

Committee Report

Item 7A

Reference: DC/19/05740

Case Officer: Vincent Pearce

Ward: Fressingfield.

Ward Member/s: Cllr Lavinia Hadingham

RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION

Description of Development

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 landscaping.

Location

Land west of John Shepherd Road, Fressingfield, Suffolk

Expiry Date: 30/06/2020

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: F. G. Brown and Son

Agent: Mr Neil Ward

Parish: Fressingfield

Site Area: 1.39ha

Density of Development:

Gross Density (Total Site): 19.4 dph

Net Density (Developed Site, excluding open space and SuDs): 19.4dph [no open space or SuDS within developable area]

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 formal advice

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.
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PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Fressingfield Neighbourhood Development Plan - adopted 27 March 2021:

FRES 1 Housing provision

FRES 6 Protecting landscape character and natural assets and enhancing village gateways/entrances

FRES 11 Localised flooding and pollution

FRES 15 Transport and highway safety

NPPF National Planning Policy Framework 2019

Core Strategy Focused Review 2012:

FC01 - Presumption In Favour of Sustainable Development

FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development

FC02 - Provision and Distribution of Housing

Core Strategy 2008:

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

Local Plan Alteration 2006

H4 - Proportion of Affordable Housing in New Housing Developments (35%)

Mid Suffolk Local Plan 1998:

GP01 - 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 – Housing in Open 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

T09 - Parking Standards

T10 - Highway Considerations in Development

T11 - Facilities for Pedestrians and Cyclists

T13 - Bus Service

RT4 - Amenity Open Space and Play Areas within Residential Development

SC1 - Adequate Servicing of Infrastructure

Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2019)

Suffolk Design Guide

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

Town/Parish Council (Appendix 3)

Fressingfield Parish Council

Fressingfield Parish Council recommends refusal of this application.

When the district council considered a previous application for this site (1432/17), 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 and 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.

Of course, the applicant may wish to install the pipework and controls described in this application to work towards a solution. It would be a way to complement the existing sewerage system for houses on New Street. It could resolve the existing problems of sewer egress in the Low Road area of the village. This would re-assure parishioners. Fressingfield Parish Council believes that only when solutions to the sewerage problems have been designed and implemented 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.

Key points from the councils planning committee meeting:

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 39% 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 39 homes to the village. The resulting figure of 117 homes (51+27+39) 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.

Adding a further 27 houses (54 cars?) to an estate that already has 30 houses would create serious safety and congestion issues. John Shepherd Road is effectively a cul de sac as it has just one entry/exit. These additional vehicles will inevitably impact on the safety and emotional well-being of all pedestrians. There are important pedestrian routes in the middle village where there are no pathways and the streets are narrow (around Jubilee Corner, substantial parts of New Street and part of Stradbroke Road).

In its report to the district council at the last application (1432/17), 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.

Speed restriction plans for New Street would be welcome.

There are no public transport links to and from the village.

National Consultee (Appendix 4)

Natural England

No comments.

Historic England

The proposed development site lies on the western side of the Fressingfield conservation area and in the setting of the grade I listed Church Farm Stable. This chiefly dates from the 14th century with a 16th century inserted floor. It is a former open hall of raised-aisle construction with smoke blackened roof components. This is an outstanding example of 14th century vernacular carpentry. The grade II* listed barn (listed as Barn approximately 50 metres west south west of Church Farm Stable) dates from the late 13th century to early 14th century and was rebuilt using much original material in the late 17th century. Both buildings are timber framed and weather boarded with pitched tile roofs. These agricultural buildings form part of a wider historic farmstead, Church Farm, which can be clearly identified on the 1885 OS map. This relationship to agricultural land is a long-standing part of the Church Farm Stable and the barn's setting and contributes to an understanding of them in a rural community. The conservation area is characterised by its close relationship with the surrounding countryside and its origins as a settlement being primarily agricultural.

This application seeks permission for up to 27 new dwellings to the west of Fressingfield. The development site encompasses two of the four fields which were the subject of an earlier application, permission for which was refused in 2017 due to its impact on the setting of the Church Farm group. The current proposals have removed new building from the land immediately west of Church Farm, but the 27 new dwellings would constitute an extension of modern building into the agricultural land which is their immediate setting of the listed buildings.

