

## **Committee Report**

**Item 7B**

**Reference:** DC/19/05741

**Case Officer:** Vincent Pearce

**Ward:** Fressingfield.

**Ward Member/s:** Cllr Lavinia Hadingham

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## **RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION**

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### **Description of Development**

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

### **Location**

Land off Stradbroke Road, Street Farm, Fressingfield, IP21 5PR

**Expiry Date:** 30/06/2020

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Mr Simon Brown

**Agent:** Mr Neil Ward

**Parish:** Fressingfield

**Site Area:** 0.86ha.

### **Density of Development:**

Gross Density (Total Site): 24.4dph

Net Density (Developed Site, excluding open space and SuDs): 1

7.6dph [excludes retail area from site measurement]

**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

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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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**

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### **Summary of Policies**

Fressingfield Neighbourhood Development Plan 2018 – 2036 (adopted 27 March 2021):

FRES 1 Housing provision

FRES 4 Community Facilities

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

FRES 11 Localised flooding and pollution

FRES 13 New and existing businesses

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

HB14 - Ensuring Archaeological Remains Are Not Destroyed

H4 - Affordable Housing

H5 - Affordable Housing

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

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 the previous application (1449/17), 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. Fressingfield Parish Council believes that only when these problems have been solved should new housing applications be seriously considered.

Put simply, it is not right to expect residents to live in an expanding village where the contents of their loo end 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 28% 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 45 homes to the village. The resulting figure of 117 homes (51+21+45) 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.

There are real benefits in having the genuine asset of the shop being able to expand and thus provide a greater service.

A new shop would remove the dangers of parking pressures on New Street.

The mixed housing of this proposal (houses, self-build, flats) is good. It would offer opportunities to young people to get into the housing market.

Too many of the driveways for these houses feed directly onto Stradbroke Road.

Adding a further 21 houses (42 cars?) will add to the road safety fears of many residents.

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 (1449/17), 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.

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

Placing the shop close to the entrance to School Lane would create a danger of increased traffic particularly at the start of the school day.

Speed restriction plans for New Street would be welcome.

#### **National Consultee (Appendix 4)**

##### **Natural England**

No comments.

#### **County Council Responses (Appendix 5)**

**Highways 10.06.2021 [note this response refers to the Stradbroke Road application and the John Shepherd Road application submitted by the same applicant. A report for both applications appears on the agenda]**

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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.

For Stradbroke Road Site -

Access Condition: Before the development is commenced, details of the access and associated works, (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.

Visibility Condition: Before the access is first used visibility splays with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

### **Flood and Water**

Holding objection pending resolution of technical points

### **Fire and Rescue**

No objection.

### **Developer Contributions**

<b>CIL</b>	<b>Education</b>	<b>Capital Contribution</b>
	- Primary @ £17,268 per place	£86,340
	- Secondary @ £23,775 per place	£95,100
	- Sixth form @ £23,775 per place	£23,775
<b>CIL</b>	Libraries improvements	£4,536
<b>CIL</b>	Waste @ £56 per dwelling	£1,176
<b>S106</b>	<b>Education</b>	
	- Secondary school transport @ £1,205 per place	£24,100
<b>S106</b>	Highways	Tbc
<b>S106</b>	Monitoring fee (per trigger point)	£412

### **Internal Consultee Responses (Appendix 6)**

#### **Strategic Housing**

The policy position is for 35% affordable housing on any site of 10 or more units or site area in excess of 0.5 hectares. 21 dwellings equates to an affordable housing contribution of 7.35 dwellings for this submission in order for it to be policy compliant.

#### **Ecology Consultant**

No objection subject to securing biodiversity mitigation and enhancement measures.

#### **Public Realm**

The Public Realm Team have no objections in principle to the proposed development of up to 21 properties off Stradbroke Road, Fressingfield. A development of this size would be expected to incorporate an appropriate area of open space and some children's play provision. If not incorporated into the detailed design then an agreed contribution to open space and play provision within the village would be required.

#### **Economic Development**

Economic Development support this application. The proposal to develop purpose built retail premises to serve the growing community of Fressingfield is welcome. Local shops, public houses and businesses provide vital employment opportunities for local communities as well as services. Although the applicant has not made detailed reference to the shop development from consultee comments it appears that the

new premises are proposed to provide new accommodation for the existing Fressingfield Village Stores. The application form does identify additional jobs to be created in proposed new premises.

