

SAFE Supporters Against Fressingfield Expansion
Submission to Planning Inspectorate - APP/W3520/W/21/3266951

General Considerations Regarding Post Mill

1. Summary

SAFE is opposed to the development of 18 houses at Post Mill Fressingfield and submits that the Inspector should dismiss this Appeal.

Key Facts: -

- The Application does not comply with adopted National or Local planning policies
- The Application is not supported with in the adopted NDP
- No local demonstrable housing need has been identified by the Appellant
- If approved the additional housing will result in significant harm due to local infrastructure deficits.

2. Who are SAFE (Supporters Against Fressingfield Expansion)

SAFE is a non- political group on 9 local people who came together in March 2017 when faced with three Planning Applications for Fressingfield totalling 205 new houses (including Post Mill). As the core of the village has just over 350 homes these Applications were seen as grossly excessive. There was no organised local group to counter these applications, so SAFE was formed.

[Here is the SAFE website](#)

2.1 A door to door survey was conducted by SAFE seeking villagers' view on the three applications. 94% of local people were against all three large scale developments. A petition, (in line with the Local Authority's Petition Procedures) was presented to the Local Council. This petition was reported at the Planning hearing. The door-to-door survey demonstrated that there was not support for the Post Mill development. This gave SAFE legitimacy to speak on behalf of the village.

2.2 Historical Background.

The Post Mill site already accommodates 21 houses built in 2010. The site layout clearly assumed a second phase of development. An application was made in April 2017 for a further 24 houses, if approved this would have resulted in an urban housing *cul de sac* development of 45 houses.

At the same time, a different developer submitted applications for two sites totalling a further 181 houses. The LPA linked the three developments in order to assess the cumulative impact as required under the NPPF.

All three Applications went to Committee in November 2018, and all were refused. Subsequently, in March 2019 the Post Mill developer appealed the decision. The Appeal was dismissed in September 2019.

In December 2019 a revised Application was made reducing the houses from 24 to 18. This Application and was refused by Committee on 3 March 2021. The Applicant submitted an Appeal for non-determination. This Appeal was validated on 1st March 21.

Figure 1- Key Dates relating to the Post Mill Application

● 25 th April 2017	Application for 24 houses
● 22 nd November 2018	Application refused
● 23 rd March 2019	Appeal against the decision
● 25 th September 2019	Appeal dismissed
● 24 th December 2019	New Application for 18 houses
● 21 st February 2020	Internal target date for decision
● 13th March 2020	Fressingfield NDP is adopted
● March 2020	First CV 19 lock down and home working
● 31 st July 2020	Mutually agreed expiry date for decision
● 25 th November 2020	Application deferred by Committee for legal opinion
● 29 th January 2021	Appeal lodged for non-determination
● 1 st March 2021	Appeal validated
● 3 rd March 2021	Application refused at Committee

3. Policy Issues

3.1 NPPF

It is recognised that paragraph 11 guides the LPA towards a presumption in favour of sustainable development. We would strongly argue that this Application is not sustainable. Additionally, the application is not consistent with other policy guidance within the NPPF.

Para 108 and 109 – Sustainable transport. With no public transport this not achievable in Fressingfield.

Para 78- no identifiable need for additional local housing has been demonstrated above that already approved.

Para 126- This Application fails completely to meet the aspiration of creating an aesthetically pleasing development. The central architectural feature is a sewage pumping station, which Anglian Water have confirmed can both smell and be noisy, and an attenuation basin which will be dry in summer.

Para 163 and 165- The additional housing will add flood risk by increasing the volume of sewage into the sewerage

Para 180 – By increasing the volume of sewage the incidence of sewage egress will increase and more environmental pollution of the Beck

3.2 Local Plan

Within the adopted Local Plan Fressingfield is designated as a Primary Village. Within the emerging Local Plan, it is designated as a Hinterland village, capable of sustaining limited development. - (CS1).

