

# Public Document Pack



<b>COMMITTEE:</b>	<b>PLANNING REFERRALS COMMITTEE</b>
<b>DATE:</b>	<b>WEDNESDAY, 8 MARCH 2023 2.30 PM</b>
<b>VENUE:</b>	<b>KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

<b>Councillors</b>	
<u>Conservative and Independent Group</u> James Caston Peter Gould Kathie Guthrie (Chair) Matthew Hicks (Chair) Barry Humphreys MBE Richard Meyer Dave Muller Timothy Passmore	<u>Green and Liberal Democrat Group</u> Rachel Eburne John Field Sarah Mansel John Matthissen Andrew Mellen Mike Norris Andrew Stringer Rowland Warboys

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## **AGENDA**

### **PART 1**

#### **MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

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- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTERABLE OR NON REGISTERABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **RF/22/1 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 27 JANUARY 2021** 5 - 16

6	<b>RF/22/2 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 MARCH 2021</b>	17 - 22
7	<b>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</b>	
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**Notes:**

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

[Charter on Public Speaking at Planning Committee](#)

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

2. Ward Members attending meetings of Development Control Committees and Planning Referrals Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to their ward.

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### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Domestic Arrangements:**

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

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# Agenda Item 5

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING REFERRALS COMMITTEE** held in the Virtual Teams Meeting on Wednesday, 27 January 2021 – 09:30

### PRESENT:

Councillor: Kathie Guthrie (Chair)

Councillors:	James Caston	Rachel Eburne
	John Field	Barry Humphreys MBE
	Sarah Mansel	John Matthissen
	Andrew Mellen	Richard Meyer
	David Muller BA (Open) MCMI	Mike Norris
	RAFA (Councillor)	
	Andrew Stringer	Rowland Warboys

### Ward Member(s):

Councillors: John Whitehead

### In attendance:

Officers: Chief Planning Officer (PI)  
Principal Planning Officer (JH)  
Planning Lawyer (IDP)  
Governance Officer (RC)

## 1 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

Apologies for absence were received from Councillors Peter Gould, Matthew Hicks, and Tim Passmore.

## 2 TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS

Councillor James Caston declared a Local Non-Pecuniary interest in application 1856/17 as he knew the landowner as a friend and in the interests of transparency would not be take part in the consideration of the application.

Councillor Andrew Mellen declared a Local Non-Pecuniary interest in application DC/18/00861 as he was a Church Warden for the diocese making who owned the land. The Planning Lawyer advised Councillor Mellen that this would not prohibit him from taking part in the decision making process.

Councillor John Field declared a Local Non-Pecuniary interest in applications 1856/17 and DC/18/00861 as he was the County Councillor for the area and as a

Trustee of the Felix Thornley Cobbold Agricultural Trust.

Councillor Sarah Mansel declared a Local Non-Pecuniary interest as she had undertaken informal discussions regarding the sustainability of the proposed dwellings.

### **3 DECLARATIONS OF LOBBYING**

Councillors Eburne, Caston, Matthissen, Warboys, Muller, Guthrie, Mellen and Mansel declared that they had been lobbied on application 1856/17

Councillors Norris and Field declared that they had been lobbied on application 1856/17 & DC/18/00861.

### **4 DECLARATIONS OF PERSONAL SITE VISITS**

Councillor Sarah Mansel declared a personal site visit for application DC/18/00861 and the surrounding area.

Councillor John Field declared that he had visited applications 1856/17 and DC/18/00861 in his role as the County Councillor.

Councillor James Caston declared a personal site visit for application DC/18/00861.

### **5 RF/20/1 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12 AUGUST 2020**

It was Resolved that the minutes of the meeting held on the 12 August 2020 were confirmed as a true record.

### **6 RF/20/2 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2020**

It was Resolved that the Minutes of the meeting held on the 16 September 2020 were confirmed as a true record.

### **7 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

### **8 RF/20/3 SCHEDULE OF PLANNING APPLICATIONS**

In accordance with the Council's procedure for public speaking on planning applications a representation was made as detailed below:

Application Number	Representations From
1856/17	Chris Pattison (Parish Council) Jeremey Lea (Objector) Simon Butler-Finbow (Agent) Cllr Tim Passmore (Ward Member) via email Cllr John Whitehead (Ward Member)
DC/18/00861	Richard Scott (Agent)

**9 1856/17 LAND NORTH WEST OF, CHURCH LANE, BARHAM, SUFFOLK**

9.1 Item 8A

Application	1856/17
Proposal	Outline planning application (with all matters reserved except for access and spine road) for phased development for the erection of up to 269 dwellings and affordable housing, together with associated access and spine road including works to Church lane, doctors surgery site, amenity space including an extension to the church grounds, reserved site for pre-school and primary school and all other works and infrastructure (amended description).
Site Location	<b>BARHAM-</b> Land North West of, Church Lane, Barham, Suffolk
Applicant	Pigeon investment management Ltd and Mr John Cutting

9.2 Prior to the commencement of the application Councillor James Caston left the meeting for application 1856/17 only.

9.3 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the previous resolution of the committee, the contents of the tabled papers, and the officer recommendation of approval.

9.4 It was noted during the Case Officers presentation that a two minutes silence was observed at 11:00 for Holocaust Memorial Day.

9.5 A short comfort break was taken between 11:09- 11:14.

9.6 The Case Officer and Senior Development Management officer responded to Members' questions on issues including: the proposed highways changes, any possible congestion created by the development, and the Transport assessment for the proposal.

9.7 The Development Contributions Manager responded to Members' questions on issues including: the schooling requirement in the area and the level of growth that had been identified in the area.

9.8 The Case Officer responded to further questions from Members on issues including: the access points for the site and the associated visibility splays, and any loss of hedgerow as a result, the storey height of any proposed dwellings,

cycling provision and pathways in the area, CIL funding that would be generated from the proposal, that the meadow was not public land but that there would not be a physical boundary or fence surrounding it, and the correspondence with the Church.

- 9.9 Members considered the representation from Chris Pattison of Barham Parish Council.
- 9.10 The Parish Council representative responded to Members' questions on issues including: the proposed meadow, whether any other sites in the parish had been considered, the number of dwellings in the parish, and the results of a household survey that had been conducted.
- 9.11 Members considered the representation from Jeremy Lea who spoke as an objector.
- 9.12 The Objector responded to Members' questions on issues including the response received from the Church, and proposed funds allocated in the S106 agreement.
- 9.13 Members considered the representation from Simon Butler-Finbow who spoke as the Agent.
- 9.14 The Agent responded to Members questions on issues including: the pre-school and primary school site, the market mix of proposed housing, pedestrian and cycle links to the site, the attenuation pond, the proposed meadow, and the detailed design of the buildings being submitted through reserved matters.
- 9.15 Members considered the written representation from Councillor Tim Passmore which was read out by the Chair.
- 9.16 Members considered the representation from Councillor John Whitehead, Ward Member, who spoke against the application.
- 9.17 The Chief Planning Officer, Case Officer and Professional Lead – Key Sites and Infrastructure Delivery Manager responded to Members' questions on issues including: that the Council had received advice from the Clinical Commissioning Group (CCG) and that Community Infrastructure Levy (CIL) bids were a Cabinet Decision.
- 9.18 Members debated the application on the issues including: the representation from the parish council, the village green, the ecology response and impact including the proposed meadow, the allocation in the Draft Joint Local Plan, the sustainability of the site, public transport links, archaeological issues, the impact on the A14 junction, the orientation of the proposed dwellings, the loss of existing hedges and vegetation, and the links for the pedestrians and cyclists.
- 9.19 Members continued to debate the application on the issues including: the



impact on healthcare provision, the proposed use of the land including for schooling provision, and the impact of the development on the local community.

9.20 Councillor Dave Muller proposed that the application be approved as detailed in the officer recommendation with the additional condition as follows:

#### Design Code S106 obligation

- Prior to the submission of the first Reserved Matter a Design Code shall be submitted to the Local Planning Authority (LPA) for agreement.
- Prior to the submission of the design code a programme of community engagement on that Code which shall itself have been the subject of consultation with Claydon and Barham's Parish Council's shall be submitted to the LPA for agreement.
- The Design Code shall demonstrate the foreseeable reduction in Carbon emissions which the proposed design will enable and the measures which are expected to optimise opportunities for sustainable travel including walking, cycling and public transport.
- The Design Code shall establish a design approach for the site and the Reserved Matters having regard to the expectation for good design and planning for climate change in the NPPF 2019 and in particular those measures taken to ensure that development delivers sustainable development, create better places in which to live and work and help make the development acceptable to present and future communities.
- Secure cycle parking in S106 agreement for car park proposed within church grounds extension.
- Ensure proposed market housing mix condition includes requirement for market housing mix to be in broad compliance with the indicative housing mix set out in paragraph 9.4 of the committee report, unless housing market needs evidence is submitted to indicate otherwise.