**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**

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

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

**Suffolk Preservation Society**

Notwithstanding the applicant's positive response to the numerous and compelling objections held by many to the previous scheme, the SPS continues to object on the following grounds.

The emerging Joint Local Plan downgrades Fressingfield from a Primary to a Hinterland Village which requires a lesser quantum of development, recognising that it is fundamentally a less sustainable location with fewer services and facilities than a Primary Village. Accordingly the evolving policy position in the emerging Local Plan 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 across the plan period, 51 of which have already been consented. Furthermore, 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". In summary, 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

Notwithstanding the material reduction in the scale of the revised proposals and the more appropriate mix of type and tenure of dwellings which more closely reflects the local housing need, the fact remains that the site has not been identified for development through the emerging Local Plan or Neighbourhood Plan and remains disproportionate, relative to the level of growth allocated and planned for in the emerging Neighbourhood Plan. To permit this application 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 acknowledges that the revised scheme has positively responded to the reasons for the previous refusal and it is a matter of planning judgement whether the public benefits of this scheme outweigh the concerns expressed through the emerging Neighbourhood Plan. However, on balance 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 62 letters/emails/online comments have been received. It is the officer opinion that this represents 59 objections and three supporting submissions. A verbal update shall be provided as necessary.

Grounds of objection are summarised below:

- Contrary to the Neighbourhood Plan
- Loss of farmland
- Harm to local heritage and conservation values
- Highway safety
- Too many houses already approved in village
- New shop location is unsustainable
- 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

(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:** 1449/17

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

**DECISION:** REF  
22.11.2018

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The site is located on the eastern side of Stradbroke Road, on the southern periphery of Fressingfield, designated in the Core Strategy as a Primary Village. The 0.86ha site, comprising agricultural land which forms part of a much larger field in arable use, adjoins the built up area of the village on its south-eastern side. Residential development is opposite, on the western side of Stradbroke Road. To the east is arable land separating the site from the Fressingfield Sports and Social Club. To the south is open countryside. A well-established hedgerow delineates the site's Stradbroke Road frontage.
- 1.2. The Fressingfield Conservation Area is approximately 110m north of the site. There are no listed buildings in proximity of the site. The site is in Flood Zone 1. A water main runs along the site's western (road frontage) boundary.
- 1.3. The site is not subject to special landscape designations or ecological designations.

## **2. The Proposal**

- 2.1. The application is made in outline with all matters reserved seeking consent for up to 21 dwellings and an A1 retail unit.
- 2.2. An illustrative scheme supports the application indicating how development might be brought forward. Key elements of the illustrative scheme are as follows:
  - A mix of detached and semi-detached two storey dwellings comprising mix of one, two, three and four-bed dwelling types.
  - Housing comprises 9 market dwellings, 7 affordable dwellings, 3 low cost market flats (above shop) and 2 self-build market houses.
  - A mixed use retail/housing building is set midway along the site, comprising a 200sqm A1 unit at ground floor with three dwellings above. Car parking for the retail and dwelling units is set to the rear of the mixed use building.
  - Provision of a footpath along the site frontage with a new footpath crossing on the west side of Stradbroke Road to the north of School Lane.
  - The majority of dwellings are each served by a new vehicle access from Stradbroke Road.
  - Surface water is to drain to an attenuation basin east of the site in the adjacent arable field.
  - Foul water will connect to the existing foul water sewer serving properties in Stradbroke Road.
  - Removal of the Stradbroke Road frontage hedgerow together with 9 trees.
  - Off-site road improvement works at Jubilee Corner and New Street, together with a traffic order relating to New Street.
- 2.3. The application is a resubmission following the refusal of an outline proposal for 85 dwellings (1449/17) 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

- Ecological Assessment.

- 2.5. The application is submitted by the same landowner as DC/19/05740 (an outline proposal for up to 27 dwellings) that also appears on this Development Control Sub Committee agenda. The applicant is therefore seeking outline permission cumulatively for up to 48 dwellings in Fressingfield. Nevertheless this application is considered on its own 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, FRES 13 and FRES 15, are consistent with the NPPF and are afforded full weight.
- 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. Policies CS1, CS2 and 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 to be up to date.
- 3.8. CS Policy T10 is similar to FRES15 and is consistent with the NPPF. It is up to date and afforded full weight.

