

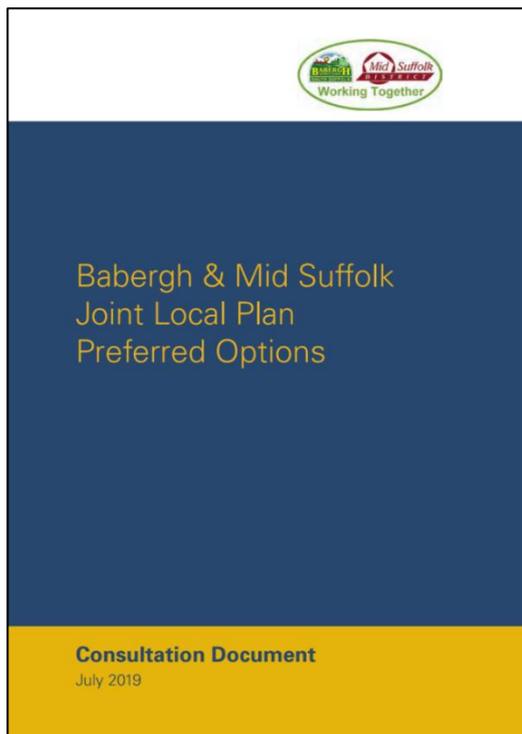
1 **General Note**

The reports of the Agenda for 25 November 2020 were all prepared prior to the publication of the Babergh Mid Suffolk Joint Local Plan Pre-Submission Document November 2020.

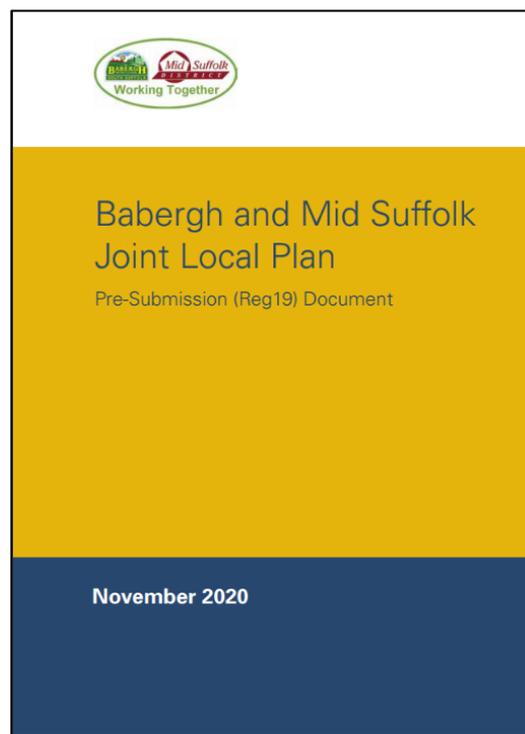
The previous iteration of the JLP was the Preferred Options Document of July 2019.

The November version is the subject of public consultation under Reg 19.¹

Where appropriate officers will provide verbal updates quoting the Pre-Submission Document where relevant but Members are advised that the document carries limited weight as did the version before because Draft Local Plans carry limited weight until they have been Submitted and only carry full weight after Post Examination and finally Adoption.



**July 2019
Preferred Options**



**November 2020
Pre-Submission**

¹ The Joint Local Plan - Pre-submission (Regulation 19) consultation is open from 12 November 2020 and closes at 12 noon on 24 December 2020.

2

Item 7a

DC/20/03891

Land At Blackacre Hill, Bramford Road, Great Blakenham, Suffolk S73.

Typo correction [page 34 electronic version / paragraph 5.6]

5.6 It is therefore recommended to Members that Condition **24** should read as follows:

“ Prior to the occupation of the second unit, [from within units 2-9 inclusive] the off-road cycle improvements along Bramford Road, between the site access and it's junction with Addison Way, shall be completed in accordance with a scheme that has first been submitted to and approved by the local planning authority.”



This should read Condition 26

3

Item 7c

DC/19/05956

Land off Post Mill Lane, Fressingfield, Suffolk

Outline: 18 Dwellings

NEIGHBOURHOOD PLAN STATUS REFERENCES



Page 265 [electronic version]: **Neighbourhood Plan. The reference is correct. The Neighbourhood Plan is made and Adopted. 27 March 2020.**

The reference on page 276 [electronic version under SAFE's comments] which states:

*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.

...was the case made by SAFE at the time [pre-referendum]

Similarly the same applies to the reference from Fressingfield Parish Council quoted in the report

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.

PARAGRAPH 14: NPPF

This is important because it deals with scenarios where a recommendation for approval is being made contrary to an Adopted Local Plan.

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply²:

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;

officer comment:

The Fressingfield Neighbourhood Development Plan was Adopted in March 2020 and is therefore within the two-year threshold.