While the impact is certainly reduced we remain concerned that this part of the western side of the conservation area is not the most suitable part of Fressingfield to receive additional building due to its potential to harm the historic significance of the conservation area and the highly graded listed buildings. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given

to the conservation of listed buildings and conservation areas irrespective of the level of harm caused (paragraphs 193 and 194). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned. Paragraph 200 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset or better reveal its significance.

We have considered this application in terms of this policy and are concerned that The proposed development to the west of Church Farm Stable and barn would introduce modern housing beyond the established historic pattern of development and could result in harm to the historic significance of the Former Stables and Barn by diminishing the quality of their setting that contributes to their significance. This could result in harm to significance of the listed building in terms of the NPPF, paragraphs 193 and 200. Paragraph 196 requires the Council to consider any public benefit which might be delivered by the proposals and weigh this against the harmful impact. We leave this matter to the Council but would recommend any harmful impact the development might cause is established and seek the required justification for that harm before determining the application. However, we would point out that the southern side of the conservation area is already marked by more extensive modern building and is further from Church Farm. This would seem a more appropriate place to provide new dwellings in the area.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 193 and 194 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

County Council Responses (Appendix 5)

Highways

The previous application for these sites was reviewed with another within Fressingfield to consider the cumulative impacts from all three developments on the highway. It was considered that the developments proposals would cumulatively give rise to a number of significant road safety concerns which taken in the round, add up to a severe impact in road safety terms:

- The footway network in the core of the village, where most pedestrian trips would need to pass to access the key services in the village, are below acceptable width standards, resulting in pedestrians needing to walk in the road to pass obstructions and opposing pedestrians.
- Some pedestrian crossing points have poor visibility and while traffic speeds are generally quite low, the increase in traffic flow resulting from the cumulative impact of developments in the village, would give rise to an unacceptable increase in risk of conflicts, as some of these would have the potential to result in injury collisions.

In recent appeal for the sites, the inspector determined the proposal would not have a harmful effect on highway and pedestrian safety within the village. The report acknowledged the concerns raised with regard to pedestrian safety, however, with low number in accidents in the area, it was considered there is little substantive evidence to demonstrate that the proposal would result in pedestrian and highway safety concerns.

As the proposed developments have a reduced number of dwellings from the previous applications and the Inspector's opinion on highway safety, we do not object to these proposals. We would recommend the highway improvements proposed from the previous applications are provided.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations for both sites:

Highway Improvement Condition; Prior to occupation of the development, detailed design of the mitigation measures are to be submitted and approved by the highway authority. The approved scheme shall be laid out, constructed and made functionally available for use by the occupiers of the development prior to the occupation of the first dwelling and thereafter retained in the approved form for the lifetime of the development.

Reason: To ensure that suitable speed mitigation measures and highway improvements are provided.

Estate Roads Design Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

Estate Roads Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

Parking Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including electric vehicle charging points and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety, to promote the use of sustainable travelling alternatives within the area and use of electric vehicles.

Bin Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored or presented on the highway causing obstruction and dangers for other users.

Construction Management Plan Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a photographic survey to be carried out to determine the condition of the carriageway and footways prior to commencement of the works
- Means of access for construction traffic
- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety
- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

Developer Contributions

CIL	Education	Capital Contribution
	- Primary @ £17,268 per place	£120,876
	- Secondary @ £23,775 per place	£118,875
	- Sixth form @ £23,775 per place	£23,775
CIL	Libraries improvements	£5,832
CIL	Waste @ £56 per dwelling	£1,512
S106	Education	
	- Secondary school transport @ £1,205 per place	£30,125
S106	Highways	tbc
S106	Monitoring fee (per trigger point)	£412

Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), within the site itself is medieval artefact scatter (HER reference FSF 081). To the east of the application area is the historic core of the village which includes the medieval parish Church of St Peter and St Paul (FSF 023), whilst surrounding the application area is artefact evidence dating from the Iron Age to post-medieval period. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. 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.

Internal Consultee Responses (Appendix 6)

Heritage

An application for Outline Planning Permission (1432/17) was refused for several reasons, including potential impact on the setting of listed buildings and of the Conservation Area around the northern part of the site.

