFNDP20 at policy FRES9 deals specifically with localised flooding when it states:

“ Development within Hinterland and Hamlet Villages will be permitted within settlement boundaries where:

- I. Design is sympathetic to its rural surrounding and demonstrates high-quality design by having regard to the relevant policies of the plan;
- II. A high standard of hard and soft landscaping, appropriate for the location is used;
- III. Hedgerows and treelines which make an important contribution to the wider context and setting are protected, particularly in edge of settlement locations; and
- IV. The cumulative impact of proposals will be a major consideration.”

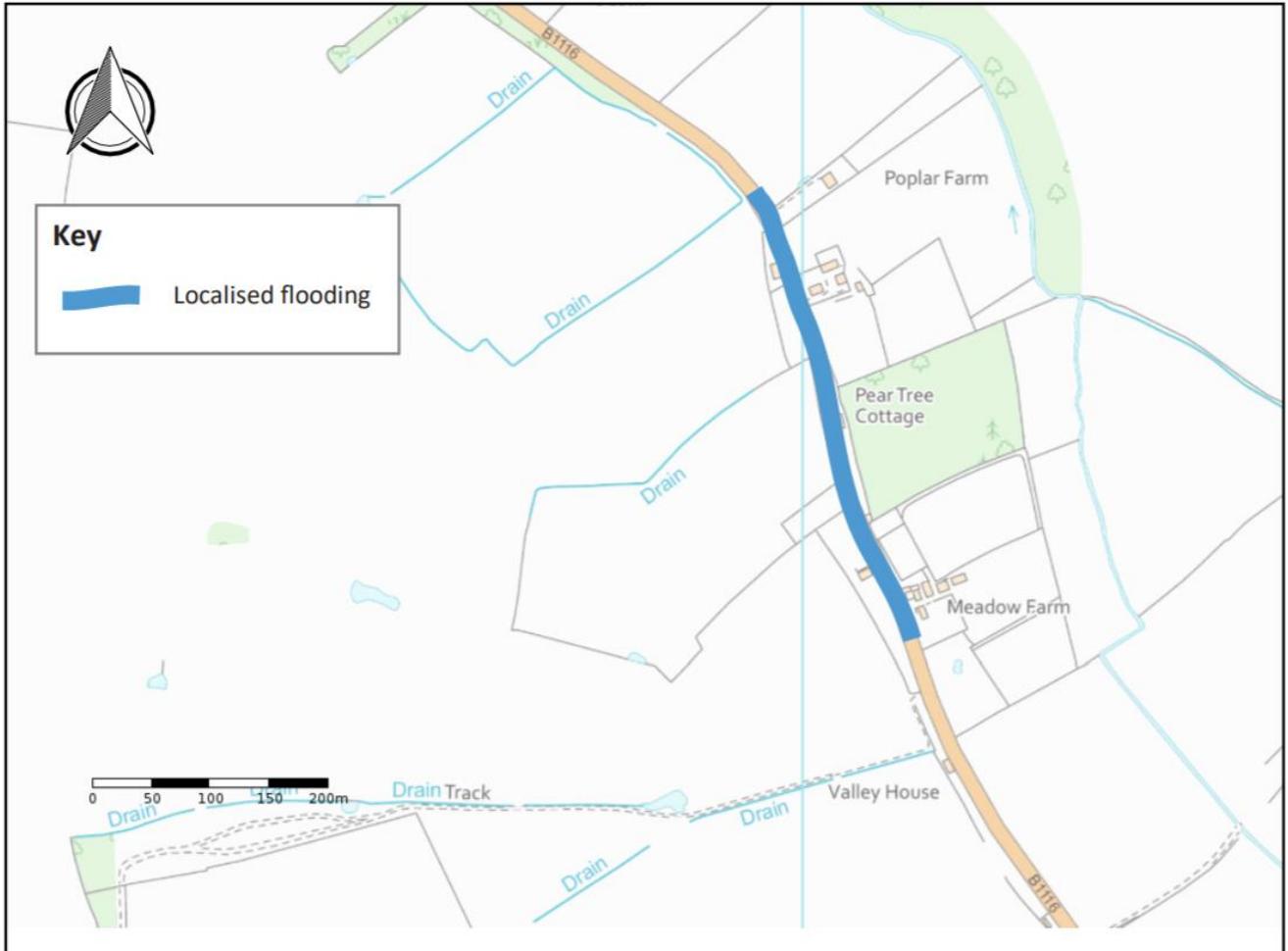


figure20: **Plan 6.4b Areas of Localised Flooding from AFNDP20**

3.5.12 The proposed drainage solution is a hybrid SuDS scheme but planning officers were reluctant to require swales across the development as this would have eaten in play areas/open space or the wildlife area

3.6 Sustainability

- 3.6.1 Whilst Fressingfield is poorly served by public transport which does not make it particularly sustainable from an access and transportation point of view it is increasingly common for Inspectors to acknowledge that rural areas are increasingly facing cuts to public transport and that new technology is helping to fill the gap. So for example Inspectors are being to refer to home delivery by Supermarkets, Amazon and other retailers as a viable and sustainable alternative for such trips – as is click and collect.
- 3.6.2 Fressingfield has a decent local shop, a primary school, churches, GP and a good community network and sports and recreational facilities. It appears to have a flourishing social life [certainly pre-covid].
- 3.6.3 Like other rural villages settlements residents do have to travel further afield to larger centres for some activities and that affords the chance of multiple activities during the same visit which can be sustainable and is encouraged. [combined trips].
- 3.6.4 The Inspector in the case of the previous appeal believed the location to be sustainable.
- “..the development would contribute towards the vitality of rural communities.”*
- 3.6.5 It immediately adjoins a recent estate development on the edge of the settlement boundary and is not isolated.