9.21 Councillor Barry Humphreys seconded the motion.

9.22 By 8 votes to 4.

#### 9.23 **RESOLVED**

**That the application is GRANTED planning permission and includes the following conditions:-**

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on**

appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

**- Affordable housing**

- o This shall include not less than 35% of total dwellings
- o Properties must be built to current Homes England requirements and NDSS 2015 and Lifetime-Homes standards
- o The council is granted 100% nomination rights to all the affordable units on first lets and 75% on subsequent lets.
- o The affordable units will be built out in phases across the development to be agreed at Reserved Matters stage if the outline application is approved. The indicative plan showing the location of the affordable homes is seen as acceptable with dwellings distributed across the site.
- o Shared Ownership units to a maximum initial share purchase threshold to be agreed through S106
- o Affordable housing units must be transferred freehold to an approved RP or to the district Council.
- o Where there are more than 15 affordable units, they should not be located in clusters of more than 15 units.
- o Adequate parking provision is made for the affordable housing units

**- On site open space and includes management of the space to be agreed and requirement for public access at all times.**

**- Providing land and contribution to Church within their extended grounds - £60,000 (for info provisions of laying of carpark, access route to/from church, footpath link relating to archaeology will be covered by planning condition)**

**- Recreational Access Disturbance Mitigation Strategy contribution - £121.89 per dwelling**

**- Primary school build cost - £1,353,528**

**- Primary school land contribution - £77,682**

**- Securing site for primary school**

**- Improvements to Church Lane Claydon/Norwich Road junction and Station Road/Norwich Road junction; Financial contribution toward transport improvements in the village to encourage walking and cycling, safer routes to school and improve safety for pedestrians and cyclists; and Norwich Road extension of Speed Limit on Norwich Road. The total cost of these works are estimated at £98,250 to be apportioned between this and Norwich Road application (reference 18/00861).**

**- Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is the longest duration.**

**- Public Rights of Way improvements £115,500**

**- Protect land for potential doctor's surgery/community use for period of time before releasing to other uses (i.e. residential) if not successfully taken up**

**(2) That the Chief Planning Officer be authorised to APPROVE Planning Permission upon completion of the legal agreement subject to conditions as**

summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Reduced outline time limit
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL).
- Design code
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Landscaping conditions including advance planting (before commencement of construction), landscape management plan and landscaping scheme
- Tree protection
- SuDS implementation, management and maintenance plans
- Ecology protection, mitigation and enhancement measures including follow-up badger survey, Skylark mitigation, wildlife sensitive lighting scheme, Swift boxes and hedgehog fencing
- Level access to enable wheelchair access for all dwellings/buildings
- Used Water Sewerage Network – phasing plan, foul water strategy and Surface Water Disposal (Anglian Water)
- Access route to/from church and footpath link
- Programme of archaeological works
- Management Plan for the Preservation of Archaeological Features in specified area – no dig/build up and no ground disturbance. No groundworks (including ploughing, site stripping, landscaping, planting, services, fencing, attenuation or machinery movement) to protect in-situ archaeological remains
- Highways conditions including; Visibility splays, Travel Plan, Road Safety Audits, manoeuvring and parking details (including electric vehicle charging points and cycle storage), details of estate roads, surface water disposal from highway, refuse/recycling bin details, Construction Environment Management Plan
- Landscaping including proposed tree planting and landscaping, including locations and root management (relating to highways)
- Surface water drainage scheme including maintenance and management, construction surface water management plan and inclusion of SuDS components on Lead Local Flood Authority's Flood Risk Asset Register
- Noise mitigation from A14
- Hours of use and deliveries for class E and D2 uses
- Details of any plant, equipment or machinery on non-residential uses
- Land contamination
- Service ducting for broadband
- Fire hydrants
- Energy and renewable integration scheme
- Rainwater harvesting
- Land contamination investigation and remediation
- Arboricultural method statement and tree protection plan
- Minerals extraction recording

(3) And the following informative notes as summarised and those as may be deemed necessary by the Chief Planning Officer:

- Pro active working statement
- SCC Highways: offence to carry out works in public highway
- SCC Highways: Section 38 agreement required relating to construction and adoption of Estate Roads.
- SCC Highways: existing street lighting system, contact SCC
- Public Rights of Way - notes reminding of legal requirements protecting rights of way - Anglian Water assets
- Connection to public sewer requires consent under S106 of the Water Industry Act 1991 - Works to a water course may require consent under the Land Drainage Act - Discharge to a watercourse or groundwater needs to comply with Water Environment (Water Framework Directive) Regulations 2003
- Discharge to watercourse that drains into an Internal Drainage Board catchment may require a contribution

(4) That in the event of the Planning obligations referred to in Resolution (1) above not being secured and/or not secured within 6 months of this resolution that the Chief Planning Officer be authorised to refuse the application on appropriate ground/s.

**Additional Conditions:**

**Design Code S106 obligation**

- Prior to the submission of the first Reserved Matter a Design Code shall be submitted to the Local Planning Authority (LPA) for agreement.
- Prior to the submission of the design code a programme of community engagement on that Code which shall itself have been the subject of consultation with Claydon and Barham's Parish Council's shall be submitted to the LPA for agreement.
- The Design Code shall demonstrate the foreseeable reduction in Carbon emissions which the proposed design will enable and the measures which are expected to optimise opportunities for sustainable travel including walking, cycling and public transport.
- The Design Code shall establish a design approach for the site and the Reserved Matters having regard to the expectation for good design and planning for climate change in the NPPF 2019 and in particular those measures taken to ensure that development delivers sustainable development, create better places in which to live and work and help make the development acceptable to present and future communities.
- Secure cycle parking in S106 agreement for car park proposed within church grounds extension.

**Ensure proposed market housing mix condition includes requirement for**

**market housing mix to be in broad compliance with the indicative housing mix set out in paragraph 9.4 of the committee report, unless housing market needs evidence is submitted to indicate otherwise.**

**10 DC/18/00861 LAND TO THE EAST OF, ELY ROAD, CLAYDON, SUFFOLK**

10.1 A lunch break was taken between 13:50- 14:20 after the completion of 1856/17 but before the commencement of DC/18/00861.

10.2 It was noted that during the break Councillor Andrew Stringer left the meeting and Councillor James Caston re-joined the Committee following the completion of application 1856/17.

10.3 Item 8B

Application	DC/18/00861
Proposal	Outline Planning Application (with means of access to be considered) – erection of up to 73 dwellings, public open space and supporting site infrastructure including access.
Site Location	Land to the East of, Ely Road, Claydon, Suffolk
Applicant	M.Scott Properties Ltd, The St Edmundsbury & Ipswich Diocese

10.4 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout of the site, the history of the site, the contents of the tabled papers, and the officer recommendation of approval.

10.5 The Case Officer responded to Members' questions on issues including: the proposed parameter plan and the pedestrian access to the site, the vehicular access to the site, and that strategic housing had been consulted, that the housing mix could be secured.

10.6 Councillor John Field declared a Local Non-Pecuniary interest in the application under discussion as he was a Governor at Claydon Primary School.

10.7 The Case Officer responded to further questions from Members on issues including: the surface of the slade pathway, the access on Ely road, street parking in the surrounding area, whether the height of dwellings could be restricted, the accessibility of the dwellings, landscaping on site, the impact on neighbourhood amenity for existing residents, the allocation of the site within the Draft Joint Local Plan, and that construction traffic would use Ely Road.

10.8 Members considered the representation from Richard Scott who spoke as the Applicant.

10.9 The Applicant responded to Members questions on issues including: the number of proposed bungalows on site.

10.10 Members considered the representation from the Ward Member, Councillor John Whitehead who spoke against the application.

- 10.11 The Ward Member responded to Members questions on issues including: the routes of vehicles from the proposed estate to the nearest shops and wider transport connections, that the village did not have a neighbourhood plan and that the walkway across the site was not a public right of way.
- 10.12 Members debated the application on the issues including: the number of proposed dwellings on site, the access to the site, the housing mix on the site, the proposed landscape buffer, the traffic issues that would be caused by the site, and the route of construction traffic.
- 10.13 The Chief Planning Officer responded to a question raised earlier from Cllr Matthissen regarding M4(2) and M4(3) buildings and that the district was moving towards the Joint Local Plan which would require 50% being of that class however there was not any policy to support this but that a scheme for the provision of accessible and adaptable dwellings under M4(2) to be submitted with the reserved matters.
- 10.14 Members continued to debate the application on the issues including: the accessibility of local facilities and shops, the restriction of deliveries to be outside of school hours, the pedestrian connectivity of the proposal, and the levels of the site compared to the immediate area, and the density of the site.
- 10.15 The Chief Planning Officer advised Members that if there were concerns regarding the application then unacceptable harm would need to be identified for any defensible refusal.
- 10.16 Members continued to debate the application on the issues including: the land ownership of the site, the weight of the Draft Joint Local Plan.
- 10.17 The Chief Planning Officer advised Members that access to the proposed site and the options that were available to the committee as well as its impact on residential amenity and ecology.
- 10.18 Councillor John Matthissen proposed that the application be refused for the reasons as follows:
- H16 Loss of amenity and the effect on local residents through noise activity and disturbance and traffic fumes
  - Harm to the landscape character.
- 10.19 Councillor Rowland Warboys seconded the motion.
- 10.20 The Case Officer responded to Members questions on the response from Place Services that there was no objection from them and then provided information on the density of the site in the surrounding area.
- 10.21 A short break was taken to allow the Chief Planning Officer and Case Officer to confirm wording for the refusal as proposed.
- 10.22 The Chief Planning Officer advised the proposer and seconder of the following wording as follows:

- That the proposed development would not represent good design and result in short term construction traffic and long term traffic associated with future residential occupation of the site. This traffic which will be reliant upon the access through existing road network within the adjacent residential area would have a material detrimental impact upon that adjacent residential area reducing its amenity by reason of noise, activity and traffic fumes contrary to the Local Plan policy H16 of the 1998 Local Plan and paragraphs 124 and 127 of the NPPF (2019) which requires a high standard of amenity for existing and future users.

10.23 The Proposer and seconder agreed with the wording as read out by the Chief Planning Officer.

10.24 Members continued to debate the application on the issues including: the Draft Joint Local Plan and its allocation, the safety of future residents, the number of accesses t the allocation site.

10.25 The Case Officer provided further information to the Committee on an approved site to the south of the current application.

10.26 Members debated the possibility of a minded to refuse decision taking into account the new information of the southern site and the density of the site.

10.27 Following debate on the benefits of this the proposer, in agreement with the seconder agreed to change their proposal as follows:

That the Committee are minded to refuse application DC/18/00861 for the following reason:

That the proposed development would not represent good design and result in short term construction traffic and long term traffic associated with future residential occupation of the site. This traffic which will be reliant upon the access through existing road network within the adjacent residential area would have a material detrimental impact upon that adjacent residential area reducing its amenity by reason of noise, activity and traffic fumes contrary to the Local Plan policy H16 of the 1998 Local Plan and paragraphs 124 and 127 of the NPPF (2019) which requires a high standard of amenity for existing and future users.