The present application relates to a smaller area which was part of the site of the previous application, omitting the northern part. The present application site is not contiguous with the Conservation Area or the immediate setting of the listed buildings. The proposal would still result in some erosion of the rural character of the wider setting of these heritage assets, but the existing development at John Shepherd Road has compromised that character and accordingly the impact of this proposal is not considered to amount to harm in heritage terms.

In my view the present proposal overcomes heritage concerns raised by the proposal of 1432/17.

Strategic Housing

This is an open market development and should offer nine (9) affordable housing units which = 35% policy compliant position.

Ecology Consultant

No objection subject to securing biodiversity mitigation and enhancement measures.

Public Realm

Public Realm have concerns that there is no provision for open space or children's play within this development and that the developer states this is due to the potential problems of managing small space facilities. Public Realm would expect to see an appropriate level of open space/ accessible natural greenspace to be included within this development of 27 houses. Fressingfield is deficient in accessible natural greenspace and there is an opportunity here to create an area of ecological value to reduce this deficit. (There is no updated ecological report included in the document list) If a small play area cannot be included within the development site then a contribution towards improving existing facilities on the opposite side of the village would be expected. Given the lack of open space or play provision within this development and a lack of information as to the ecological enhancements that will be undertaken Public Realm object to this application in its current form.

Environmental Health Noise/Odour/Light/Smoke

No objection subject to conditions.

Environmental Health Sustainability

No objection subject to conditions.

Environmental Health Contamination

No objection subject to conditions.

Air Quality

No objection.

Waste

No objection subject to conditions.

Other

Anglian Water

In their initial response on this proposal Anglian Water stated that there is insufficient foul capacity at the Weybread Recycling Works to accept foul flows from this proposed development. This advice contradicts the advice given to the Council by Anglian water in respect of DC/19/05741 [Stradbroke Road] where adequate capacity at the Weybread Works was reported to exist. [A report on respect of the Stradbroke Road site also on this agenda].

In an email dated 10.06.2021 Anglian water confirmed that there was a typo in their initial advice in respect of DC/19/05740. **It should have read there is capacity.** On this basis there is no objection from Anglian water. Anglian Water has apologised for the typographical error and confusion it may have caused.

"This response has been based on the following submitted documents: Flood risk assessment p1930-1151_03 rev d - vol 1 and 2 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

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. Building Regulations (part 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. Anglian Water has reviewed the submitted documents (Flood risk assessment p1930-1151_03 rev d - vol 1 and 2) and can confirm that

these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted.”

Suffolk Preservation Society

I am writing on behalf of the Suffolk Preservation Society (SPS) to object the above outline planning application for the erection of up to 27 dwellings on a greenfield site on the southern edge of the village. This is a revised application DC/17/01432 for 99 dwellings with associated infrastructure which was refused in November 2018. SPS objected to the previous application due to the unsustainable location and the disproportionate scale of the development, taken together with other large scale housing schemes. Notwithstanding the substantial reduction in the scale of the proposed development SPS continues to object on the following grounds.

The emerging Joint Local Plan downgrades Fressingfield from a Primary to a Hinterland Village which requires it to accommodate a lesser quantum of development, recognising that it is fundamentally not well placed or served to accommodate substantial increases in housing. Accordingly the evolving policy position shows a minimum housing requirement of 56 dwellings over the plan period.

Mid Suffolk, as of 3.09.19 (Mid Suffolk District Council Housing Land Supply Position Statement 2019/20 – 2023/24) asserts that the council can demonstrate a 5 year housing land supply. Therefore, the “tilted balance” presumption in favour of sustainable development does not apply and applications should be determined according to the development plan.

The Fressingfield Neighbourhood Plan (FNP) is at an advanced stage, having been through Examination and is about to go to Referendum in the coming weeks (January 2020). The FNP policy FNP1 allows for 60 dwellings, 51 of which have already been consented. The FNP does not allocate this site for development. The Examiner in her report, at paragraph 53 having considered the proposed site allocations stated that “I do not consider it necessary for inclusion of additional sites”. The Neighbourhood Plan has been carefully considered and independently assessed. The views of the parish have been clearly made. Therefore, the policies within the plan must be given considerable weight in the consideration of this case.