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

officer comment:

The Fressingfield Neighbourhood Development Plan does include policies and allocations to meet its identified housing need but beyond the specific allocations it requires a modest number of dwellings to be provided through 'windfalls'. Currently that number is approximately 9. [60 minus 51] but a further

² Report authors underscoring

6 will be required if the outline permission for land off School Road is built out at 12 units [RM submission] and not the 18 approved. That would mean a windfall requirement of 15 units.

The current proposal represents a windfall but of 18 rather than 15.

- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and

officer comment:

The Council does have that buffer.

- d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years.

Officer comment:

The Council's housing delivery did exceed 45%

RE-CONSULTATION DATES

The re-consultation expiry date for this application was 19 November 2020 and this tabled paper provides an update on such additional responses as have been received by 23 November 2020 [14.00hrs] and the nature of these.

FRESSINGFIELD PARISH COUNCIL: 19 November 2020

with officer comments added

“Councillors were surprised and concerned that the report from the principal planning officer recommending that the planning committee accept this application was circulated in advance of the consultation period having been completed. We are perplexed that after statements made by him at previous public meetings stating that the development was inappropriate, he has made a complete volte-face and is now supporting the application. “

Officer comment:

The report was circulated in advance of the normal lead-in time and prior to the closure of the re-consultation deadline in order to allow the Parish Council the earliest opportunity to see the recommendation as it was not consistent with that previously made in respect of the 24 dwelling proposal. It is correct to say that the case officer did recommend refusal of the 24 dwelling proposal and did successfully defend the Council's reasons for refusal at appeal.

The reference to volte-face [about face] suggests an unjustified change of mind but the report sets out why the 18 dwelling proposal does not produce in the

officer's opinion the same outcome from undertaking the planning balance as that for the 24 dwelling proposal. As is often the case in the planning arena this is a question of judgement.

In an informal meeting with some of the representatives from the Parish Council earlier in the process the case officer did advise that the previous appeal decision will be a material planning consideration and that what was said in respect of the development of the western end of the site would be an important consideration in assessing harm particularly as the applicant had responded by removing units from the field behind Ladymeade. This may have telegraphed that circumstances may have changed to those present.

It is acknowledged in the report that the Fressingfield Neighbourhood Development Plan is a strong material consideration that carries significant weight but the Council is still required to identify harm if it is to refuse a planning application. The case officer feels that the Inspector's comments made in respect of the Post Mill Lane sites western end also carry significant weight as he suggested development of that parcel would not be harmful - particularly to Ladymeade the nearby Grade II listed building. The sub parcel behind Ladymeade has been omitted from the latest proposal and the land offered as a wildlife area in perpetuity.

"The officers report contains factual errors. These concern Fressingfield parish councillors as the errors could distort the planning committees views of the impact of this application on the parish. e.g. The population and number of homes are those for the district council ward of Fressingfield. This ward includes the parishes of Weybread, Syleham, Metfield and Mendham, as well as Fressingfield. The last census recorded the population of Fressingfield as 1021 with the number of homes as 444. A recent population estimate on the Suffolk Observatory website is 1122; the weekly bus service for the village ended over a year ago. Therefore, the impact will be greater than set out in the report."

It is acknowledged that the population figure quoted is for the wider area as the officer readily accepts 350³ as an accurate number for dwellings in the village. 18 new dwellings as a percentage of 350 is 5.1%. [18 is 4% of 444]

The report acknowledges that Fressingfield is poorly served by public transport and that an update would be provided in respect of the current level of service. The Parish Council has confirmed the weekly service has stopped. This reaffirms the officer opinion that Fressingfield is poorly served by public transport.

Members are advised Inspector's do now recognise that rural living doesn't necessarily mean that residents have to be overly reliant on travel by car. Innovations such as on-line retailing - home deliveries by the major supermarkets, ready-made food companies [frozen meals such as Wiltshire Farm Foods with national coverage], local butchers and greengrocers/growers [burgeoning business as small businesses adapt to covid restrictions], pharmacy deliveries to the home from community pharmacies, localised

³ SAFE website

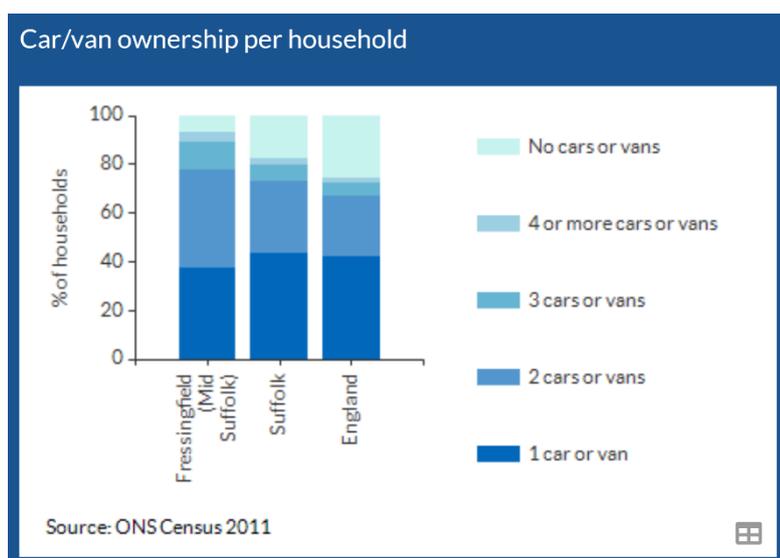
collection points for parcels, Amazon home delivery, click and collect enabling combine trips and so on.