And

That the Committee instruct officers to negotiate a lesser density of development.

10.28 Members continued to debate the application on the issues including: the allocation in the Draft Joint Local Plan, the information on the approved site to the south of the proposal, and the loss of residential amenity through overlooking, the proposed landscape buffer.

10.29 By 10 votes to 0 with 1 abstention.

10.30 **RESOLVED**

**That the Committee are minded to refuse application DC/18/00861 for the following reason:**

**That the proposed development would not represent good design and result in short term construction traffic and long term traffic associated with future residential occupation of the site. This traffic which will be reliant upon the access through existing road network within the adjacent residential area would have a material detrimental impact upon that adjacent residential area reducing its amenity by reason of noise, activity and traffic fumes contrary to the Local Plan policy H16 of the 1998 Local Plan and paragraphs 124 and 127 of the NPPF (2019) which requires a high standard of amenity for existing and future users.**

**And**

**That the Committee instruct officers to negotiate a lesser density of development.**

The business of the meeting was concluded at 5.15 pm.

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Chair



# Agenda Item 6

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING REFERRALS COMMITTEE** held in the Virtual Teams Video Meeting on Friday, 19 March 2021 09:30

### **PRESENT:**

Councillor: Kathie Guthrie (Co- Chair) and Matthew Hicks (Chair)

Councillors: James Caston Rachel Eburne  
Sarah Mansel John Matthissen  
Andrew Mellen Richard Meyer  
David Muller BA (Open) MCMI Mike Norris  
RAFA (Councillor)  
Andrew Stringer Rowland Warboys

### **Ward Member(s):**

Councillors: John Whitehead

### **In attendance:**

Officers: Planning Lawyer (IDP)  
Principal Planning Officer (JH)  
Governance Officer (RC)  
Chief Planning Officer (PI)

### **10 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

Apologies for absence were received from Councillors John Field, Peter Gould, Barry Humphreys MBE, and Tim Passmore.

### **11 TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS**

None declared.

### **12 DECLARATIONS OF LOBBYING**

None declared.

### **13 DECLARATIONS OF PERSONAL SITE VISITS**

Councillor Sarah Mansel declared that she had visited the site for application DC/18/00861.

### **14 RF/20/4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 27**

## JANUARY 2021

The Chair advised Members that a Draft had not yet been completed of the Minutes of the meeting but that these would be presented at the next meeting of the Committee.

### 15 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

### 16 RF/20/5 SCHEDULE OF PLANNING APPLICATIONS

In accordance with the Council's procedure for public speaking on planning applications, representations were made as detailed below:

Application Number	Representations From
DC/18/00861	Richard Martin (Agent) Cllr John Whitehead (Ward Member)

### 17 DC/18/00861 LAND TO THE EAST OF, ELY ROAD, CLAYDON, SUFFOLK

#### 17.1 Item 7A

Application Proposal	DC/18/00681 Outline Planning Application (with means of access to be considered) – Erection of up to 67 dwellings, public open space and supporting site infrastructure including access.
Site Location	<b>CLAYDON</b> – Land to the East of, Ely Road, Claydon, Suffolk
Applicant	M. Scott Properties Ltd, The St Edmundsbury and Ipswich Diocese

17.2 The Case Officer presented the application to the Committee outlining the location of the site, the amended layout of the site, the increased biodiversity buffer, footpath improvements, and the officer recommendation of approval.

17.3 The Case Officer and Senior Development Management Engineer from Suffolk County Council Highways Department responded to Members' questions on issues including: footpaths and highways, construction traffic, the neighbouring site that had been previously approved, and the possible timeframe for construction.

17.4 Members considered the representation from Richard Martin who spoke as the Agent.

17.5 The Agent responded to questions from Members on issues including: the current ownership of the land.

17.6 Members considered the representation from Councillor John Whitehead, Ward Member, who spoke against the application.

17.7 The Ward Member responded to Members' questions on issues including: the lack of a Neighbourhood Plan in the parishes, the consultation and engagement from the Applicant, the proposals relationship to the Draft Joint Local Plan, and the current use of the land.

17.8 A comfort break was taken between 10:47 – 11:00

17.9 Members debated the application on the issues including: the single access route to the site, construction traffic route, pressure on local facilities, improvements to footpaths and the increased biodiversity measures.

17.10 Councillor Kathie Guthrie proposed that the application be approved as detailed in the officer recommendation with the additions as follows:

- Condition that no construction access should pass through Edinburgh Gardens.
- Informative of upgrading the existing footpath to a bridleway as a request to the County Council
- as a condition The proposed bungalows on the site would be delivered to M42 and M43 standard at the reserved matters stage.

17.11 This was Seconded by Councillor David Muller

17.12 By 9 votes to 3.

**17.13 It was Resolved:-**

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:**

- Affordable housing
- This shall include not less than 35% of the total dwellings
- Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
- All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
- Adequate parking provision is made for the affordable housing units including cycle storage for all units.
- Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.
- Primary school building costs - £4,591.34 per dwelling (total £307,620)
- Primary school land purchase - £263.51 per dwelling (total £17,655)
- Recreational Access Disturbance Mitigation Strategy (RAMS) contribution - £121.89 per dwelling (total £8,166.61)
- Improvements to Church Lane Claydon/Norwich Road junction and Station Road/Norwich Road junction; Financial contribution toward transport improvements in the village to encourage walking and cycling,

safer routes to school and improve safety for pedestrians and cyclists; and Norwich Road extension of Speed Limit on Norwich Road. The total cost of these works are estimated at £98,250 to be apportioned between this and Norwich Road application (reference 1856/17). This site has been identified to contribute £15,542.50, with the remainder to be sought from 1856/17.

- **Public Right of Way improvement – widening and resurfacing of footpaths FP13 and FP14 and Bridleway 009 - £58,125**

**(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon**

**completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- **Standard outline time limit**
- **Approval of reserved matters – appearance, scale, layout, landscaping**
- **Approved Plans – broad compliance with parameter plan including location of single storey dwellings**
- **Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL) (Pre-commencement)**
- **Market housing mix prior to or concurrent with reserved matters to be agreed**
- **Removal of permitted development rights for upwards extensions to any single storey dwellings**
- **Provision of open space and play space, timing of and maintenance and management**
- **Detailed landscape planting plan, including advance planting, management plan, landscaping scheme and details of SUDS areas**
- **Road construction and surface water disposal from roads**
- **Construction management plan (including hours for deliveries and construction works on site)**
- **Vehicle turning and parking (including cycles and electric vehicle charging points)**
- **Bin storage**
- **Travel plan**
- **Protection of public right of way during construction the development**
- **Fire hydrants**
- **Drainage strategy (Anglian Water)**
- **Surface water drainage scheme including further infiltration testing and two-stage water treatment**
- **Maintenance and management of the surface water drainage scheme**
- **SuDS components on LLFA's Flood Risk Asset Register.**
- **Construction Surface Water Management Plan**
- **Mineral extraction quantified**
- **Archaeology – implementing programme of archaeological work**
- **Ecology protection, mitigation and enhancement, including the provision of Swift boxes, hedgehog fencing and wildlife sensitive lighting**
- **Level access to enable wheelchair access for all dwellings/buildings**
- **Tree Method Statement and Tree Protection Plan compliance**
- **Unexpected contamination**
- **Energy and renewal integration scheme to be agreed**
- **Rainwater harvesting to be agreed**

- **Service ducting for Broadband cables**
- **On site open space and includes management of the space to be agreed and requirement for public access at all times.**

**(3) And the following informative notes as summarised and those as may be deemed**

**necessary:**

- **Pro active working statement**
- **SCC Highways notes**
- **Works to a watercourse may require consent (Land Drainage Act 1991)**
- **Any discharge to a watercourse or groundwater comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003**
- **Any discharge of surface water to watercourse that drains into Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution**
- **European Protected Species Licence**

**(4)That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds if considered necessary.**

**With the additional conditions of:-**

- **No construction access should pass through Edinburgh Gardens.**
- **Informative of upgrading the existing footpath to a bridleway as a request to the County Council.**
- **The proposed bungalows on the site would be delivered to M42 and M43 standard at the reserved matters stage.**

The business of the meeting was concluded at 11.57 am.

.....  
Chair

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# Agenda Item 8

## MID SUFFOLK DISTRICT COUNCIL

### PLANNING REFERRALS COMMITTEE

08 MARCH 2023 – 14:30PM

#### INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING OFFICER</u>	<u>PAGE NO</u>
8A	DC/19/02090	Land to the East of Ixworth Road, Thurston, Suffolk	Councillor Auston Davis and Councillor Harry Richardson / Thurston	Vincent Pearce	25 - 170

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# Agenda Item 8a

## Committee Report

**Item No:** 8A

**Reference:** DC/19/02090

**Case Officer:** Vincent Pearce

**Ward:** Thurston.

**Ward Members:** Cllr Austin Davies & Cllr Harold Richardson.

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## **RECOMMENDATION: REFUSE PLANNING PERMISSION/AGREE PUTATIVE REASON(S) IN RESPONSE TO APPEAL**

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### Description of Development

Outline Planning Application (some matters reserved) - Erection of up to 210 dwellings and new vehicular access to include planting and landscaping, natural and semi-natural green space including community growing space(s), children's play area and sustainable drainage system (SuDS), to include 35% affordable dwellings.