Conclusion

In summary, notwithstanding the material reduction in the scale of development, the proposal remains disproportionate relative to the level of growth allocated and planned for in the emerging Neighbourhood Plan. This would prejudice the policy making process by undermining the plan-led approach. Secondly, granting planning permission would undermine community confidence in the plan making process after successful Examination but in advance of a Referendum on 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. SPS considers that to approve this application would seriously undermine the neighbourhood planning process and we therefore urge that the proposals are yet again refused.

B: Representations

At the time of writing this report at least 60 letters/emails/online comments have been received. It is the officer opinion that this represents 60 objections. A verbal update shall be provided as necessary.

Grounds of objection are summarised below:

- Contrary to the Fressingfield Neighbourhood Development Plan
- Overlooking
- Loss of farmland
- Harm to local heritage and conservation values

- Highway safety
- Too many houses already approved in village
- Exacerbates existing flooding, sewage egress and associated pollution of water courses
- Lack of need – no local employment opportunities, public facilities, public transport
- MSDC has a five year housing supply
- Unacceptable strain on existing services and infrastructure
- High car dependency
- Local village character harm

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: 1432/17	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	DECISION: REF 22.11.2018
REF: 0318/00/	REVISIONS TO PLOTS 1,2 AND 7 AND SITE LAYOUT (AS PREVIOUSLY APPROVED UNDER PLANNING PERMISSION REFERENCE 195/94).	DECISION: GTD 30.05.2000

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site comprises an enclosed field of 1.39ha of agricultural land, adjoining the built up area of the north-western side of Fressingfield, designated in the Core Strategy as a Primary Village. The site adjoins the John Shepherd Road housing estate on its eastern side. To the south are properties that front New Street. To the west and north are similarly enclosed fields beyond which is open countryside. The site is bordered on all sides by woodland belts.
- 1.2. The nearest designated heritage assets are the Grade I listed Church Farm Stable and the Grade II* listed barn, located 100m and 145m northeast of the site respectively. An additional designated heritage asset, the Fressingfield Conservation Area, is located east (beyond the John Shepherd Road housing estate) and south of the site.
- 1.3. The site is not subject to special landscape designations or ecological designations.
- 1.4. The site is located adjacent the settlement boundary as defined in the Fressingfield Neighbourhood Development Plan, the Core Strategy and the Local Plan.
- 1.5.

2. The Proposal

- 2.1. The application is made in outline with all matters reserved seeking consent for up to 27 dwellings. The proposed density is just over 14 dwellings per hectare.
- 2.2. An illustrative scheme (3382-10F) supports the application indicating how development might be brought forward. Key elements of the illustrative scheme are as follows:
 - A mix of detached, semi-detached and terraced two storey dwellings comprising mix of two, three and four-bed dwelling types.
 - 9 affordable dwellings (33% affordable housing provision)
 - An estate road continuation of John Shepherd Road
 - A new permissive footpath link to New Street
 - Retention of perimeter hedgerows
 - Foul water sewer diversion
 - Off-site road improvement works at Jubilee Corner and New Street, together with a traffic order relating to New Street (refer drawing 1151/03/500B).
 - Surface water is to drain to an attenuation basin north of the site in the adjacent arable field
 - Foul water will connect to a diverted sewer serving New Street properties.
 - Provision is made for farm vehicle access to the applicant's retained farmland north and west of the site.
- 2.3. The application is a resubmission following the refusal of an outline proposal for 99 dwellings (1432/17) in November 2018. The subject site forms a smaller part of the site that was previously refused planning permission. The current application seeks to address the reasons upon which the previous application was refused.
- 2.4. The application is supported by the following technical documents:
 - Planning Statement
 - Design and Access Statement
 - Topographical Survey
 - Arboricultural Impact Assessment
 - Transport Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Contaminated Land Assessment
 - Heritage Impact Assessment
 - Ecological Assessment.
- 2.5. The application is submitted by the same landowner as DC/19/05741 (an outline proposal for up to 21 dwellings) that also appears on this Development Control Committee agenda. The applicant is therefore seeking outline permission cumulatively for up to 48 dwellings in Fressingfield albeit this application has been judged on its individual merits.

3. Policy Context

- 3.1. Paragraph 11 of the NPPF explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It indicates that where the development plan is absent, silent or policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the

policies of the NPPF as a whole; or unless specific policies in the NPPF indicate that development should be restricted.