In a recent appeal in Yoxford⁴ [East Suffolk District Council] the Inspector acknowledged that given the existing dwellings near the appeal site and the sites distance from Yoxford it could not reasonably be said to be an isolated location in the terms of the Framework. It is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and Yoxford is sufficiently close that only short car journeys would occur to gain access to services necessary for day-to-day living. Moreover, there is also the opportunity to walk given the footway that exists and the distance involved, despite exceeding 300 metres, would not in my view preclude this. In addition, due to the existing dwellings in this location, the addition of a single dwelling would not significantly add to the vehicle-based journeys that already occur. The Inspector also give weight in this regard to the fact that while the site was outside Yoxford’s defined settlement limits, it was closer to a number of facilities and services than some housing within the settlement.

Fressingfield is but a short drive from Harleston and Stradbroke. Furthermore, Fressingfield has a good land well used local convenience store.

The addition of 18 new dwellings is unlikely to materially impact trips from the village as presumably the majority of residents already make such local journey’s

It is noted that from data available on the Suffolk Observatory website that non-car ownership in Fressingfield [ward] is significantly lower than the Suffolk average and the national average. This is not unsurprising in a community with poor public transport. It is therefore understandable that car ownership levels in Fressingfield are high and that the majority of residents have a car. Another 18 dwellings if approved is unlikely to materially impact overall car useage or car related pollution.



Fressingfield [ward] car ownership

⁴ DC/18/2738/FUL Appeal Number APP/J3530/W/19/3223277 Site York’s Tenement, Station Road, Yoxford, IP17 3LA Description of Development New, 1 and 1/2 storey, two-bedroom dwelling

“The council is shocked that the principal planning officer should apportion such little weight to the Fressingfield Neighbourhood Development Plan. Two years in writing, the district council made this plan in March 2020. Its aim for the development of 60 homes is closely in line with the number stated in MSDCs existing and draft local Plans. This figure was not randomly plucked from the air but is an integral part of a plan, constructed with democratic involvement at each stage. This is a process with which you will be familiar as you are drawing up the new strategic plan for MSDC. These plans are not just bureaucratic exercises undertaken to tick boxes and gain additional Cil moneys. They are a fusion of public preference and need written in a clear way as a statement of direction for future development. In the first test of its value, the district council should not allow the figures agreed in the parish to be overridden. The additional 18 homes in this application, with the 51 already having planning permission, would mean that Fressingfield’s planned 60 was increased by 15% within 8 months of the neighbourhood development plan being made.”

Officer comment:

Understandably the Parish Council is angered at the officer recommendation. The ‘shock’ expressed may be real but the suggestion that ‘such little weight’ has been apportioned to the Neighbourhood Plan is less easily accepted. [please see below]

Some extracts from Committee report

“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.”

“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:

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’

4.2.10 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.

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."

It is noted that Fressingfield's figure of 60 includes a predicted 18 at land of School Road [with outline planning permission] where a proposal for 12 is under consideration. 51 minus 6 = 45. 60 minus 45 = 15. Based on the Parishes figures the proposal represents an additional 3. [5%]

"Regarding the wider impact of this development, councillors are concerned about highway safety, particularly in New Street. This is the road into which the development flows. In its report, Suffolk Highways Authority (SHA) claims that in its previous report, the site was reviewed with 2 other sites within Fressingfield to consider the cumulative impacts from all three developments on the highway. This was not the case. In this earlier report, the transport policy and development manager confirmed that, following the example of recent cases from the Planning Inspectorate, he had viewed the Post Mill Lane site as unique and that the absence of a history of crashes should be balanced against observed road safety issues when deciding if there is an unacceptable impact on highway safety.

That November 2018 report was made after simple observations of traffic and pedestrians negotiating their ways along New Street and around Jubilee Corner. The report was clear. The development of more houses on Post Mill Lane would result in an unacceptable impact on highway safety particularly for vulnerable pedestrians.

In the latest report, Suffolk Highways Authority recommends approval of the application. The parish council believes that SHA presents not enough evidence or reasons to overturn the first recommendation. The stated reasons for changing its view are not sufficient for you to change yours:

The only new proposal for road safety, noted in the recent SHA report is a drop pavement at the junction of New Street and Priory Road.

The accident figures quoted in this report to support its change of view, do not refer to incidents of conflict between pedestrians and motorist. This should be a key factor in judging how safe pedestrians are on a road without pathways.