- 3.9. 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).
- 3.10. 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.
- 3.11. 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) Whether the site is an appropriate location for the village shop (relocated from New Street);
  - c) The effect of the proposed development on local landscape character;
  - 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 21 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. Appropriateness of Location for Village Shop**

- 5.1. The application proposes the relocation of the Fressingfield Stores, from its existing premises at New Street to the application site, sited centrally within the site fronting Stradbroke Road. Policy FRES 4 deals with community facilities, including shops, focusing on the loss of existing facilities. It states that the loss of a facility will only be supported if, subject to other matters, an equivalent facility can be relocated to elsewhere in the parish to an equally convenient, safe and accessible location. It offers guidance in respect to the design of new facilities, however this is not relevant to the merits of the application given design is a reserved matter.
- 5.2. In light of Policy FRES 4, the key question is simply – is the proposed location for the relocated village shop equally convenient, safe and accessible as the current shop location?
- 5.3. What is clear is that the relocation of the existing shop to new larger premises offers the operator the chance to expand the offer to local people in terms of the range of goods available and the quality of the space for customers.
- 5.4. The current Covid-19 situation has highlighted the importance of local shops in such circumstances. It will be interesting to analyse whether local retail loyalty in a post covid environment is maintained.
- 5.5. It is also noted that the relocation would potentially mean servicing of the shop can occur off the public highway in the area to the rear of the proposed shop. Undoubtedly present arrangements. Undoubtedly arrangements for servicing the existing shop [from New Street] do contribute to localised congestion and some degree of added risk for pedestrians. [Concealment behind delivery vehicles for example].
- 5.6. That said officers consider the answer to the question posed in paragraph 5.2 above to be in the negative.
- 5.7. The subject site is located very much on the periphery of the village. Pedestrian connections to it from the bulk of the village are poor.
- 5.8. The vast majority of residents would still have to traverse the Jubilee Corner junction by foot to reach the shop, a junction that even with the highway improvements works proposed as part of the application, are deemed to not provide a truly acceptable pedestrian safety outcome (see further discussion at section 7 below). Moreover, the majority of village residents would have to traverse the footpath on the western side of Stradbroke Road south of New Street, the width of which is very narrow, suitable for one person only. The widening of this footpath would be into the carriageway, a very poor highway outcome given the already narrow width of the carriageway. The proposed shop location would also be further from the village bus stops than the existing shop.
- 5.3. Officers conclude that the proposed village shop location is not equally convenient, no safer save for servicing and customer parking opportunities to the rear] or accessible as the existing shop location, contrary to the requirements of Policy FRES 4.

## **6. Landscape Character**

- 6.1. Policy FRES 6 seeks to ensure development does not adversely affect the visual scenic value of the landscape and countryside surrounding the village. The site fronts Stradbroke Road, the key southern gateway to the village. The site comprises open countryside, forming part of a much larger open, arable field. The proposal seeks to subdivide off a portion of the larger field. The result is the creation of arbitrary property boundaries that are not natural. This said, they are logical insofar as they extend one property deep, providing for ribbon development along Stradbroke Road. Residential development of the site would be consistent with the established housing on the western side of Stradbroke Road. The presence of the existing built up area directly opposite helps the development appear somewhat integrated and physically related to the village body.
- 6.2. The loss of frontage hedgerow, introduction of multiple vehicle access points and lack of any meaningful replacement landscaping to the frontage is a disappointing landscape character outcome, a streetscape gesture that does not reflect local distinctiveness nor respect the village's rural character. This said, the supporting concept is only illustrative. With some considerably greater design thought, officers consider there is scope to provide a revised design that would deliver at least a neutral, if not positive, landscape character outcome. Such an exercise would be undertaken at the reserved matters stage, should members be minded to grant outline permission.
- 6.3. The introduction of housing would appear as an intrusion into open countryside, with a landscape change clear and obvious given the undeveloped nature of the open field. However, through appropriate detailed design work the development could better respond to local character, and in so doing the adverse landscape impact could be more successfully mitigated. Whilst there would be some harm to the scenic value of the landscape, the harm would be at a relatively low level and therefore conflict with Policy FRES 6 would be somewhat limited.
- 6.4. Policy FRES 6 identifies four important views in the village that are sensitive to development. One of those views is from Stradbroke Road, described in the FNDP as the *'long view of the church looking north from Stradbroke Road. This view highlights not only the visual prominence of the church in long views, but also the intrusion of modern development on the historic character of the settlement.'* Officers are not convinced the development of the application site would undermine the visual prominence of the church given the relative positioning of the site to the road and the viewing corridor. Developing housing on the subject land is also unlikely to adversely impact the historic character of the settlement given its relationship to the body of the village, in particular its historic core. There is limited if any conflict with these elements of Policy FRES 6. Noteworthy is the fact that the previous 85 dwelling proposal was not refused on landscape character grounds.