- 3.2. In view of advice in paragraph 11(d) of the NPPF, it is necessary to consider how consistent the most important policies in the development plan are with the NPPF, to assess what weight should be attached to them. Paragraph 213 of the NPPF explains that due weight should be given to relevant policies according to their degree of consistency with the NPPF, the closer the policies in the plan to those in the NPPF, the greater the weight that may be given.
- 3.3. The development plan for the area comprises a combination of the adopted Fressingfield Neighbourhood Development Plan (FNDP), the Core Strategy Focused Review 2012, the Core Strategy 2008, the 'saved' policies of the Local Plan 1998 and the emerging Joint Local Plan.
- 3.4. The application is made in outline. Local policies concerned with detailed design, residential amenity and landscaping are not deemed 'most important' and are not considered further.
- 3.5. The FNDP is very recently adopted. The policies in the FNDP relevant to the application, FRES 1, FRES 6, FRES 11 and FRES 15 are consistent with the NPPF and full weight is attached to them.
- 3.6. CS Policy FC1.1 is a broad policy that sets out how the Council will seek to implement sustainable development; it is up to date and afforded full weight.
- 3.7. Core Strategy Policies CS1, CS2 and Local Plan Policy H7 have been found previously to be deemed out of date by the Planning Inspectorate. However in this particular case we have a spatial strategy for Fressingfield that has been reviewed and brought up to date with the making of the FNDP, with new housing allocations made alongside policies sufficient to meet the latest identified requirement for new housing. Policies CS1, CS2, and H7 are compatible with the FNDP, and in particular FRES1. Their spatial setting principles remain sound when considered in the current context and their approach to dealing with housing in the countryside in the parish of Fressingfield now needs to be read alongside the making of the FNDP. Through the making of the FNDP the policies are responsive to local circumstances. Having regard to this application and the present circumstances, these policies are considered up to date.
- 3.8. Policy HB1 is consistent with the duties in the listed buildings Act and the requirements of the NPPF. It is afforded full weight
- 3.9. CS Policy T10 is similar to FRES15 and is consistent with the NPPF. It is up to date and afforded full weight.
- 3.10. The emerging Joint Local Plan is now at examination with hearings to commence shortly. At this particular point in the plan-making process (and having regard to NPPF paras 48 and 49) the JLP as a whole is afforded limited weight as a consideration though this is likely to change as time moves on. Regardless, it is not considered to play a determinative role in this application (and would if anything only serve to reinforce the conclusion reached).
- 3.11. For the reasons set out above, taken in the round the most important policies for the determination of this application are up to date. Mid Suffolk benefits from a five year housing supply. For these reasons the tilted balance does not engage.
- 3.12. Having determined that the tilted balance does not engage, it is left to determine the key issues and assess the proposal's performance against relevant policies in the context of those issues. The key issues are:

- a) Whether the site is an appropriate location for housing;
- b) The effect of the proposed development on local landscape character;
- c) The effect of the proposed development on the setting of nearby designated heritage assets;
- d) The effect of the proposed development on highway and pedestrian safety; and
- e) Whether the proposal would exacerbate the existing flooding and pollution issue in the village.

4. Appropriateness of Location for Housing

4.1. The FNDP (and in particular Policy FRES1) provides for a comprehensive spatial strategy and as noted above is recently made. The FNDP directs where new sustainable housing development should go (site allocations) and where it should not go (beyond the settlement boundary absent compliance with particular policy exceptions). An assessment of the proposal in the context of the directions contained at Policy FRES 1 finds:

- a) The subject site is not allocated for housing development in FRES 1;
- b) The subject site is outside the settlement boundary defined in FRES 1 (MAP 5.1);
- c) The application does not propose conversion of an existing building and is not in an isolated location where paragraph 79 of the NPPF might otherwise engage;
- d) An identified local need is not evidenced in the application;
- e) Policy FRES 1 contemplates around an additional 60 dwellings to be provided in the Plan period (2018-2036). 55 dwellings have already been permitted in the period. The proposed 27 dwellings would far exceed the provision contemplated by Policy FRES 1.