The site is outside the settlement boundary and will place an unacceptable load on existing infrastructure. (FC1)

Will not deliver sustainable transport option. (T10)

Makes no allowance for climate change. (CS4)

3.3 Fressingfield NDP.

In March 2020 the Fressingfield Neighbourhood Development Plan was adopted. When the revised Post Mill Application was heard by Committee on the 23 November 2020 the material weight to be given to a made and up to date NDP was questioned and whether the tilted balance would come into play. The Application was deferred to seek Counsel's opinion, which was duly given.

We support the LPA, which, after legal advice, agrees that the made, recent, well supported and highly praised Neighbourhood Development Plan is of overriding and material significance in regard to the further development at Post Mill.

This Application fails the NDP. It is not a designated development site; it is outside the settlement boundary. If approved, it overshoots the accepted housing targets, and the Plan still has 15 years to run. Specifically, the additional 18 houses will cause unacceptable harm to the village in terms of exacerbating the sewage egress in the village and leading to unacceptable road safety issues.

Questions in the Lords

We add further support to the position of the LPA by reporting two questions that Lord Marlesford kindly tabled in the House of Lords on our behalf. Below is full transcript of the questions and answers.

“Lord Greenhalgh, the Ministry Housing, communities and Local Government, has provided the following answer to your written parliamentary question (HL13603)

Question

To ask Her Majesty's Government what status a local government Neighbourhood Development Plan (NDP) has in any consideration by a planning inspector of an application that conflicts with the objectives of the NDP; and what guidance they have made available about the steps to take in the event of any such conflict. (HL13603)

Tabled on: 23 February 2021

Answer

Lord Greenhalgh

Once adopted, neighbourhood plans become part of the development plan for the local area alongside the Local Plan. Planning law requires that decision takers, including planning inspectors, must determine planning applications in accordance with the development plan (including any neighbourhood plan) unless material considerations indicate otherwise. In addition, the National Planning Policy Framework makes clear that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan), permission should not usually be granted.

Date of answer: 05 March 2021

Lord Greenhalgh, the ministry of Housing, Communities and Local Government, has provided the following answer to your written parliamentary question (HL13604)

Question

To ask Her Majesty's Government what legislation gives authority to a Neighbourhood Development Plan (NDP); and whether a NDP becomes invalid if there is no local plan which has already taken account of an NDP.

Answer

Lord Greenhalgh

The Localism Act 2011 effected amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004, giving effect to the Neighbourhood Plans. These amendments set out that once a neighbourhood plan is passed at referendum it becomes part of the development plan for the local area and the basis for decision making. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The status of a neighbourhood plan as part of the development plan is unaffected by the absence of a Local Plan.

Date of answer 5 March 2021

Both the counsel opinion and the response to the PQs confirm that the NDP carries significant weight being part of the Development Plan and therefore carries significant weight in the decision-making process, regardless of the position the Local Plan. The answers to the PQs are of particular material consideration as these are not based on professional opinion.

There are five key policy statements within the Fressingfield NDP which have major relevance to the Post Mill development.

- FRES 1 Housing Provision
- FRES 3 Infrastructure
- FRES 10 Design
- FRES 11 Localised Flooding and Pollution
- FRES 15 Transport and Highway Safety.

The Post Mill development does not meet the key policy objectives within the NDP.

3.3a FRES 1 Housing Provision

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

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

1. The allocation of the following sites for development
 - a. Land at Red House Farm- approximately 28 dwellings
 - b. Land West of School Lane – approximately 18 dwellings
2. Small “windfall” sites and infill plots within the Settlement Boundary that come forward during the plan period and are not identified within the Plan
3. Conversions and new development opportunities outside the Settlement Boundary in accordance with paragraph 79 of the NPPF

The focus of new development will be within the Settlement Boundary.

Proposals for new residential development outside of the Settlement Boundary will only be permitted where it can satisfactorily be demonstrated that there is an identified local need for the proposal and that it cannot be satisfactorily located within the Settlement Boundary.