- 3.6.6 It makes good provision for new biodiversity and a wildlife area and retains existing hedgerows. From an ecological and environmental perspective it is sustainable.
- 3.6.7 It will introduce a modest increase in population and additional demand on existing facilities can be addressed largely through CIL.
- 3.6.8 From an economic perspective it will increase the potential for local spend, will help to sustain local facilities [including the primary school], will help to support local services and social activities and will create a number of short-term construction jobs.
- 3.6.9 It will also deliver 6 much needed affordable homes – a priority for the Council

3.7 Cumulative Impact

- 3.7.1 As with the previous proposal at the time of its determination there are two other outline planning applications under consideration. On this occasion the other two applications are not in a state to be presented to committee as negotiation is ongoing. The determination of this application has the potential to affect the determination of those proposals.
- 3.7.2 Previously the Committee was being asked to consider a total of 208 new dwellings between three sites that included Post Mill Lane.
- 3.7.3 Presently the combined total between the same three sites is 66. Without making any judgement on the merits of the other applications it is a matter of fact that the total is 68%

fewer dwellings than previously. The cumulative impact is therefore likely to be less than before in terms of highway impact, drainage impact and so on.

3.7.4 The question for the Committee is therefore will that difference be material and will considering all three applications together represent a reasonable way to proceed as requested by S.A.F.E?

3.7.5 In this case the post Mill Lane development comprising 18 dwellings has generated no substantive objection from key statutory consultees. The previous Inspector accepted that development of the western end of the previous site was in principle acceptable. The site has been reduced to be contained within the western end. Heritage objections are no longer offered as the amended layout avoids conflict with Ladymeade.

3.7.6 In the circumstances it is unreasonable to delay consideration of the Post Mill application pending negotiations on the other two sites. They too will be judged on their merits.