4.2. It is clear and obvious that the application is in direct conflict with Policy FRES 1. In turn, the application is not in accordance with Policy CS1. Within the terms of that policy Fressingfield is a Primary Village only expected to accommodate limited 'small scale' growth, subject to need. Such growth is dealt with in accordance with Policy FRES1 and the comprehensive strategy provided within the FNDP.

4.3. Further, the development does not meet any of the exceptions listed in Policy CS2. The proposed development also conflicts with Policy H7 because it does not form part of an existing settlement, a settlement that has only very recently been reviewed with a settlement boundary expanded to accommodate new growth.

4.4. It is concluded that the location is not appropriate for housing having regard to the development plan and national policies. It would be contrary to policies FRES1, FC1.1, CS1, CS2 and H7. Furthermore it is contrary to NPPF paragraphs 77 and 78, and would be contrary to the importance placed upon the plan-led system, in particular neighbourhood planning. This represents harm of notable significance.

5. Landscape Character

5.1. Policy FRES 6 seeks to ensure development does not adversely affect the visual scenic value of the landscape and countryside surrounding the village. The policy identifies four important views in the village that are sensitive to development. The site is not located in proximity of any of those views and therefore the development is not in conflict with this element of the local character policy. Policy FRES 6 also seeks to ensure proposals avoid harm to, or loss of, irreplaceable habitats such as ancient woodland and veteran trees. The proposal accords with these requirements.

5.2. The site is visually very well contained, enclosed on all sides by woodland belts. The application proposes the retention of all perimeter vegetation. The land is undeveloped and therefore the

development of 27 dwellings would result in an obvious character change, a significantly different landscape outcome to that which currently exists. The proposal would result in the erosion of the village's rural character edge. However, the harm is mitigated by the site's high level of visual enclosure and its location, set behind existing properties, meaning the development will be only visible in very limited public domain vantage points. Owing to the pattern of surrounding development to the north and west, comprising similarly enclosed fields, the development will not appear as an intrusion into open countryside. In visual terms whilst change will be very noticeable for the occupants of adjoining properties, it will not be noticeable to the wider public. In other words, the landscape character change will be localised.

- 5.3. The site context is such that development of the site for residential purposes does not result in significant conflict with Policy FRES 6. The degree of landscape harm brought about by the proposed development is not of a magnitude to warrant refusal of the application. Noteworthy is the fact this conclusion was also reached in respect to the previous 99 dwelling development.

6. Heritage Character

- 6.1. The principal heritage character concerns relate to the potential impact of the development on the setting of the Fressingfield Conservation Area as well as the Grade I listed Church Farm Stable and the Grade II* listed barn, the latter buildings located north-east of the site.
- 6.2. The previous application was refused, in part, on heritage character grounds. In response, the current application omits the previously proposed development that was in close proximity of these north-eastern heritage assets. Historic England however still have reservations, stating that the development 'could' result in harm to the historic significance of the Grade I listed Church Farm Stable and Grade II* listed Barn, by virtue of locating modern housing beyond the established historic pattern of development. Historic England observes the need for balancing heritage harm with the public benefits of a scheme and notes that this exercise is one for the Council to undertake. Historic England recommends Council establishes any harmful impact the development 'might' cause.
- 6.3. Council's Heritage Officer has undertaken the necessary assessment exercises recommended by Historic England. The Heritage Officer is of the view that whilst the proposal would result in some erosion of the rural character of the wider setting of the nearby heritage assets, the John Shepherd Road housing estate has compromised that character to an extent that the impact of the subject scheme is not considered to amount to harm in heritage terms. In short, the Heritage Officer considers the current scheme addresses the heritage concerns raised by the previous refused proposal. In light of the Heritage Officer advice the level of harm is deemed very low, less than substantial and therefore the harm must be weighed against the public benefits of the scheme, in accordance with paragraph 196 of the NPPF. Although the scheme benefits are not significant (see further discussion at section 8 of this report), they are considered to outweigh the heritage harm, given it is low. This is the case even where considerable importance and weight is attached to the harm identified and acknowledging that where harm is identified there is a presumption against a grant of permission. In this case the public benefits would provide clear and convincing justification for the heritage harm – being very low – that would be posed.
- 6.4. Thus, the heritage character harm brought about by the proposed development is not of a level sufficient to constitute a reason to withhold planning permission.