The footpath to the school referred by SHA as a reason for approving the application is not new. It was there when the first report was written.

Seeking a 20mph speed limit on New Street is just an idea. It has been advised against in the past by SHA because the median speed of traffic on New Street is likely to be above 24mph. (This is the guide that SHA works to when considering applying a 20mph speed limit.)

Therefore, the parish council believes MSDC Planning Committee should question if there are any valid reasons for Suffolk Highways Authority to change its advice from that given in November 2018."

Officer comment:

As the Local Planning Authority Mid Suffolk District Council relies on consultation advice from Suffolk County Council as local highway authority. The Council [MSDC] in previously agreeing a highway safety reason for refusal did so based on the support of Suffolk County Council as local highway authority. The Inspector in the matter of the 24 dwelling proposal appeal did not support a highway safety reason for refusal. Whilst the Parish Council may be urging the District Council to disregard the advice of the County Council in respect of the latest 18 dwelling proposal the accident record in the village has not materially changed. If any of the occupiers of the current 444 dwellings within the village wish to walk to the village shop [an example] in New Street they must walk in the road as there is not a footway over much of its length. This is a fact of village life and is accepted despite agricultural traffic and hgvs. An additional 18 dwellings will not materially harm the situation particularly as Post Mill Lane has excellent footways that connect to the opposite side on Nee Street and afford access through recent estates to get to School Road thereby by-passing Jubilee Corner. [but does provide enhanced access to the village shop in its New Street location]

“Regarding the impact of the development on the sewerage system within Fressingfield, it is 10 months since the parish councils last comments on the application, and nothing has changed. Any periods of prolonged rain continue to bring raw sewage into the streets. The reasons are clearer, but the solutions seem no closer.

Anglian Water states that technically the pumping station on Harleston Hill and the treatment plant in Weybread can deal with the extra sewage from the proposed new estate. Its report makes no comment on the fact that the system leading to the pumping station cannot deal with the current level of waste at times of steady rain. This is because an unknown amount of surface water ends up in the sewerage system and that system cannot cope. The egress of raw sewage into the street occurs before the Harleston Hill pumping station.

The parish council is firmly of the view that no new homes should be added to the system until this problem has been solved.”

Officer comment:

Previously the case officer has referred to a seemingly medieval way of handling surface and foul water in Fressingfield that results in diluted raw sewage spilling out into Cratfield Road ‘ Low Street when surface water manholes ‘pop’ due to the excess pressure put on the system in periods of high rainfall.

The officer has not changed his view on this but the present Post Mill Lane scheme is sending all of its foul water to the pumping station previously provided to service the previous phase of development. That pumping station is expected to control the release of that foul water via telemetry. Non of the surface water from the 18 dwelling proposal will be connected to the existing

Fressingfield foul network. IT will be held in a pond and released at greenfield rates into the watercourse than runs north westwards from the site.

The 18 dwelling development is approved should not exacerbate the existing flood issue in Fressingfield.

“The council feels that it is unclear how proposed section 106 money for school transport, and speed reduction measures could be used. There is lack of clarity which means that their impact as mitigating measures is extremely limited.”

Officer comment:

This is a matter for Suffolk County Council

“The council is of the opinion that the planning authority should resist any over-reaction to recent government consultations on planning. With such an uncertain future, they should not try to second guess what the government will decide. MSDC already has a substantial landbank and does not need to urbanise a rural community. The parish council is concerned that local democracy is being undermined by promoting the expansion of homes where patently they are not required.”

Officer comment:

The recommendation is based on information received and does not take into account possible Government policy changes and/or possible changes to the planning system

“Overall, the small changes introduced by the developers do not convince the parish council that this is an application worth supporting. No substantial factors have changed to make this application a positive and welcome addition to the village. Strength of feeling against this application is very strong in the parish. The number of responses opposing this application confirm this.”

Officer comment:

The most significant change that has been made to this proposal is the reduction in site area and proposed unit numbers. [25%] These changes now mean that the previously proposed six dwellings to the rear of Ladymeade have now been omitted and the land offered as a wildlife area in perpetuity. This has resulting in the Council Heritage Officer now confirming that in his opinion there will be NO HARM to the setting of Ladymeade.

“Fressingfield Parish Council requests that the district council refuse the application.”