3.8 S106

- Affordable housing
- Provision of suitably equipped [play] open space with an appropriate maintenance sum to be agreed
- Delivery of the proposed wildlife area prior to the development commencing in line with a management plan and masterplan to be agreed at the time of submitting Reserved Matters
- Payment of a £10,000 sum to Suffolk County Council as local highway authority to process the appropriate Traffic Regulation Order to secure the desired 20 mph speed limit in New Street
- Payment of £14,400 sum to Suffolk County Council as education authority towards school transportation

PART FOUR – PLANNING BALANCE & CONCLUSION

4.0 Planning Balance

- 4.1.1 This application poses a number of challenging complexities that must be given due consideration and must be ascribed weight in exercising the overall balance against a backdrop of strong local opposition including from the Parish Council, S.A.F.E and a significant number of local residents.
- 4.1.2 There is also a recent history [which is relevant] of refusing significant residential proposals in Fressingfield and an Appeal which was won by the Council. This has all been seen as creating a strong precedent for resisting this proposal as before.
- 4.1.3 It needs to be acknowledged that whilst the Council won the previous Post Mill Lane appeal [24 dwellings] the Inspector's decision did not expressly preclude development in the way it examined, rehearsed and concluded on the various reasons for refusal.
- 4.1.4 He certainly accepted that in a number of ways the proposal was contrary to Development Plan policies [the AFNDP20 had not been adopted at the time and carried little weight] but he only found one substantive area where harm could be properly demonstrated such as to warrant dismissal of the appeal and refusal of the application. That was on heritage grounds.
- 4.1.5 The current application is contrary to FRES1 of the AFNDP20 in that it is outside of the settlement boundary and is not allocated for housing. This this must be given significant weight as a material planning consideration. Further, and related to that breach, the application fails to comply with the development plan as a whole.
- 4.1.6 It should however be noted that FRES1 refers to the criteria in paragraph 79 of the NPPF as being potential exceptions but does not recognise that paragraph 79 applies to isolated proposals. This site is not isolated. That too needs to be given significant weight. It is in fact a sustainable location as recognised by the Inspector where talking about the merits of development on the western end of the previous appeal site. Related to that, the application is considered to accord with the policies of the NPPF both as a whole but also noting its treatment of rural housing and housing in the countryside.
- 4.1.7 Whilst the AFNP20 has a requirement for some dwellings through windfall sites the application at 18 dwellings is not unreasonably beyond that total.
- 4.1.8 It is noted that despite the incredulity of the Parish Council, S.A.F.E and local residents the local highway authority is raising no objection to the proposal. As the relevant statutory consultee and advisers to the District Council on highway matters this needs to be given significant weight. Previously the LHA objected to the Post Mill Lane development [24 units] but the lack of support for highway grounds at the previous appeal by the Inspector now means repeated objection is unreasonable as the situation and circumstances have not materially changed.

- 4.1.9 Also despite local disbelief the relevant drainage bodies have not raised objection and the layout has been revised to accommodate the spatial requirements of Anglian water in respect of a cordon around the existing pumping station. Despite well-rehearsed arguments about the unacceptability of the flooding that occurs in Fressingfield the previous Inspector did not find there was a drainage case sufficient to warrant dismissal of the appeal. That unfortunately must remain the case.
- 4.1.10 This is development outside of the settlement boundary for Fressingfield [Proposals Map local plan 1998] within the countryside but the land in question is not farmed and clearly reads as informal open space adjacent to Phase 1 of the Post Mill Lane development. Indeed the site is well screened from the countryside by mature trees and hedgerow and therefore cannot be said to harm the character of then open space. This therefore should only be given low weight.
- 4.1.11 The inclusion of a new wildlife area in the field behind Ladymeade is a benefit that will ensure the land remains undeveloped and is allowed to provide a biodiverse habitat for wildlife is something that should be given at least moderate weight because at least it protects the setting of Ladymeade.
- 4.1.12 In view of the fact that parts of the Adopted Local Plan and Core Strategy are now out-of-date [and the relevant AFNDP20 policies are largely complied with save for issues around The robustness of FRES1] regard needs to be given to the NPPF and the tilted balance.
- 4.1.13 The proposal is considered to contain some important public benefits that include:
- Delivery of 6 much needed affordable dwellings of which 4 will be rented
 - Delivery of family housing in line with the AFNDP20 and the revised layout now includes a bungalow which would be suitable for older people. [AFNDP20]. 1 bungalow represents 5.5% of the proposed total and this is above the informal target of 3% used by officers as guidance in negotiations until such time as new policy is agreed.
 - All units will meet NDSS
 - Provision of new formal open space
 - Provision of a dedicated wildlife area in perpetuity that will protect the setting of Ladymeade from future development pressure
 - Short-term construction jobs
 - An uplift in local spend arising from a modest population increase