### Location

Land To The East Of, Ixworth Road, Thurston, Suffolk

**Expiry Date:** 31/01/2023

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

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

**Applicant:** Gladman

**Parish:** Thurston

**Site Area:** 8.87ha

**Gross Density (Total Site):** 23.6dph

### **Details of Previous Committee / Resolutions and any member site visit:**

**29 January 2020** - **Referrals Committee:** DEFERRED

**12 August 2020** - **Referrals Committee:** DEFERRED

**16 September 2020** - **Referrals Committee:** Resolution to **GRANT** conditional outline planning permission subject first to the completion of S106 to secure specified matters

**Has a Committee Call In request been received from a Council Member :** No

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

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## PART ONE / A – REASON FOR REFERENCE TO COMMITTEE [8 March 2023]

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1. The application comprising as it does – ‘up to 210 dwellings’ is a major planning application, the size of which exceeds the threshold prescribed with the Council’s Formal Scheme of Delegation above which the matter must be referred to Committee for determination.
2. This application is now the subject of a notification of an intended appeal to be submitted by the applicant in relation to the ‘Failure of the Council’ to decide the application and the Council needs to determine its position in respect of that appeal or, in the event that an appeal has not yet been made, determine the application. When the Committee last considered the merits of this application back in September 2020 it resolved to Grant conditional outline planning permission subject to a S106. That decision was not issued for reasons that will be discussed in Part Two of this report. Since September 2020 there have been material changes in circumstance that now prompt a review of the merits of the application and a refreshed determination and officers are now recommending that the application is unacceptable in the light of these changed circumstances.
3. The application was presented to the Council’s Referrals Committee rather than Committee A or Committee B on the basis that other recent major planning applications in Thurston had been determined by the Referrals Committee in view of their significant and locally controversial nature. The application is now referred to Referrals Committee as this was the authorising committee when the previous resolution was made.

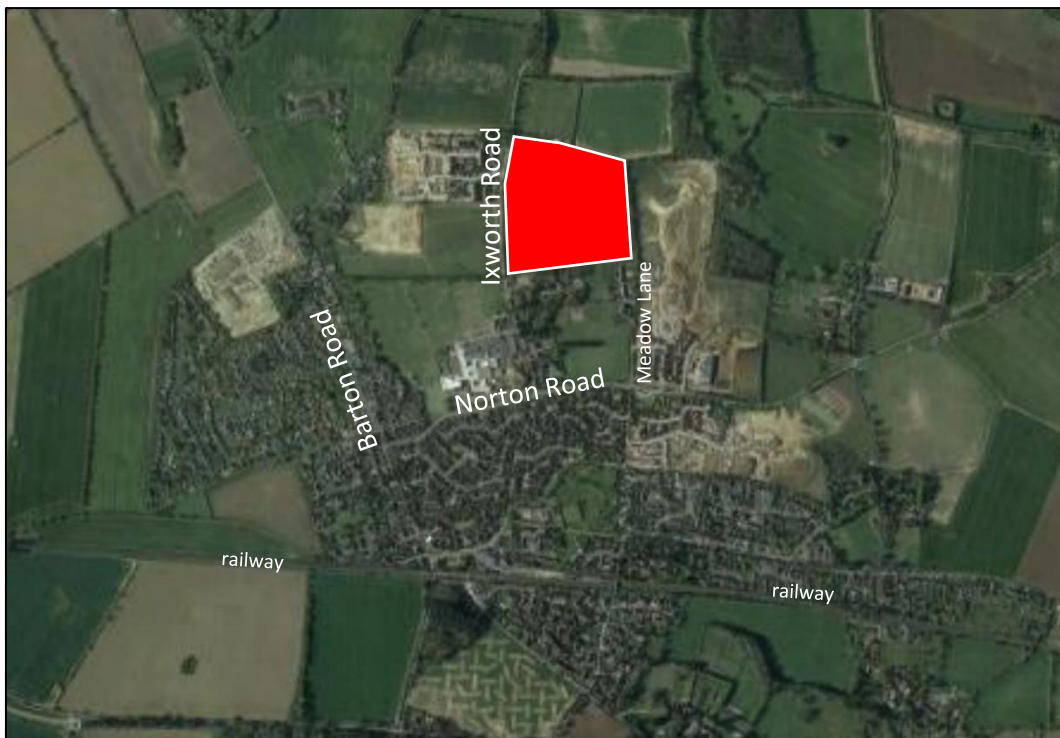


figure 1:  
**The site in its  
wider context**

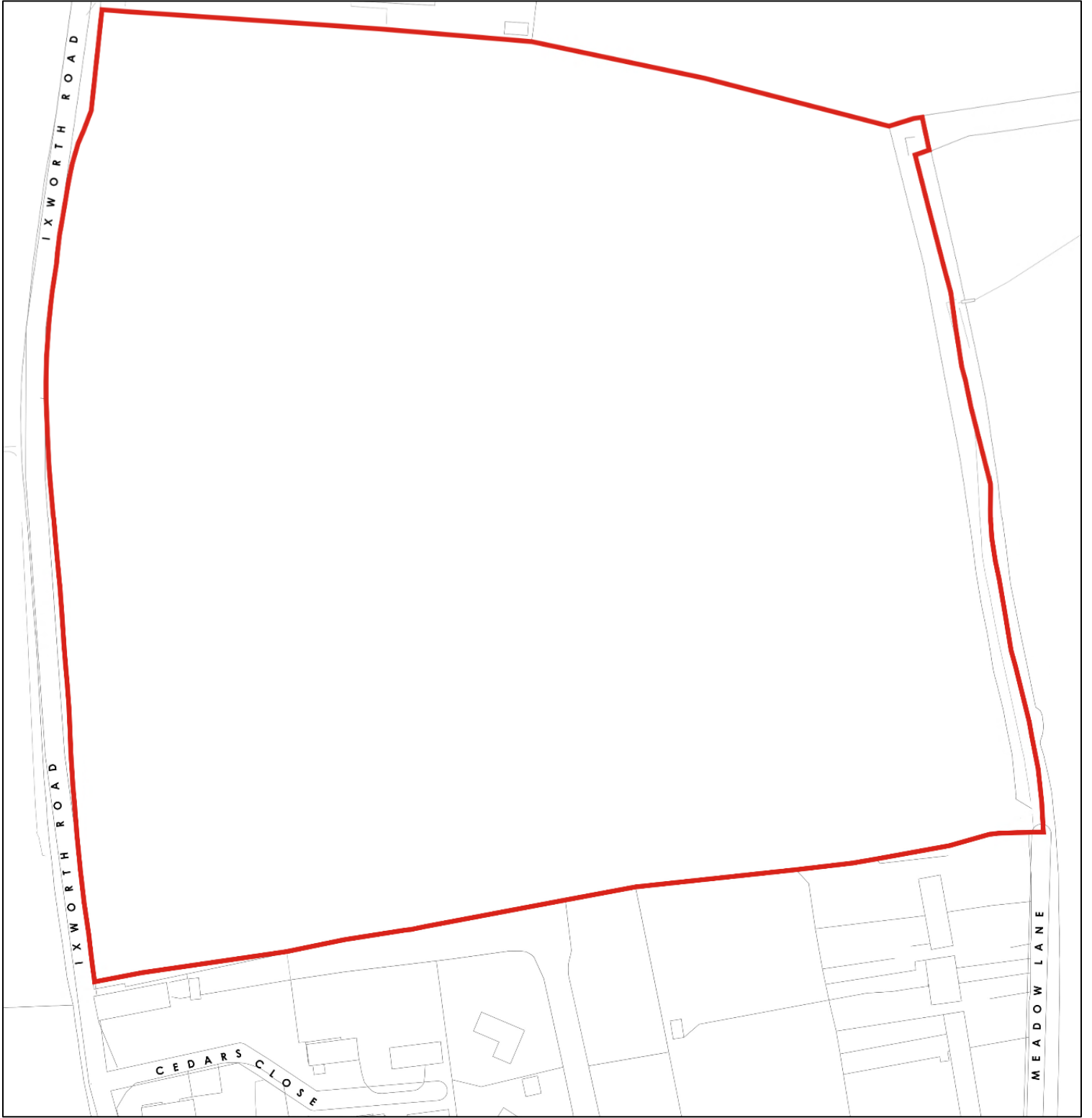


figure 2: **The application site [red line plan]**

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## **PART ONE / B – RELEVANT BACKGROUND [8 March 2023]**

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### **Update**

The applicant has provided the Council with notice of its intention to lodge an Appeal against the Council's failure to decide the application [non-determination]. The Council now needs to determine its position in respect of the merits of the application as it will be required, in essence, either to defend what will be a 'deemed refusal' as a result of the appeal or to inform the Planning Inspectorate that it will not be defending the case as it would have been minded to grant permission had the appeal not been lodged.

This report seeks to review the merits of the application and then make a recommendation as to which path to pursue.

Members may also be aware that the policy context for development in Thurston has been subject to consideration by the Courts.

In *R(Thurston Parish Council) v Mid Suffolk DC* [2022] EWCA Civ 1417, the Court of Appeal upheld as lawful the Council's decision to grant planning permission for up to 210 dwellings at land south-east of Beyton Road (DC/19/03486).

The High Court had previously quashed the Council's decision on the basis that the advice given by planning officers to members was misleading. The Court found that members should have been advised that, because the proposed development was outside the defined settlement boundary of Thurston, it would be contrary to Policy 1 of the Thurston Neighbourhood Development Plan.

The Court of Appeal allowed the Council's appeal against this Judgment and found that there was no error in the Council's decision to grant planning permission. In particular, the Court of Appeal confirmed as 'correct' the advice given by officers that, although there was some 'tension' between the proposal and the Thurston Neighbourhood Plan, there would be no 'conflict' with Policy 1. Importantly for this application, the Court confirmed that the requirement in Policy 1 of the Thurston Neighbourhood Plan for development to be 'focused' within the settlement boundary does not mean that there can never be any development outside the settlement boundary. Thus, the Court of Appeal has confirmed that the Council's approach to Policy 1 is correct. Development will not be in conflict with Policy 1 of the Thurston Neighbourhood Plan simply because it is located outside the settlement boundary provided that the question of "focus" is addressed.