## **7. Highway and Pedestrian Safety**

- 7.1. Local Plan Policy T10 requires the 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. Access is a reserved matter and therefore beyond the scope of this assessment. This said it is worthy of comment given the Highways Authority consultee response. It is to be noted that the illustrative scheme proposes multiple new access points, 12 in total, from Stradbroke Road to which the Highways Authority objects. Officers are of the view that the site is of sufficient dimensions that an alternative layout could be developed that minimises the number of Stradbroke Road access points, to a number that would deliver an acceptable, policy compliant highway safety response.

That said it is really incumbent on the applicant to demonstrate that this could be the case, rather than relying on the Authority to imagine a solution on their behalf.

- 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 a footpath along its entire Stradbroke Road frontage, linking with the existing Stradbroke Road footpath network (western side) to the north, and to the public footpath 66 (south of the Laurels) south of the site
- 7.6. The impact of store location has been explored in section 5 of this report including highway benefits and disbenefits and so this section of the report will not repeat these.
- 7.7. Members will however note the view of the local highway authority in raising no overriding objection to the proposal. In their opinion the Inspector's decision in respect of the first Post Mill Lane Appeal decision is crucial. The local highway authority is unable to present any new evidence to suggest that the use of Jubilee Corner and New Street by pedestrians [no footways] results in a particular accident issue.
- 7.8. In such circumstances a refusal on highway safety grounds is difficult to sustain.

## **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 acknowledges that the Weybread Water Recycling Centre does not currently 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. All foul water is proposed to connect to the existing sewer in Stradbroke Road. Surface water runoff from the development is proposed to be directed to an attenuation pond east of the site and thereafter discharge to a ditch. 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 proposed in connection with the proposed development scheme also currently

before members at the John Shepherd Road site (DC/19/05740) and which is also in the applicant's ownership, in order to mitigate over capacity in the downstream system at peak times. 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.
- 8.5 In view of the technical holding objection from SCC Floods and Water and the fact that the applicant owns adjacent land a satisfactory surface water drainage solution is expected to be achievable.
- 8.6 Anglian Water continues to raise no objection to the development. The issues around occasional foul water flooding in parts of Fressingfield are well known and the arguments well-rehearsed.
- 8.7 The official position is that Fressingfield has foul water capacity to accept additional development.

## **9. Other Issues**

- 9.1. There are considerations not 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 21 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.
- 10.3 It is fair to say that an expanded local shop would offer benefits to local customers in terms of the experience and the range of items available. Better servicing facilities would also reduce localised

congestion in New Street as occasional delivery vehicles would not be reducing available road width in an area with no footways. This is a matter of some weight.

10.4 Overall however, when considered in the round, limited weight is attached to the scheme benefits.

## **PART FOUR – CONCLUSION**

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### **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 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. For these reasons 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 21 dwellings. A 21 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 development would urbanise the southern gateway to the village. The illustrative concept plan is a poor landscape response however with a redesign from first principles a development could be potentially brought forward that would have relatively limited adverse landscape character effects, noting that housing on the site would offer a framing effect given the housing established on the western side of the road. Development of the site for housing is unlikely to compromise the protected view (north along Stradbroke Road) designated in the FNDP at Policy FRES 6.
- 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 21 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 proposed development is contrary to the development plan 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.