- Added support for local facilities such as the primary school with the emphasis family dwellings
- Additional CIL receipts including 25% for the Parish Council as a result of having an Adopted Neighbourhood Development Plan

4.1.14 Against this is balanced no material harm which can adequately demonstrated by any relevant statutory consultee.

4.1.15 The public benefits are therefore considered to decisively outweigh any harm. The balance triggered by paragraph 196 of the NPPD is no longer relevant to this case as the Heritage Team now believes the proposal will cause NO HARM to Ladymeade.

4.1.16 In this particular case the applicant has taken the previous appeal decision and carefully revised the layout and reduced the number of proposed dwellings to overcome the concerns that prompted the previous appeal Inspector to dismiss the appeal. In many ways the applicant has used the appeal decision to provide a street map for ensuring the latest application is robust and capable of being approved or at the very least successful in the case of an appeal against refusal

4.1.17 Members are reminded that issue 1 identified by the previous Inspector was:

“Whether the site would be an appropriate location for residential development having regard to the development plan and national planning policies and the character and appearance of the area” [paragraph 8, page 2]

4.1.18 He noted that CS1 and CS2 continued to carry limited weight before going on to say:

“Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities....The development would contribute towards the vitality of rural communities. I give these benefits some weight” [paragraph 13, page3]

4.1.19 Importantly referring to the western part of the site [the current application state] he stated:

“...I find the principle of development on this part of the site would not harm the character of the countryside...”

4.2 Conclusion

4.2.1 The proposal is acceptable for the reasons set out subject to an appropriate S106 and conditions. While the development fails to comply with the development plan as a whole, other material planning considerations indicate that planning permission should be granted, and that direction is considered to outweigh the direction of the plan.

5.0 RECOMMENDATION

That authority be delegated to the Chief Planning Officer to **GRANT outline planning permission** for the proposed development

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- Affordable housing

This shall include

- Rented 6 dwellings
 - Shared ownership 2 dwellings
 - Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
 - The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
 - All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
 - Adequate parking provision is made for the affordable housing units including cycle storage for all units.
-
- Provision of suitably equipped [play] open space with an appropriate maintenance sum to be agreed
 - Delivery of the proposed wildlife area prior to the development commencing in line with a management plan and masterplan to be agreed at the time of submitting Reserved Matters
 - Payment of a £10,000 sum to Suffolk County Council as local highway authority to process the appropriate Traffic Regulation Order to secure the desired 20 mph speed limit in New Street



- Payment of £14,400 sum to Suffolk County Council as education authority towards school transportation

Then

(2) That the Chief Planning Officer be authorised to GRANT Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

To include

- Standard time limit (Reserved/ Matters to be submitted within 18 months and commencement within 18 months from date of approval of the Reserved Matters)
- submitted revised layout plan to form the basis of Reserved Matters [all matters including drainage and materials]
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Removal of PD
- Drainage conditions as required by SCC Floods & Water
- Highway conditions as required by LHA
- Tree protection measures to be agreed prior to any work on site commencing
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Energy and renewal integration scheme to be agreed
- Rainwater harvesting to be agreed
- Construction Method Statement to be agreed. [incl detail of any piling required]
- parking to meet the Adopted Suffolk Parking Standards [refreshed 2019]
- Ev charging to every plot
- Unexpected contamination reporting condition [EHO]
- Archaeological conditions

(3) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months [or such other extended period considered appropriate by the Chief Planning Officer to secure the completion of the document where there is clear goodwill to so and adequate progress has already been made] that the Chief Planning Officer be authorised to refuse the application on appropriate ground/s as the S106 elements are required to make the development acceptable by mitigating impacts.