7. Highway and Pedestrian Safety

- 7.1. Local Plan Policy T10 requires consideration of a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 7.2. Policy FRES 15 seeks to ensure developments provide safe and attractive pedestrian and cycle links that connect to existing networks and improve levels of walking and cycling in the area. As noted above, this policy is consistent with the NPPF, is up to date and afforded full weight.
- 7.3. Access is a reserved matter and therefore beyond the scope of this assessment. This said, it is to be noted that a continuation of John Shepherd Road raises no obvious road safety issues in and of itself and support is envisaged at the reserved matters stage in respect to access should members be minded to grant outline permission. Clearly the local highway authority's advice within which it raises no objection on highway safety and/or capacity grounds is critical in this respect. The reason why such advice has changed between the refusal of the larger proposal by the Council in 2018 and this the smaller proposal has been set out by the local highway authority.
- 7.3. The illustrative layout demonstrates that on-site parking can be provided in accordance with relevant standards, a consideration to be furthered at the reserved matters stage should members be minded to grant outline consent.
- 7.4. Many residents are concerned with highway safety in the village more generally, in particular significant concern is raised regarding Jubilee Corner both for vehicles and pedestrians. The applicant proposes off-site highway improvements to Jubilee Corner and New Street, which were previously agreed with the Highways Authority. Measures include a new pedestrian strip, widened footway, splitter island modifications, new overrun areas on both sides of the junction and road resurfacing incorporating coloured chippings. It was also agreed with the Highways Authority that the applicant would fund a Traffic Regulation Order in respect to New Street, which again is proposed by the applicant.
- 7.5. The proposed development provides pedestrian linkages to existing networks, noting the continuation of the footpaths on both sides of John Shepherd Road. That said the outcome does not in and of itself materially improve levels of walking and cycling in the area.
- 7.6. The application proposes a new permissive footpath link connecting the western side of the site to New Street, with a link provided on the western side of Gable Cottage. There are no footpaths on New Street and the road is narrow. There are no bus stops on New Street. Fressingfield Stores on New Street is only a few metres east of the proposed permissive footpath link and so the absence of a footpath for this short stretch would not be unacceptable, save for the fact that Fressingfield Stores is proposed to be relocated to Stradbroke Road as part of the development proposal in concurrent application DC/19/05741. If that proposal is granted permission and implemented, i.e. Fressingfield Stores is relocated, the outcome would be one where a pedestrian link is provided to a road without footpaths, without public transport opportunities, without any local amenities. For this reason officers consider the public benefit of the proposed permissive footpath link, in pedestrian connectivity terms, to be very limited.

8. Flood Risk, Drainage and Waste

- 8.1. Policy FRES 11 requires new development to adopt sustainable drainage systems and to avoid increased flooding in the village, with development in flood risk areas not supported. In respect to the latter, the site is not located in an area subject to unacceptable flood risk, being located in Flood Zone 1, and it is also outside the localised flooding areas identified in the FNDP (MAP6.4).
- 8.2. Many objectors, including the Parish Council, raise concerns regarding the ongoing issue of insufficient sewer capacity in the village. Many residents consider that the proposal will exacerbate this issue and such an outcome would be unacceptable. Anglian Water has clarified that the Weybread Water Recycling Centre **does** have capacity to treat the foul water flows from the proposed development. They do however state that they would take the necessary steps to ensure that there is sufficient treatment capacity should the outline permission be granted.
- 8.3. Acknowledging the sewage flooding issue in the village, the applicant has worked with Anglian Water and now proposes a scheme to divert the foul sewer in New Street (currently serving 105 dwellings) and provide temporary storage capacity within oversized sewers. As observed by the applicant, this scheme would divert far more properties from the existing foul water system and much greater sewage flows than would be added to it as a result of the current proposal and it therefore results in a significant net gain. It is concluded that this diversion scheme will alleviate the sewage flooding issue that is, quite rightly, of such concern to local residents.
- 8.4. It must be made clear however that irrespective of the proposed diversion scheme, on the evidence available at this time, a clear link between the proposed development and an increased risk of flooding has not been established. On that basis officers do not consider that this could reasonably form a reason for withholding planning permission.