Total Number of Objections – 79

NEW PUBLIC OBJECTIONS (SINCE THE 10TH NOVEMBER⁵) – 26

The issues raised are summarised below [figure in brackets [x] represents frequency with which that concern was expressed]:

- 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 [74]
- Drainage/ Sewage Issues [69]
- 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 [65]*
- Over Development in the area [63]
- Increase Danger of Flooding [48]
- Strain on existing community facilities – Doctors Surgery is nearing capacity (Fressingfield Medical Centre) and local school [45]
- Lack of Employment Opportunities (in the surrounding area) – new occupants would need to drive to work, causing increased traffic and increased carbon footprint [35]
- Health and Safety – enhanced danger to school children, dog walkers and the elderly from inadequate road infrastructure proposals [34]
- Strain on existing community facilities – Doctors Surgery is nearing capacity (Fressingfield Medical Centre) and local school 45
- Sustainability [31]
- Conflict with Local Development Plan [31]*
- Sustainability [31]
- Out of Character with the Area [29]
- Conflict with NPPF [28]
- Increase in Pollution [26]
- Affects Local Ecology and Wildlife [24]
- Inadequate public transport provisions – currently no local bus service and no proposed plans of introducing one [24]
- Lack of parking provisions [21]
- Sustainability [31]
- Dominating and Overbearing [19]
- Scale of the Development 19
- Landscape Impact [18]
- Inappropriate in a Conservation Area [18]
- Impact/ Harm to Listed Buildings - Grade II listed building (Ladymede Cottage) [10]
- Development too high [10]
- Conflict with District Plan [10]*
- Application is lacking information/ unanswered questions [9]
- Design [9]
- Design [9]
- More Open Space needed on the development [5]

⁵ The date the responses were last summarised

- Loss of open space [4]
- Introduction of a drainage pond would replace the existing children's play area – therefore no local playground for children from the proposed development 4
- Loss of Outlook [2]
- Loss of privacy [2]
- Smells – Odour [2]
- Trees [2]
- Noise [2]
- Building work [1]
- Fear of crime [1]
- Loss of light [1]
- Overlooking [1]
- Potentially Contaminated Land [1]

Anglian Water (most recent) – Received 11/11/2020

Assets Affected

“There are assets owned by Anglian Water or those subject to an adoption within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your notice should permission be granted”

- Anglian Water has assets close to this site and there are assets subject to an adoption agreement – therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space
- Development site is within 15 meters of a sewage pumping station – this asset requires access for maintenance and will have severe infrastructure leading to it (therefore, for practical reasons it can not be relocated)
- Swellings within 15m of the pumping station would be at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station – site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15m from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance to ensure future amenity issues are not created

Wastewater Services – Wastewater Treatment

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

Wastewater Services – Surface Water Disposal

“The preferred method of surface water disposal would be to a suitable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (pat H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer”

“From details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. The

Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a water course. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective water drainage strategy is prepared and implemented”

GROWTH, HIGHWAYS AND INFRASTRUCTURE – REC’d 18/11/2020

CIL	Education	Capital Contribution
	- Primary @ £17,268 per place	£86,340
	- Secondary @ £23,775 per place	£71,325
	- Sixth form @ £23,775 per place	£23,775
CIL	Libraries improvements	£3,888
CIL	Waste	£918
S106	Education	
	- Secondary school transport @ £1,205 per place	£18,075
S106	Highways	Tbc
S106	Monitoring fee (per trigger point)	£412

SUFFOLK PRESERVATION SOCIETY – RECEIVED 18/11/2020

“We urge the planning committee to refuse the planning application and uphold the vision of the Neighbourhood Plan”

“If this proposal were to be approved it would prejudice the policy making process by undermining the plan-led approach. Furthermore, granting planning permission would seriously undermine community confidence in the Neighbourhood Plan process, especially as the Fressingfield Neighbourhood Plan was successful at Referendum less than 8 months ago. To undermine such a recent plan would be a seriously assault on the process. The Suffolk Preservation Society considers that it is vital that the planning committee recognise the importance of the Neighbourhood Plans and the role they play in creating sustainable places which people are proud to call home.”

ELIZABETH MANERO – RECEIVED 23/11/2020

“The application is not ready to go to committee for the following reasons: “

- The gross figures for population and households upon which impact is assessed are wrong
- The impact on the conservation area has not been assessed as primary legislation and the NPPF require
- Cumulative impact has been assessed with the wrong figures
- Simultaneous consideration of all pending applications is necessary because of their volume and the inclusion of a relocated new larger shop in one of them
- Outstanding requirements from SCC are not met
- Outstanding matters for SCC Flooding Department are unresolved
- Relevant matters have not been taken into account including up to date evidence on road safety and sewage egress

Fressingfield Parish Council's response [received 19 November 2020] is reproduced in full below... [note the substantive content is as reported above but the whole document appears below for the purpose of demonstrating no editing has occurred in respect of those comments]

FRESSINGFIELD PARISH COUNCIL: received 19 November 2020

Consultee Comments for Planning Application DC/19/05956

Application Summary

Application Number: DC/19/05956

Address: Land Off Postmill Lane, Fressingfield

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

Case Officer: Vincent Pearce

Consultee Details

Name: Mr Andy Parris

Address: The Stooks, New Street, Fressingfield Eye, Suffolk IP21 5PG

Email: Not Available

On Behalf Of: Fressingfield Parish Clerk

Comments

Fressingfield Parish Council opposes this application.

Councillors were surprised and concerned that the report from the principal planning officer recommending that the planning committee accept this application was circulated in advance of the consultation period having been completed. We are perplexed that after statements made by him at previous public meetings stating that the development was inappropriate, he has made a complete volte-face and is now supporting the application.