Further consideration is given to Policy 1 below.

## Committee history and background to application

**29 January 2020 - Referrals Committee: DEFERRED** with Committee indicating that it was minded to **REFUSE** the application subject to further information being provided to address the issues identified:

**The formal minute of the meeting of 29 January 2020 records the following:**

“28.27 By 5 votes to 2, with 4 abstentions

28.28 RESOLVED

The application is minded to **refuse** and is subject to the following points:

- Further analysis of the highway situation at the Bunbury Arms junction and Barton Road/ Station Hill junction
- Updated information on railway station improvements
- Greater certainty over the landscape buffer forming part of the scheme.
- And that the application be reported back to Committee with such further “information

**12 August 2020 - Referrals Committee: DEFERRED** due to lack of time to debate the item and need for a highway officer to be present.

**16 September 2020 Referrals Committee:** Resolution to **GRANT** conditional outline planning permission subject first to S106 to secure specified matters.

**The formal minute of the meeting of 16 September 2020 records the following:**

“58.21 By 10 votes to 4 with no abstentions.

58.22 RESOLVED

**1. The satisfactory and prior completion of a S106 Agreement to secure the Matters set out below, Namely,**

*Please note: [text in italics is unchanged from 12 August 2020 report; and, Text not in italics is new for the 16 September 2020 report]*

- ❖ *The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [tba] occupations within the residential development.*

*The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan*

- ❖ On-site delivery of 35% affordable housing as required by the Council's Housing Strategy Service*
- ❖ Delivery of no less than two car club vehicles within the village*
- ❖ Provision of a public electric charging point within the village*
- ❖ Provision of urban gym trail facilities within the development*
- ❖ Provision, transfer and maintenance of open space {the transfer of the land to be for £1 and to be offered via a cascade. First instance to MSDC who may offer it to a nominee and in the event that MSDC declines an offer of transfer then to a AMENDED RECOMMENDATION for 16 SEPTEMBER 2020 [for the avoidance of doubt you are advised that this recommendation now replaces the recommendation included in the report due to have been considered on 12 August 2020 and included below] management company who will manage the site on behalf of the developer in perpetuity with a proviso that the site shall be permanently available to all members of the public*
- ❖ Provision of an additional commuted financial sum of £200,000 for play equipment including the possibility of wheel play within the open space and maintenance*
- ❖ Travel Plan monitoring sum*
- ❖ Payment of the Education contributions New primary school land cost : £67,288 New primary school build cost: £1,019,772*
- ❖ Provision of a financial contribution of £30,000 towards a Thurston Railway Station Improvement feasibility study*
- ❖ Provision of a financial contribution of £31,500 towards a discount cycle purchase voucher scheme to new occupiers of homes within the development*
- ❖ Delivery of the package of the footway, cycleway and pedestrian/cycle crossings to an agreed timetable [details of which may be included within a S278 Highway Agreement]*

- ❖ *Provision of two new village notice boards within the development at locations to be agreed*
- ❖ *Provision of dog bins and a financial contribution towards their emptying locations to be agreed within the development*
- ❖ *Provision of a new 20m deep landscape buffer comprising native hedgerow species to be provided behind the visibility splay on the site's Ixworth Road frontage and the provision of a 20m deep landscape buffer on the sites eastern edge [adjacent to meadow Lane] incorporating the existing hedgerow. [details of which shall be included in a landscape management and delivery plan to be agreed prior to commencement of development]*

*then,*

**2 The Chief Planning Officer be authorised to GRANT Outline Planning Permission subject to conditions** that shall include those as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- *Reduced time limit for submission of reserved matters [to 2 years] and then 18 months to commence after approval of reserved matters*
- *Reserved matters as submitted shall be based substantially on the illustrative layout drawings reference...and shall include cross sections*
- *No built form shall encroach into or upon any of the open space land shown on the illustrative drawing*
- *The development shall be served by a second vehicular access, details of which shall be agreed in writing with the Council as part of the first reserved matters submission and this access shall be restricted to emergency vehicles only.*
- *The open space provision shall not be less than shown on the illustrative layout [this area shall not include such area as is required to provide a SuDS solution to surface drainage. For the avoidance of doubt the open space area referred to shall exclude the notional area allocated for water storage purposes on the illustrative drawing.*
- *Total residential units shall not exceed 210*
- *Unit size shall be a matter for reserved matters*
- *Removal of householder permitted development rights*
- *Plans (Plans submitted that form this application)*
- *Parking to comply with Adopted Parking Standards*
- *Ecological Mitigation*
- *External materials [to include traditional vernacular such as clay tiles, stock bricks]*
- *Tree protection*
- *Provision of ev. charging points to all properties and sustainable construction*

- *Provision of a minimum of superfast/ broadband to all properties*
- *Construction Method Statement*
- *As required by SCC Highways*

*As required by SCC Water & Floods and,*

*3 Appropriate informatives*

*HOWEVER,*

*4 In the event of the Planning obligations or requirements referred to in Resolutions (1) and (2) above not being secured within 6 months then the Chief Planning Officer be authorised to refuse the application on appropriate grounds if he deems there is little or no prospect of the issues delaying the securing of (1) and (2) being resolved given a reasonable extension of time.*

*Additional points as detailed in the tabled papers:*

- 1. Ecological mitigation to be within the S106 and not a condition*
- 2. A £30,000 contribution to platform improvement to be required within S106 [currently in latest recommendation]*
- 3. Built form not to encroach into the open space*
- 4. Buffer on the eastern boundary not to be less than 20m*
- 5. Concurrent with the submission of reserved matters a scheme for safe access to school to demonstrate east west connectivity for pedestrians and cyclists and to promote walking and cycling access to the station to be agreed having regard to the TNP delivered concurrently with the occupation of the development*
- 6. Proposed reserved matters shall be accompanied by evidence of dwelling mix and tenure and shall reflect the needs of younger and older people to accord with Policy 2 of the TNP and that such mix and tenure has taken account of discussion with TPC*
- 7. Archaeology conditions Informative. The housing mix shall also be informed by discussion with the Council's Housing Strategy Team and a minimum 3% of the overall number of units are likely to be required as bungalows.*

*Additional conditions from the committee:*

- That the delivery of pedestrian and cycle crossings be in place and installed prior to the first occupation of a dwelling."*

A S106 to secure the matters identified in the minute was subsequently drafted and completed. However, due to Thurston Parish Council challenging the decision of the Council to grant outline planning permission for 210 dwellings on land south-east of Beyton Road, Thurston ref. DC/19/03486 at that time, the decision in respect of the Gladman application was not issued as Thurston Parish Council had also given notice to the Council that it would challenge that decision too if issued.



The Council, with Gladman's support, agreed to await the outcome of the challenge in respect of the Beyton Road application in order that the decision of the High Court could, once known, be carefully considered and if necessary the Gladman application be referred back to Committee with the benefit of such relevant new considerations as the High Court's decision raised (or simply issued, if circumstances had not materially moved on since the original decision of the Committee).

The Judicial Review process into the Beyton Road decision ultimately involved first the High Court, then the Court of Appeal and finally The Supreme Court over a 12-month period between Court decisions.

The relevance of the decision of the Courts to the determination of the Gladman application has been summarised above and will be addressed further below.

### **Materially changed circumstances since September 2020**

This report is presented to the Referrals Committee because since the merits of the application were last considered by Members on 16 September 2020, the circumstances around a number of material planning considerations at the heart of the debate have materially changed.

In *Kides v. South Cambridgeshire DC* [2002] EWCA Civ 1370, the Court of Appeal held:

“where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a "material consideration" for the purposes of section 70(2), it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.”

Officers are not satisfied that, in light of the material change in circumstances referred to, the authority would necessarily reach the same decision on a reconsideration. It is therefore considered appropriate to re-visit and review the merits of the proposal in the light of these changes and for the Committee to determine its position in respect of the Appeal that is to be lodged by the applicant against the Council's Failure to Determine [Non-Determination] the application reference DC/19/02090.

The principal changes in circumstance that need to be considered and reviewed are:

1. The Council can now demonstrate that it has a 10.88 year housing land supply. When this application was previously considered by Members the published figure stood at 5.61 years<sup>1</sup> after a sustained period of less than 5 years supply and so the weighting to be ascribed to relevant policies should be reviewed; and,

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<sup>1</sup> 5.61 years July 2019 Mid Suffolk DC Housing Land Supply Position Statement

2. The application site at the time of last consideration by Members appeared as a residential allocation in the Draft Joint Babergh Mid Suffolk Local Plan. Since then and following an exploratory meeting with the examining Inspectors on 16th December 2021, it has been proposed to progress the JLP as a 'Part 1' local plan. This is expected to be followed by the preparation and adoption of a 'Part 2' local plan as soon as possible. These changes will need to be the subject of formal plan modification and publicity in the usual way.

In those circumstances the application site would no longer be proposed to be allocated for residential development and as such the current JLP allocations proposals would no longer be an indication of the direction of travel of the Council with regard to [i] the distribution of housing growth generally across the District; and [ii] growth specifically for Thurston. The current published JLP proposed allocation therefore has diminished weight as a material planning consideration.

With consultation on main modifications to the Part 1 Plan awaited, the policies of the Plan are presently a matter of limited weight and are not determinative to the assessment of this application at the present time. This is a matter that would need to remain under review and the weight to be accorded to the emerging plan may foreseeably alter again as the examination of the JLP continues to progress within the currency of the appeal. Given the notice of intention to appeal the above summary is considered a reasonable assessment of the JLP position for the purpose of this report.

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## **PART TWO – REVIEWED ASSESSMENT [8 March 2023]**

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The policies most important for the determination of this application remain as CS1, CS2, and H7. Officers' position in relation to those policies remains largely the same as considered previously i.e., that they are out of date to a degree.