Comment

The Post Mill site is outside the Settlement Boundary. The Appellant asserts, not based on any factual evidence “Some of the housing sites relied on for delivery in the district are unlikely to be delivered in

the timescales” (Para 14 Statement of Case). Red House Farm (DC/20/03457) now has Full Planning Approval for 28 homes, including 9 approved which are affordable. Whilst the School Lane site is proceeding more slowly than anticipated the site is sold and detailed discussions are continuing between the developer and the Town Planners, moving towards full planning approval. It is inconceivable that it will not be completed before March 2036.

The two main sites approved account for 46 houses, the remaining 7 being approved windfalls. The delivery of windfall sites has been high historically. It is inconceivable that the shortfall will not be achieved through windfalls. Should Post Mill be approved it would overshoot the “target “both within the NDP and the emerging Local Plan.

3.3b FRES 3- Infrastructure

New development will only be permitted if it can be demonstrated that sufficient supporting infrastructure, (physical, medical, educational, green and digital) is available to meet the needs of that development. Where an infrastructure deficit currently exists, new development should not exacerbate that deficit. Where the need for new infrastructure is identified, developments should provide funding to secure it in order to enhance the quality of life for the community.

Comment

The Post Mill development will increase the population by about 55 people and add around 25 additional cars.

Fressingfield suffers from infrastructure deficits in terms of school capacity, medical services, surface water flooding, highway deficits and sewage egress. These last two issues have been addressed in detail by Elizabeth Manero and John Castro in their submissions.

There is a complete lack of green credentials with no public transport and no cycle routes. The only way to move out of the village is by private transport and as there are only 55 WTE jobs located within the village, the traffic movements created by people going to work are already very significant.

The medical centre is seriously overstretched and serving a very wide catchment where over additional 200 houses have been approved in neighbouring villages, but not yet built. Physical constraints on space, lack of parking and staffing issues present challenges for the Practice and waiting times for appointments are increasing.

3.3c FRES 10 Design

All new developments should be well designed, reflecting Fressingfield’s local distinctiveness and character. Development should not adversely impact upon the appearance of the village or harm wildlife interests. Design should have regard to local context and seek to enhance the character and quality of Fressingfield. Innovative and sensitive contemporary design is encouraged.

Comment

The design of the proposed development reads the existing housing in Post Mill which can only be described as an urban housing estate. The design makes no attempt to reflect the local character of Fressingfield. Houses are clustered around the sewage pumping station and the attenuation basin, both of which are deeply unattractive. Anglian Water require that houses must be a minimum of 15 metres from the pumping station because of noise and odour. One of the houses is sited exactly 15 metres from the pump.

See picture of Post Mill Pumping station on page 6.



This design does not conform with FRES 3.

3.3d FRES 9 To prevent increased localised flooding and reduce existing incidences of flooding and pollution

All new development (including minor development) is required to use appropriate sustainable drainage systems to mitigate its own flooding and drainage impacts, avoid increase of flooding elsewhere and seek to achieve lower than green field run off rates. No development will be supported in areas of significant flood risk.

Comment

The Application is silent on rainwater harvesting and grey water recycling. It must therefore be assumed it is not within the development.

As regards the surface water management, this is one area (apart from the reduction in house numbers) which has been revised since the original application. Fressingfield is built on clay. The soil conditions and topography make Sustainable Drainage Systems both difficult and expensive to achieve. The developer had great difficulty in producing a strategy which was acceptable to the Flood Management Officer. Excess surface water in the upper part of the village results in flooding in Low Road as the water gravitates down the road into the Beck which over-tops. (see below- Low Road 24.12.20)



Suffolk County Council have confirmed that flooding from the sewerage is defined as a flood event. The 18 incidents of sewage egress have occurred in the last 3 years. The issues surrounding this serious problem are detailed in John Castro's paper. **The key issue is that more houses result in more foul sewage resulting in less capacity within the sewer for surface water ingress resulting in an increase in flooding incidents.** This is clearly against policy FRES 9.

3.3e FRES 13 Transport and Highway Safety.