The officers report contains factual errors. These concern Fressingfield parish councillors as the errors could distort the planning committees views of the impact of this application on the parish. e.g. The population and number of homes are those for the district council ward of Fressingfield. This ward includes the parishes of Weybread, Syleham, Metfield and Mendham, as well as Fressingfield. The last census recorded the population of Fressingfield as 1021 with the number of homes as 444. A recent population estimate on the Suffolk Observatory website is 1122; the weekly bus service for the village ended over a year ago. Therefore, the impact will be greater than set out in the report.

The council is shocked that the principal planning officer should apportion such little weight to the Fressingfield Neighbourhood Development Plan. Two years in writing, the district council made this plan in March 2020. Its aim for the development of 60 homes is closely in line with the number stated in MSDCs existing and draft Local Plans. This figure was not randomly plucked from the air but is an integral part of a plan, constructed with democratic involvement at each stage. This is a process with which you will be familiar as you are drawing up the new strategic plan for MSDC. These plans are not just bureaucratic exercises undertaken to tick boxes and gain additional CIL moneys. They are a fusion of public preference and need written in a clear way as a statement of direction for future development. In the first test of its value, the district council should not allow the

figures agreed in the parish to be overridden. The additional 18 homes in this application, with the 51 already having planning permission, would mean that Fressingfields planned 60 was increased by 15% within 8 months of the neighbourhood development plan being made.

Regarding the wider impact of this development, councillors are concerned about highway safety, particularly in New Street. This is the road into which the development flows.

In its report, Suffolk Highways Authority (SHA) claims that in its previous report, the site was reviewed with 2 other sites within Fressingfield to consider the cumulative impacts from all three developments on the highway. This was not the case. In this earlier report, the transport policy and development manager confirmed that, following the example of recent cases from the Planning Inspectorate, he had viewed the Post Mill Lane site as unique and that the absence of a history of crashes should be balanced against observed road safety issues when deciding if there is an unacceptable impact on highway safety.

That November 2018 report was made after simple observations of traffic and pedestrians negotiating their ways along New Street and around Jubilee Corner. The report was clear. The development of more houses on Post Mill Lane would result in an unacceptable impact on highway safety particularly for vulnerable pedestrians.

In the latest report, Suffolk Highways Authority recommends approval of the application. The parish council believes that SHA presents not enough evidence or reasons to overturn the first recommendation. The stated reasons for changing its view are not sufficient for you to change yours:

The only new proposal for road safety, noted in the recent SHA report is a drop pavement at the junction of New Street and Priory Road.

The accident figures quoted in this report to support its change of view, do not refer to incidents of conflict between pedestrians and motorist. This should be a key factor in judging how safe pedestrians are on a road without pathways.

The footpath to the school referred by SHA as a reason for approving the application is not new. It was there when the first report was written.

Seeking a 20mph speed limit on New Street is just an idea. It has been advised against in the past by SHA because the median speed of traffic on New Street is likely to be above 24mph. (This is the guide that SHA works to when considering applying a 20mph speed limit.)

Therefore, the parish council believes MSDC Planning Committee should question if there are any valid reasons for Suffolk Highways Authority to change its advice from that given in November 2018.

Regarding the impact of the development on the sewerage system within Fressingfield, it is 10 months since the parish councils last comments on the application, and nothing has changed. Any periods of prolonged rain continue to bring raw sewage into the streets. The reasons are clearer, but the solutions seem no closer.

Anglian Water states that technically the pumping station on Harleston Hill and the treatment plant in Weybread can deal with the extra sewage from the proposed new estate. Its report makes no comment on the fact that the system leading to the pumping station cannot deal with the current

level of waste at times of steady rain. This is because an unknown amount of surface water ends up in the sewerage system and that system cannot cope. The egress of raw sewage into the street occurs before the Harleston Hill pumping station.

The parish council is firmly of the view that no new homes should be added to the system until this problem has been solved.

The council feels that it is unclear how proposed section 106 money for school transport, and speed reduction measures could be used. There is lack of clarity which means that their impact as mitigating measures is extremely limited.

The council is of the opinion that the planning authority should resist any over-reaction to recent government consultations on planning. With such an uncertain future, they should not try to second guess what the government will decide. MSDC already has a substantial landbank and does not need to urbanise a rural community. The parish council is concerned that local democracy is being undermined by promoting the expansion of homes where patently they are not required.

Overall, the small changes introduced by the developers do not convince the parish council that this is an application worth supporting. No substantial factors have changed to make this application a positive and welcome addition to the village.

Strength of feeling against this application is very strong in the parish. The number of responses opposing this application confirm this.

Fressingfield Parish Council requests that the district council refuse the application.

The Appeal Decision in respect of 1648/17 [24 dwellings] is reproduced in full below.....