It remains the case that the application is not in accordance with those policies and is not in accordance with the development plan as a whole.

The "tilted balance" of policy FC1 and NPPF paragraph 11.d)ii is therefore relevant and engaged as a consideration.

The question of the weight to be afforded to policies CS1, CS2, and H7 is nevertheless of great importance to this decision and material factors that have changed since the previous committee resolution warrant a reconsideration of the planning balance.

### **The Thurston Neighbourhood Plan**

When the matter was last considered by the Committee, the advice from officers was that the proposed development would not conflict with the Thurston Neighbourhood Plan. Officers have considered whether that advice remains correct in light of the Court of Appeal's Judgment (as

referred to above) and the circumstances as they exist today. The 'up to 210 dwellings' in the Gladman application will, if approved, be outside the settlement boundary as defined in the TNDP2019. As noted above, the Court of Appeal Decision established that Policy 1 does not in and of itself preclude development outside the settlement boundary for Thurston village.

Therefore, in light of the judgment of the Court of Appeal, there is no change to officers' previous advice regarding Policy 1 of the Neighbourhood Plan: there is no express conflict between the application and that policy at the present time, recognising that it is the policies of the District that are determinative in the assessment of applications beyond the settlement boundary.

### **The 5-year housing land supply position.**

At this point it is worth drawing attention to correspondence of the Examiners [Joint Local Plan] dated 9th December 2021 . In that letter, among other matters the Inspectors identify that in relation to the two plan areas (with emphasis): '7. Furthermore, we understand that, across the two districts, around 90% of the housing requirement figure detailed in policy SP01 is already provided for by existing completions, sites under construction, sites with full or outline planning permission, sites with a resolution to grant planning permission subject to s106 agreement, allocations in made Neighbourhood Plans and the, reasonable, allowance for 1,000 windfall dwellings. This unusual situation means that demonstrating a supply of developable housing land for the vast majority of the plan's overall housing requirement figure is, for some years to come, unlikely to be dependent on the allocation of the housing sites included in the submitted plan.'

As Members will be aware it was on this basis that the Examiners advised splitting the JLP into two parts: Part 1 would be a local plan containing relevant strategic and development management policies (retaining the existing settlement boundaries), and Part 2 would provide for a review of those settlement boundaries, the settlement hierarchy, spatial distribution and any allocations. The letter further indicates that the Part 1 plan is likely to be found sound subject to main modifications.

There is a strong indication that there is unlikely to be any shortfall for Mid Suffolk required to be dealt with as part of the JLP, not least any immediate pressure to release new dwellings as a departure from a plan-led approach that would include a retention of existing settlement boundaries. This has a bearing on the weighting to be applied to policies CS1, CS2, and H7, such that any conflict with them is considered to be more significant as a result i.e., that they are capable of being afforded a much greater weight than they were previously (when there was a direction of travel indicating not only a future need for further housing in the District, but moreover an indication that further housing development was required in Thurston, hence the proposed allocation at the time).

It is in this context that the merits of the application must now be considered also noting that the application site no longer forms a proposed allocation or direction of travel for future growth. The Council's ability to demonstrate that it has an abundance of sites sufficient to accommodate the likely growth for many years to come now suggests there is no immediate or pressing imperative to approve yet more housing in Thurston on top of that already approved, which comprises more than 1000 dwellings. As above, this is a particular bearing upon the significance of the conflict identified with policies CS1, CS2, and H7.

## Relevance of the Draft Babergh Mid Suffolk Joint Local Plan [JLP]

As highlighted earlier the section of the JLP (Part 2) that was to have been advanced at the examination has now been, in effect, withdrawn following the confirmation of the Council to the examining Inspector's that this would be the approach to be taken. This means that no allocations are now being identified as part of the JLP at the present time. Instead, only Part 1 is proceeding and that deals with policies. The Council can now rely on sites already identified and allocated in the existing Adopted Development Plan and outstanding planning permissions to meet its housing needs for the period up to 2037.

This is important because the site allocations that were in the JLP having been effectively withdrawn now through modification, have NO WEIGHT as material planning considerations and nor do they now represent a direction of travel. They no longer exist for all intent and purpose.

The site the subject of this application was a site that was allocated in the version of the Draft JLP when last considered by the Committee in September 2020. That is now no longer the position. The site remains as countryside as defined by the Proposals Map that accompanies the Adopted Development Plan with no prospect that this will change in the near-medium future.

Consequently, the weight in respect of the direction of travel of the JLP and the then allocation of the application site given by officers in the report that was considered by the Committee in September 2020 must now change.

Officers now give great weight to the fact that the site is in the countryside and no weight to the fact that at one time it was intended to seek the inclusion of the site as an allocation in the now defunct Part Two of the JLP.

### **In reporting the 'planning balance and conclusions' to Members in the Committee report considered on 16 September 2020, officers stated:**

*" With the exception of the Parish Council, the application is not subject to objection from any statutory consultee and no objection has been received in relation to any technical matter. The application is considered to be acceptable in all respects, save for noting the policy breaches relating to the site being presently unallocated, representing new housing in the countryside outside of the settlement boundary for Thurston.*

*From experience, and especially in the current wider national context, officers are particularly concerned with the notion of refusing housing for housing sake – the outcome of the SoS-determined Long Melford appeal<sup>2</sup> in the adjacent Babergh district (and indeed all other committee overturn appeal decisions relating to Mid Suffolk in recent years) acutely highlights this point and the significant weight placed upon the desire to significantly boost housing supply. This is especially the case given that the Council relies upon unallocated sites to make up its current housing supply; such a supply is despite its out of date housing policies, not because of them.*

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<sup>2</sup> Appeal reference: 3214377, available here: <https://www.gov.uk/government/publications/recoveredappealland-off-station-road-long-melford-suffolk-ref-3214377-1-april-2020>

## **Officer comment for 8 March Report**

The material change in circumstances described earlier in this report now suggest that the district is in the position of having a very considerable housing land supply that is already likely to satiate the estimated demand for many years to come. The district has, despite many set-backs elsewhere in the country seen good rates of housing delivery. There is currently no indication that the district will need to require greenfield sites such as this to come forward to make up housing numbers in the near term. Indeed, the fact that the Examiners in the case of the JLP advised the Council in December 2021 that it need not proceed with Part Two of the Plan [allocations] as part of the present Examination because of the surfeit of already committed development adds further support to the conclusion that this development is not required to meet local or district housing needs. Thurston has been and is being heavily developed more so than any other town/village in the District.

*Where the proposed development conflicts with the housing settlement policies of the Council's district development plan documents (principally through conflict with policies CS2 and H7) it does not accord with the development plan taken as a whole. In strict terms, it could be said that there is conflict with policy CS1 also – where the site falls outside of the Thurston settlement boundary – but as a development for a Key Service Centre it is nevertheless the case that the underlying spatial strategy for the District is being followed.*

## **Officer comment for 8 March Report**

It is acknowledged that Thurston is a Key Service Centre and it is within these locations [along with Towns] that the majority of growth is directed by the Adopted Core Strategy. However housing growth cannot be unrestricted if the Council is to support sustainable plan-led balanced growth.

*Members will no doubt be conscious of the Government's recent comments in respect of driving the country out of the covid-19 triggered recession and the role that delivery of sustainable housing will play in the recovery.*

*The application proposal is not, however, considered to directly conflict with the NDP which purposefully splits its housing strategy between local policies and the strategic housing policies of the District<sup>3</sup>*

*Further, officers consider that there are other material considerations which direct that planning permission should nevertheless be granted, not least through acknowledging that taken in the*

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<sup>3</sup> Committees attention is also drawn to the Inspectors appeal conclusion in Eye regarding the extent of additional growth planned within the Eye NDP being over and above the need anticipated for in the JLP identified requirement, and the persuasive/"decisive" effect of that upon the planning balance in that case. See appeal ref: 3215534, available here:

[http://www.landmarkchambers.co.uk/wpcontent/uploads/2020/03/Appeal-Decision-3215534\\_-002.pdf](http://www.landmarkchambers.co.uk/wpcontent/uploads/2020/03/Appeal-Decision-3215534_-002.pdf)

*round the most important policies for the determination of this application are inconsistent with the NPPF and are out of date, and where the underlying aims of those policies would be otherwise met. The “tilted balance” under NPPF para 11d) is engaged; this is an important material consideration. There are no specific policies in the NPPF which direct for refusal; rather, the application complies with the policies of the Framework taken as a whole.*

#### **Officer comment for 8 March Report**

It remains true that the Government is seeking to stimulate economic recovery.

However, with a 10.88 year housing land supply Mid Suffolk is already doing its bit to inject vitality into the housebuilding industry and thereby the local and national economies.

Set against a new back drop of a demonstrable 10.88 year supply of housing land and with more than 1000 new homes already delivered or under construction in Thurston the justification for further development within the village cannot be reasonably sustained.

*It is acknowledged that the proposal does cause some tension between what is expected in terms of a constraint on future development within Thurston as envisaged in the Thurston Neighbourhood Plan and what is clearly a sustainable development proposal in line with the NPPF. This is because the NDP states that new development within the Parish is to be focused within the settlement boundary. That said, the NDP clearly does not preclude development outside of that boundary and it is the strategic, District policies which apply in that respect. The housing strategy within the NDP is split between it and the rest of the development plan which is to be expected given the document recognises that it could not reflect the emerging JLP and that the housing need for the village is to be determined by that new Plan, where the village will need to play a key role in addressing the significant levels of growth anticipated; hence, of course, the very fact that this site has been proposed as an allocation by the Council.*

*Whilst the Neighbourhood Plan includes expansion of the village envelope this is to embrace sites that have already been granted planning permission. The Neighbourhood Plan does not identify [allocate] sites for future expansion and this is left to the District Council in preparing the Draft Joint Local Plan. The District Council as local plan making authority has indicated it is minded to allocate the application site [and others] for residential development. This application conforms with that objective and will help to meet the identified requirement for Thurston during the Plan period up to 2036.*

#### **Officer comment for 8 March Report**

The fact that the JLP is now expected to proceed without Part Two [allocations] is a new material planning consideration. The direction of travel referred to in the September 2020 report is no longer applicable. The site is no longer a draft allocation as all allocations have now been dropped from the JLP during the course of examination. The Councils are able to rely on outstanding planning permissions to meet identified need into the next plan period.