All new developments shall take opportunity to provide safe and attractive pedestrian and cycle links that connect to existing networks appropriate to the scale and location of the development and seek to improve levels of walking and cycling in the Neighbourhood Plan area.

Comment

The proposal has no new footpaths and no cycle routes. The additional 18 houses will significantly increase traffic on New Street as the only access to the site is via New Street, which is the main street in the village where the shop, Methodist Chapel, Scout hut and medical centre are situated. There are no public buses and a recent highway survey undertaken by SAFE found that only two households did not have a car whereas 69% owned two or more cars. New Street lacks footways and is widely recognised as dangerous. Many people responding to the survey confirmed that they felt unsafe walking in New Street. The issue of highway safety is addressed in full in Mrs. Manero's submission.

4. The Appellant's Case.

The Appellant's Case rests on three main arguments: -

- That he has addressed and remedied the reasons for dismissing the Appeal given by the Inspector in his findings in September 2019
- That the sites for development approved within the NDP are not deliverable
- That there is demonstrable local need for additional housing

4.1 The Inspector's Decision

The grounds for the Inspector dismissing the Appeal lodged in March 2019 related exclusively to the negative impact the development would have on the setting of the grade 2 listed Ladymeade Cottage. In his revised Application the developer has addressed the Inspector's reason for refusal by removing the housing which was immediately abutting the Listed Building.

4.2 Site Deliverability

The emerging Local Plan identifies Fressingfield as an Hinterland Village, capable of accommodating limited development. 58 homes are suggested as the long-term strategic target. The NDP suggests 60 homes up to the period 2036. 53 are already approved. The major development supported within the NDP – Red House Farm (28 houses), now has Full Planning Approval. It is inconceivable that a start on site will not be achieved by 2036. There is absolutely no evidence to support the assertion that the proposed "target" cannot be achieved, especially as the numbers of windfall houses within Fressingfield have been consistently high.

4.3 Local Housing Need

With very limited local employment, no public transport and being distant from major commercial hubs, growth in Fressingfield is strictly limited. There are currently 11 families on the waiting list for local affordable housing. Should they meet the allocation criteria there are sufficient affordable homes being built at Red House Farm and School Lane to meet local need. The Appellant's Statement of Case makes no effort to support his case for this Application meeting unmet local need.

5. Discussion

The Post Mill Lane development does not comply with most current Planning policies- National, Local nor the NDP. This Application will be a major test of the NDP. Much voluntary time and public money went into its production and the quality of the document was praised by the Examiner. Should the Appellant's Appeal be upheld there would undoubtedly be serious questions around the role of local democracy.

An issue which does need to be emphasised is the failure of Anglian Water, (a non-statutory consultee), to draw the LPA's attention to the problems relating to the sewerage in Fressingfield. In the Inspector's report of September 2019, he confirmed that the sewerage problems were not an issue because Anglian Water have said this is the case. The Appellant has repeatedly used this to defend his position stating that more houses will not impact on the sewerage. This has much wider implications than the Post Mill scheme alone. As a community we face - LITERALLY - sewage running down our streets and into gardens. Developers will continue to hide behind the Inspector's Report of September 2019. As a community we need this to be corrected and would ask the Inspector reviewing this Appeal to look at the clear and well documented evidence that there are serious problems with the capacity in the sewerage, which will be exacerbated by more housing and recognise that this is a material consideration when assessing future Planning Applications in Fressingfield.

6. Conclusion

SAFE would urge the Inspector to dismiss the Appeal as it is contrary to the development plan and national planning policy and the very limited benefits are outweighed by the harm it would cause.

The Inspector will note that this Appeal is complex in nature and has generated widespread local interest. SAFE believes consideration of this Appeal would be best served through a Public Inquiry rather than written representations. If the Inspector decides to launch a Public Inquiry, then SAFE would actively consider joining as a Rule 6 Party.

PAM CASTRO - On behalf of SAFE

SAFE members - John Castro, John Kelsall, Charles Comins, Elizabeth Manero, Abi Maydon, Paul McCann, Jenny Morris-Bradshaw, Michael Miles

7 August 2021