THE INSPECTOR'S DECISION LETTER IN RESPECT OF THE 24 DWELLING PROPOSAL [1648/17] IN POST MILL LANE IS REPRODUCED BELOW:



The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/W3520/W/19/3227159

Land off Postmill Lane, Fressingfield, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Davidson on behalf of C.E. Davidson Ltd against the decision of Mid Suffolk District Council.
 - The application Ref 1648/17, dated 25 April 2017, was refused by notice dated 22 November 2018.
 - The development proposed is for new residential development and associated new roads, infrastructure and open space.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Peter Davidson on behalf of C.E. Davidson Ltd against Mid Suffolk District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The original application was made in outline with all matters reserved. I have had regard to the site location plan (Drawing No 3325-TD-LW-XX-DRG-AR-1004), and proposed site layout plan (Drawing No 3325-TD-LW-XX-DRG-AR - 1003) but have regarded all elements of these drawings as indicative only.
4. Reference has been made to the emerging Babergh and Mid Suffolk Joint Local Plan and the Draft Fressingfield Neighbourhood Plan. However, neither the emerging joint Local Plan nor the Neighbourhood Plan have reached a sufficiently advanced stage in their production for me to attach weight to them for the purposes of the determination of this appeal. I shall therefore make no further reference to either of the emerging plans.
5. The site visit procedure was altered from an access required site visit to an unaccompanied site visit as the appellant was not present when I arrived at the site during the pre-arranged period and it was possible to see all that was required from the frontage of the site and from the roads in the vicinity of the site, in particular from Postmill Lane, New Street, Jubilee Corner and Low Road.
6. A s106 agreement has been submitted by the appellant, which is signed by both main parties. The agreement secures the delivery of affordable housing

and open space. I have taken the provisions of the s106 agreement into account in this decision.

7. For clarification, the Inspector has not considered any documents which were received outside of the timescales identified in the start letter of this appeal.

Main Issues

8. The main issues are:

- 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;
- the effect of the proposed development on the setting of the Grade II listed Ladymeade.
- the effect of the proposed development on highway and pedestrian safety in the vicinity of the site; and
- whether the proposed development would exacerbate the existing flooding and pollution problem in the village during periods of heavy rainfall.

Reasons

Suitability of the location

9. The appeal site comprises two adjoining rectangular fields. It is understood that the site which is currently vacant, was last in use for agriculture¹. The site lies outside the settlement boundary of Fressingfield in the Mid Suffolk Local Plan, 1998 (LP), and therefore in planning policy terms is designated as 'countryside'. The site is bounded to the north and east by agricultural land¹, with views of the open countryside beyond. The site is also bound to the south and west by modern housing development.
10. Fressingfield is designated as a 'Primary Village' by Policy CS1 of the Mid Suffolk Core Strategy 2008 (CS). CS Policy CS1 seeks to direct new development to towns and key services centres, but also permits some provision for meeting local housing needs in primary villages, in particular for affordable housing. CS Policy CS2 indicates that only development related to countryside uses should be allowed in the countryside which excludes housing for people not involved in agriculture. The justification for policy CS2 outlines that such exceptions might be for affordable housing where a local need is identified.
11. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. CS Policies CS1 and CS2 takes a more restrictive approach to development in the countryside compared to the National Planning Policy Framework (the Framework). Nevertheless, these policies have some resonance with the Framework in terms of seeking to protect the character and appearance of the countryside and so still carries limited weight.

¹ Taken from the Appellant's Statement of Case.

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 Cottage³. 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

² As shown in figure 2, highlighted in yellow on the aerial photograph in the Council's Statement of Case.

³ As shown in figure 2, highlighted in red in aerial photograph in the Council's Statement of Case

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.

Setting of the Grade II listed Ladymeade

17. With regards to the effect on designated heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
18. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
19. Paragraph 196 of the Framework confirms that 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.
20. The heritage asset relates to Ladymeade, which is a late C16 two storey Grade II Listed property, now divided into two cottages. Part of the appeal site is located directly to the rear of Ladymeade. The significance of the building in heritage terms mainly stems from its architectural and historic interest. The building is timber framed and plastered, with the facade lined to imitate ashlar. The steeply pitched pantiled roof is glazed with black tiles. The front of the property contains C18 and C19 casement windows and a C19 4 panel door (with the upper panels glazed), within a mid C20 enclosed porch.
21. The Council's Heritage and Design Officer explains that Ladymeade was once an isolate rural dwelling and is likely to have been a farmhouse benefitting from a spacious setting adjoining open farm land. Therefore, the appeal site's open and verdant setting helps illustrate the listed buildings historical use as a farmhouse. Similarly, given its proximity to Ladymeade, the undeveloped nature of the appeal site, surrounded by mature vegetation makes an important contribution to the setting and significance of the listed building.
22. The indicative site layout plan illustrates that the area to the rear of Ladymeade, would accommodate a new access driveway into the field together with plots 5, 6, 7, 8, 9 and 10 with associated of-street parking spaces. Irrespective of the access, design, scale, layout and landscaping, the proposed development would erode the openness of the site, altering the listed building's immediate open and verdant setting. As such, there would be a negative effect on the setting of the listed building and harm to its significance. It would also not be sympathetic to local character and history, including the surrounding built environment and landscape setting, as advocated by the Framework.