*This proposal delivers a raft of benefits chief of which is a package of highway improvements north of Thurston Railway Bridge that will have village wide [and beyond] benefits in terms of highway safety and ease of access. [beyond that previously secured with the 'Thurston Five'. Consequently, when exercising the tilted balance these highway works need to be given significant weight. Regardless, even if the "tilted balance" was not engaged, when all the benefits are taken into account the adverse impact of permitting another 210 dwellings in Thurston (such harm chiefly amounting to the conflict with the housing policies of the development plan) is plainly outweighed. The direction of the planning balance is to grant planning permission at variance to the indication of the current development plan as a whole (but noting the conflict firmly remains with the District's strategic housing policies in the District development plan documents as presently formulated).*

### **Officer comment for 8 March Report**

The package of obligations and benefits referred to remains unchanged and have been included in a drafted S106 following the September 2020 meeting. These are:

- ❖ The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [tba] occupations within the residential development. The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan; and,
- ❖ On-site delivery of 35% affordable housing as required by the Council's Housing Strategy Service; and,
- ❖ Delivery of no less than two car club vehicles within the village
- ❖ Provision of a public electric charging point within the village
- ❖ Provision of urban gym trail facilities within the development
- ❖ Provision, transfer and maintenance of open space {the transfer of the land to be for £1 and to be offered via a cascade. First instance to MSDC who may offer it to a nominee and in the event that MSDC declines an offer of transfer then to a management company who will manage the site on behalf of the developer in perpetuity with a proviso that the site shall be permanently available to all members of the public; and,
- ❖ Provision of an additional commuted financial sum of £200,000 for play equipment including the possibility of wheel play within the open space and maintenance; and,
- ❖ Travel Plan monitoring sum; and,
- ❖ Payment of the Education contributions

New primary school land cost : £67,288  
New primary school build cost: £1,019,772; and,

- ❖ Provision of a financial contribution of £30,000 towards a Thurston Railway Station Improvement feasibility study; and,
- ❖ Provision of a financial contribution of £31,500 towards a discount cycle purchase voucher scheme to new occupiers of homes within the development; and,
- ❖ Delivery of the package of the footway, cycleway and pedestrian/cycle crossings to an agreed timetable [details of which may be included within a S278 Highway Agreement]; and,
- ❖ Provision of two new village notice boards within the development at locations to be agreed; and,
- ❖ Provision of dog bins and a financial contribution towards their emptying locations to be agreed within the development; and,
- ❖ Provision of a new 20m deep landscape buffer comprising native hedgerow species to be provided behind the visibility splay on the site's Ixworth Road frontage and the provision of a 20m deep landscape buffer on the sites eastern edge [adjacent to meadow Lane] incorporating the existing hedgerow. [details of which shall be included in a landscape management and delivery plan to be agreed prior to commencement of development].

The development was opposed by Thurston Parish Council at the September 2020 meeting despite this list of measures and benefits. It is however acknowledged that the applicant freely entered into a draft S106 Agreement to secure these and had already offered them by the time of the meeting.

The weightiness of those aforementioned benefits generally remains important (save for those measures or contributions which primarily play a role in mitigating the impacts of the development) however they should be contextualised through further changes in circumstance.

For example, the extraordinary housing land supply position significantly tempers the weight to be afforded to the benefit of housing, also recognising that affordable housing delivery continues to improve and has significantly done so in the last few years (and since the previous consideration of this application) with several hundred units being delivered in Thurston itself, likely to far exceed any local need for such.

## **Revised Planning Balance and Conclusion [8 March 2023]**

The proposed development is not, in and of itself, contrary to Policy 1 of the Adopted Thurston Neighbourhood Development Plan 2019 in that were it to be approved the focus of new



development would remain inside the settlement boundary for Thurston, even though the development itself, if approved, would sit outside of that boundary.

The most important policies for the determination of this application remain policies CS1, CS2, and H7. The proposal is contrary to these policies in that the proposed development is within the countryside outside of the settlement boundary. The application is thus contrary to the development plan as a whole, and permission should be refused unless material considerations indicate otherwise.

The Council is able to demonstrate that it has a 10.88 year housing land supply, and the latest evidence indicates that this supply has extended even further – indeed the supply may now be sufficient to accommodate the housing needs of the District well into the next plan period. This unusual position has a particular bearing on the weighting to be afforded to the Council's current housing policies (where the JLP remains subject to further modification and is a consideration of limited weight at the present time).

The benefits of the appeal scheme are moderated when placed into context, acknowledging the housing land supply position of the Council and the likelihood that the housing needs of the district have already been satisfied long into the future. The application site is no longer proposed for allocation. 'Need' for the application development is harder to rationalise whether that is on a district or local Thurston level. Permission of the application would seriously undermine confidence in the plan-led system.

While policies CS1, CS2 and H7, which are considered to be the most important in the determination of the application, are out of date for the purpose of paragraph 11 of the NPPF, in applying the tilted balance, and recognising the primacy of the development plan, the harm in allowing a significant number of further dwellings to be released in the absence of any real and demonstrable district or local need, contrary to the development plan, significantly and demonstrably outweighs the benefits.

The application is therefore now recommended for refusal.

## **REVISED RECOMMENDATION [8 March 2023]**

1. That Members resolve to: refuse planning permission, or in the event that the appeal has begun agree a putative reason for refusal, for the following reason:

*"The proposed development located, as it would be, outside the defined settlement boundary for Thurston and within the countryside, is contrary to Mid Suffolk's Core Strategy policies CS1 and CS2 and Local Plan policy H7. The application would not comply with the development plan as a whole.*

*In applying the tilted balance, and recognising the primacy of the development plan, the harm in allowing a significant number of further dwellings to be released in the absence of any real and demonstrable district or local need, contrary to the development plan, significantly and demonstrably outweighs the benefits."*

and,

2. That Members delegate authority to the Chief Planning Officer to defend the appeal for the reasons set out under 1. above, being amended and/or varied as may be required.

### **Introduction and update [for 16 September 2020]**

Members who were present at the Planning Referrals Committee of 12 August will recall that it had been intended to consider the merits of this proposal at that meeting. The relevant report appeared as Agenda Item 8B. Unfortunately, it was not possible to consider this proposal at that meeting due to extenuating circumstances.

The report is therefore now being re-presented to Members as it appeared on the agenda for 12 August 2020 for consideration and determination.

During the intervening weeks officers have maintained a dialogue with the applicants and it is intended to describe any enhancements in greater detail via the officer presentation.

### **Summary of position since 12 August 2020 [for 16 September 2020]**

Members' attention is drawn amongst other things to the following:

- 1 The inclusion of a S106 requirement for a £30,000 contribution towards the planned Thurston Station improvement feasibility study. At the meeting of 29 January 2020 Members had indicated that this was an expectation. In terms of the CIL Reg 122 test the contribution is directly related to the development and it is considered to be a fair and reasonable sum having regard to the scale and kind of the development in that the Council reasonably expects some of the occupiers of the proposed development to use rail services from Thurston and put further pressure on a situation which it is necessary to resolve; the contribution is necessary to make the development acceptable. The Council is looking to invest in platform improvements at Thurston Station *[details of which will be included in the presentation to Members]* to overcome the issues associated with the use of the existing barrow crossing that provides a direct link between the two platforms for customers. Contributing a modest sum towards the feasibility study to find solutions to improving access to platforms is considered a reasonable step for the applicants to demonstrate they are making a genuine attempt to enhance modal shift within their development and maximise sustainable transport solutions in line with the policies of the NPPF.
- 2 The inclusion of a S106 contribution of £31,500 *[£150 per dwelling]* towards a cycle discount purchase voucher scheme. Again in terms of the CIL test this is

a commitment by the applicant towards directly encouraging the take up of cycling within the village as an alternative to the use of the car for short localised trips and as such it is welcomed.

- 3 The applicant has agreed to further enhancement to proposed pedestrian crossing provision
- 4 The applicant' has agreed to enhanced hedgerow planting along the site's Ixworth Road frontage.
- 5 The applicant has agreed to provision of two village notice boards and dog bins within the proposed development.

As a result of the above Members are being asked to consider the amended conclusions and planning balance along with the consequent recommendation set out below. in doing so it is intended that the latest conclusion, planning balance and recommendation supersede that included the 12 August 2020 Committee report .

### **Cumulative Impacts**

It is acknowledged that were this application to be approved there would be cumulative impacts both positive and negative.

Thurston is currently experiencing widespread development.

There will be additional pressure on facilities as a result of population increase. However, because Thurston is identified as a location for growth infrastructure requirements are being factored in. SO for example the County Council is imminently about to build a 420 place primary school with flexibility to expand to 630 as and if needed. Expansion of the Woolpit Health Centre that also serves Thurston has now been made deliverable by securing additional land adjacent to it as part of another major application. The whole point of CIL contributions is to enable local authorities including Parish Council's to fund new infrastructure. Thurston is now receiving large sums through CIL payments now that development is underway.

Were the Gladman proposal to be approved it would increase traffic within and around the village. This would represent an additional 126 traffic movements in the peak hour [210 x 0.6]. That can be seen in crude terms as 1 every thirty seconds although pre-covid you would have expected greater bunching of trips in the peak than this suggests. In response what is being secured by way of mitigation is comprehensive and sufficient to ensure that the new development does not add to traffic issues in the village. A comprehensive response is now for the first time possible with the progress being made south of the bridge in Turston and with Gladmans improvements.