9. Other Issues

- 9.1. There are considerations not already discussed in this report that are additionally material to the application. These include, for example, the impact on the supply of agricultural land, ecological impacts, public open space provision, residential amenity, contamination risk, arboricultural impacts and archaeology. The application does not turn on any of these matters. They are either satisfactory or could be adequately managed at the reserved matters stage of the development process. For these reasons there is no requirement to consider them in any further detail at this outline stage.

10. Scheme Benefits

- 10.1. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the development, as material considerations, must therefore be taken into account.
- 10.2. Such benefits in this case principally relate to the provision of new housing. While new housing, and new affordable housing, are of themselves important benefits they are afforded limited weight in light of the district's current housing supply, which exceeds five years. The economic benefits to flow from a 27 dwelling development would not be insignificant, however in respect to local construction related benefits these would be relatively short lived and in any event temporary. Increased local spending by future occupants are a benefit to the village but this is not a matter upon which great weight is attached, particularly in light of the very limited local employment opportunities on offer in the village. The highway improvements proposed would have some wider

utility but are nevertheless proposed in order to improve highway safety credentials. An improved foul water management system is a benefit of note. Overall however, when considered in the round, limited weight is attached to the scheme benefits.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1. The residents of the parish of Fressingfield have set the guiding principles for how the future development of the village is to progress for the period 2018 – 2036, through the neighbourhood planning process and the making of the FNDP, a plan adopted in March this year. The FNDP forms part of the development plan, is consistent with the NPPF, is up to date and therefore afforded full weight. Policies CS1, CS2, and H7 are compatible with the FNDP, in particular FRES1. They are also deemed up to date. The basket of policies most important in determining the application are up to date and the Council benefits from a five plus year housing supply. The tilted balance at paragraph 11 of the NPPF therefore does not engage.
- 11.2. Fressingfield is a Primary Village expected to accommodate ‘small scale’ development to meet local needs. The FNDP allocates sites for future housing, sets a quantum of dwellings to be provided in the forthcoming 20 year period having regard to its Primary Village function, and seeks to prevent housing development outside the village’s settlement boundary. The subject land does not form part of an allocated site and is outside the settlement boundary. The application does not demonstrate a local need for an additional 27 dwellings. A 27 dwelling proposal does not constitute ‘small scale’ development. Taking account of the dwellings already granted permission in the village in the period, the quantum of additional housing proposed would result in a local housing supply far exceeding the quantum set out in the FNDP. The proposal is in clear conflict with the housing policies of the FNDP.
- 11.3. The proposed development would have limited adverse effects on nearby designated heritage assets, including the Fressingfield Conservation Area, with the John Shepherd housing estate acting as an effective buffer between the site and the nearby assets. Landscape harm is low owing to the site context, with proposed development enclosed by perimeter vegetation screening and having limited appreciation from public vantage points.
- 11.5. Issues such as highways, flood risk, foul water management, public open space, ecology, residential amenity and archaeology are either acceptable, able to be managed effectively by way of planning conditions on an outline approval or have the scope to be appropriately resolved through reserved matters applications. The application does not turn on these matters.
- 11.6. The public benefits of the scheme are not significant, with the housing (including affordable housing) supply increase the principal advantage. However this benefit is attached low weight given the district’s current five plus year housing supply.
- 11.7. The proposed development is contrary to the development plan and national planning policy and there are no material considerations that justify a departure from those policies; the harm that has been identified significantly and demonstrably outweighs the limited benefits.
- 11.8. There are no other considerations that would indicate a planning balance being struck any other way than to refuse outline planning permission.

RECOMMENDATION

That the application is REFUSED outline planning permission for the following reasons:

1. The proposed 27 dwelling development, located outside the settlement boundary, on land not allocated for housing and lacking a justifiable need, fails to accord with Policy FRES1 of the adopted Fressingfield Neighbourhood Development Plan 2018 - 2036, Policy FC1.1 of the Core Strategy Focused Review 2012, Policies CS1 and CS2 of the Mid Suffolk Core Strategy 2008, Policy H7 of the Mid Suffolk Local Plan 1998 and the National Planning Policy Framework 2019.
2. The development proposed is contrary to the development plan as a whole and there are no considerations which indicate otherwise.

That Members delegate authority to the Chief Planning Officer to defend any appeal for the reasons set out above, being amended and/or varied as may be required.