23. The appellant contends that the effect on the listed building could be mitigated by the retention of existing boundary vegetation. It is further stated that the careful design and siting of new dwellings could be considered at reserved matters stage. However, I do not consider that the retention of the existing boundary treatment would mitigate against the harm to the setting of the listed building outlined above. Much of the vegetation is deciduous, and therefore this would not provide a permanent throughout the year. Furthermore, there is no evidence before me to allow me to consider that the harm identified could be overcome at the reserved matters stage.
24. The harm to the significance of listed building would be less than substantial. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The proposed development would provide benefits in terms of up to 24 new houses. Eight of these would be affordable which would be secured by s106 agreement. This would provide a mix of dwellings in terms of size and tenure, thereby making a moderate contribution towards boosting the supply of housing, including affordable housing, in the area. The development would provide economic benefits in the short term through the construction period in addition to longer term benefits in terms of increased local spending in the village once occupied and CIL contributions. However, the harms identified above to the setting of the listed building would not be outweighed by the benefits.
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.

Highway and pedestrian safety

27. Both main parties have submitted their views on the effects of the proposal on Highway and pedestrian safety within the village. This includes a Transport Report and the Pedestrian Route Assessment⁴, in support of the appeal. From my examination of the detailed material submitted, I agree with the appellant that the proposal would not have a harmful effect on highway and pedestrian safety within the village.
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

⁴ Both reports prepared by Royal Haskoning DHV.

demonstrate that the proposal would result in pedestrian and highway safety concerns.

29. As such I find no conflict against Saved Policy T10 of the LP and the Framework which together requires consideration of, amongst other things, safe access to and egress from a site, the suitability of existing roads giving access to the development, including the safe and free flow of traffic and pedestrian safety, and whether the needs of pedestrians and cyclists have been met. Whilst the LP is of some age, this policy is generally consistent with the Framework policies on promoting sustainable transport, and therefore I give it considerable weight in my decision.

Flooding and pollution

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.

Other matters

32. The site is situated within approximately 50m of Mount Pleasanton on New Street which is a Grade II Listed Building and also approximately 120m from Fressingfield Conservation Area⁵. However, given distance away from these respective heritage assets, I consider that the proposal would neither harm the setting of the Fressingfield Conservation Area nor the setting of the Grade II listed Mount Pleasanton. In these respects, there would be no conflict with Policies HB1 and HB8 of the LP, which amongst other things, seeks to protect the character and appearance of the area and buildings of architectural or historic interest and to protect the character and appearance of conservation areas.
33. The appellant has also referred to a number of other decisions where permission was granted for residential development. However, whilst there are some general similarities, site-specific circumstances such as the character of the area, and the effect on nearby listed buildings will vary in each case. Furthermore, I do not have the full circumstances of those cases and cannot be certain that they offer a direct comparison to the appeal proposal before me.

⁵ Distances for both heritage assets taken from the Appellant's Statement of Case.

Therefore, I have determined the appeal based on the site specific circumstances, the relevant local and national policies and on its merits.

34. I appreciate the appellant may have experienced delays in waiting for a decision from the Council but the way in which the Council handled the application is not a matter for me to consider in the context of an appeal under section 78.

Planning balance and conclusion

35. Although I have found no harm in relation to pedestrian/highway safety and flooding/pollution, I have found that the site would not provide an appropriate location for residential development having regard to the development plan and national planning policies and the character and appearance of the area. I have also found the proposal would harm the setting of the Grade II listed Ladymeade, and that the harm, albeit less than substantial, would not be outweighed by public benefits. This carries considerable weight and importance to my decision.
36. Applications for planning permission must be determined in accordance with the development plan, unless material considerations, which include the Framework, indicate otherwise. I recognise that there are policies in the development plan and the Framework that are supportive of the provision of additional housing. However, I have identified that the proposal would be in conflict with the development plan as a whole.
37. There is no dispute that the Council can demonstrate a 5 year housing land supply. However, the appellant considers that the 'basket' of policies most important for determining the application are out of date. However, even if this is the case, the 'tilted balance' within the Framework at Paragraph 11d)ii would not apply because the application of policies within the Framework that protect heritage assets, as set out within Paragraph 11d)i and Footnote 6 of the Framework, provide clear reasons for refusing the proposal. A presumption in favour of sustainable development does not apply.
38. There are no other material considerations of sufficient weight or importance to indicate that the decision should be taken otherwise than in accordance with the development plan.
39. Accordingly, for the reasons given above, and considering all matters raised, I conclude that the appeal should be dismissed.

R Satheesan

INSPECTOR