Absolutely there will be further construction traffic in the village were the Gladman proposal to be approved. However with the level of development now underway and with an indication that developers are now gearing up to made fast progress in Thurston that period of inconvenience will in any event be limited.

Yes there will be a loss of farmland in the event that this proposal is approved but it must be recognised that the site will soon be surrounded on three sides by new development. It is a logical infill that rounds off the village on its north side.

## **AMENDED CONCLUSIONS and PLANNING BALANCE for 16 SEPTEMBER 2020**

[for the avoidance of doubt you are advised that these conclusions and planning balance now replace those included in the report due to have been considered on 12 August 2020 and included below]

It is now clear that circumstances have not only moved forward materially from 29 January 2020 when the Committee last formally considered the merits of this proposal but they have done so even after the postponed 12 August meeting.

Consequently, it is absolutely essential that the officer conclusions and planning balance are revisited and refreshed where appropriate and such adjustments to the balance as are appropriate are made. As is normal Members must then exercise their own judgement in reaching their own conclusions and planning balance having had regard to all material considerations [of which this report is but one.

It is important to acknowledge that uncertainties identified by specific Members as being an issue at the meeting of 29 January 2020 have now been appropriately dealt with.

Members will wish to consider the extent to which these influence their own individual assessment of the merits of the proposal when applying weight to such matters

### **Proposed Fishwick Corner junction improvements**

**On 3 JUNE 2020** West Suffolk District Council's [WSDC] Development Control Committee

Resolved to approve the application for the Fishwick Corner junction works.  
[DC/19/1519/OUT]

#### **WSDC Minute records:**

**“Planning permission be GRANTED subject to the completion of a S106 Agreement between the applicants and Mid Suffolk District Council .....**”

At the time of writing this supplementary section, officers at MSDC and WSDC are working with Bloor Homes to complete the cross boundary S106 Agreement.

When Members were considering the Gladman proposal on 29 January 2020 there was a concern in some quarters that WSDC might refuse the Fishwick Corner Junction application. Clearly Members were conscious of the prospect that if the Gladman proposal was approved without the Fishwick Corner junction works being resolved there was a significant risk that further development in Thurston might cause additional problems at the Fishwick Corner junction.

This progress is a material consideration that points towards giving greater weight to the package of highway works being proposed by Gladman as they will importantly complement the overall package to be delivered not just by Bloor but also the Thurston Five developments. The result can be seen as a comprehensive village-wide approach to tackling known highway issues.

### **Clarification of the real capacity benefits to be gained at the Bunbury Arms Junction from the mitigation proposed by Gladmans**

It is now clear that the introduction of MOVA software technology to control the planned traffic signals at the Bunbury Arms will ease access problems in and out of the village on to and off the A143. Significant projected reductions in overall queue length can be demonstrated along with a better flow of traffic. This mitigation will improve the situation beyond that achievable with the signalisation provided for by the Thurston Five developments such that the Gladman development can be accommodated and still result in overall improvement.

### **Pressure on GP services in Woolpit to serve Thurston Residents**

Since the meeting on 29 January 2020 a Reserved Matters approval has been issued in respect of a site in Woolpit that will now ultimately trigger the transfer of land adjacent to the existing health centre earlier than previously secured. This will enable CIL money to be used to enhance facilities as appropriate. Again, for some Members this will be important progress in respect of community infrastructure.

### **Resumption of building in Thurston**

Since 29 January 2020, the country has seen the covid-19 emergency shut down building sites for many months. In line with the experience nationally development construction in Thurston has re-commenced in earnest. This is significant because it has triggered the delivery of some of the connectivity enhancements associated with the Thurston Five developments. For example, on the west side of Ixworth Road, Persimmon Homes has constructed a large part of the new footway cycleway included in their proposal. The Gladman development if approved will complement and enhance those connectivity improvements. The same is true for the Linden Homes site [north of Norton Road].

## **New Primary School**

Suffolk County Council having secured planning permission for a new 420 place primary school [north of Norton Road] is gearing up to start work on site.

## **Thurston Station Improvements**

Since 29 January 2020 officers [MSDC Key Sites & Infrastructure & Development Management + SCC Highways], representatives from Network Rail and the Parish Council and others have been liaising closely to explore improvement options that could be funded from CIL.

Currently an initial CIL bid has been submitted for the first phase of working up a proposal for improving accessibility. That is presently under consideration. The study will look at:

1. Removal of the station barrow crossing between platforms that requires to users to walk across the rails and provision of an alternative [that will allow the existing right to cross to be extinguished
2. Reviewing all previous options
3. Consider the construction of a pedestrian ramp to allow connection of Platform 1 to Beyton Road
4. Review parking provision serving the station
5. Provision of drop off and waiting layby in Beyton Road to serve the station
6. Undertaking of necessary safety audits

The aim being to identify a preferred option that can form the basis of a more substantial CIL bid to fund the cost of the works

Christine Thurlow the Council's Professional Lead - Key Sites and Infrastructure Development Manage is co-ordinating the relevant regular meetings with the interested stakeholders and this includes substantial representation on the working group by Thurston Parish Council. These meetings have now generated a significant momentum as all parties work together to deliver a funded solution.

## **Overall context**

Within this overall context it is acknowledged that the S106 package reported to Members on the 29 January 2020 has been improved by Gladman in the intervening period. Those enhancements have been a direct response to concerns expressed by the Committee in January and by officers since that date. Indeed, the mitigation offered has expanded further since 12 August 2020. The impact of this also needs to be considered along with the extent to which the enhanced mitigation may or may not may represent further public benefit such as to affect weighting afforded in the final planning balance.

The inclusion of a 20m wide landscape buffer comprising native hedgerow species along the entire Ixworth Road frontage of the site [set behind the required visibility

splay] is a significant commitment to restoring the character already lost along this part of Ixworth Road. It complements the commitment requested by Members to expand the hedgerow on the site's eastern flank to 20m [adjacent to Meadow Lane]. The introduction of this element now also will re-establish a green wildlife corridor linking the existing urban edge of Thurston with the countryside beyond with the ecological benefits that this will bring. Furthermore, the change to the illustrative layout which now includes strong north-south and west-east green links will enable new and existing flora to be connected thereby expanding the natural network.

The latest offer to enhance certain crossings builds on the connectivity benefits afforded by the Gladman proposal and will help to enhance safe routes to school and the benefits associated with National Cycle Route 51 that passes through the village connecting key destinations such as the New Green Centre and Thurston Community College. It is now noted that the additional offer of £31,500 towards a discount cycle purchase voucher scheme further expands the applicant's commitment to supporting sustainable travel in and around Thurston. Again, as part of the bigger package this is a significant step forward in terms of delivering a comprehensive response to travel in and around Thurston. [particularly when the car club offer is also factored into the equation]

Progress being made in respect of Thurston Station is also encouraging particularly as the package will include a £30,000 contribution towards producing a feasibility study.

Having considered the additional traffic analysis submitted by the applicant since the Committee meeting of 29 January 2020 officers are satisfied that the proposed development with additional modelling and additional mitigation proposed [MOVA technology at a signalised Bunbury Arms junction] will create additional capacity. This aspect of the development has been the subject of additional analysis and the applicant has undertaken fresh surveys using County Council data provided by AECOM as the basis for calculation.

Furthermore, that additional capacity will mean the junction will operate below capacity at all times and on all arms. These improvements are expected to benefit all users of the junction and are likely to result in some changes to current travel behaviour particularly those wishing to access the A143 via a right turn from Thurston Road as that manoeuvre become easier and safer. In terms of the weight to be afforded to this aspect of the development it is considered appropriate that it be given significant weight. It is clear that the Bunbury Arms junction is an issue for the Parish Council and many local residents who in the pre-covid environment experienced difficulty variously either getting onto the A143 [generally am peak] from Thurston or off the A143 [generally pm peak] to Thurston.

Clarity around the improved prospects of deliverability of the Fishwick Corner Junction improvements following WSDC's resolution to approve the works subject to a S106



now present the opportunity to get a comprehensive junction package for Thurston and in terms of paragraph 109 of the NPPF this is welcomed.

Suffolk County Council as the beneficiary of Thurston Five contributions are ultimately responsible for procuring the Bunbury Arms junction improvements and it is suggested that of members are minded to grant planning permission the securing of funding for acquisition and installation of the MOVA technology is included within a S106 Agreement.

It is not reasonable to limit occupations within this development to a specific number tied to a trigger for delivery of the Bunbury Arms junction improvements because other than for the MOVA technology the signalisation works are outside of the current applicant's control.

What however is within the applicant's control is the ability to deliver the package of other highway improvements being offered and it is considered reasonable to require all of these to be in place and operational prior to first occupation. In this way the development will deliver early benefits for the community in terms of easier movement.

The enhanced changes to the illustrative layout that have arisen since the January Committee meeting following the comments of Members and as described earlier have improved the quality of the proposal and will deliver a better connected 'greener' and more sympathetic [to its rural edge] development. It is therefore suggested that if Members are minded to grant planning permission Reserved Matters be conditioned to follow the layout principles now shown on the illustrative masterplan.

Officers are therefore satisfied that the proposed development remains acceptable and that the applicant has adequately demonstrated that their proposed mitigation at the Bunbury Arms junction will accommodate not only their development but also the Beyton Road development without pushing the junction over capacity. Indeed, the added mitigation reduces pressure on capacity compared to the signalisation already secured from the Thurston Five developments. In accordance with NPPF para 109 there is no reason to refuse the development on grounds of network capacity and flow. Likewise, there is no highway safety concern and safe/suitable access can be secured.

### **Conclusion and Planning Balance**

With the exception of the Parish Council, the application is not subject to objection from any statutory consultee and no objection has been received in relation to any technical matter. The application is considered to be acceptable in all respects save for noting the policy breaches relating to the site being presently unallocated, representing new housing in the countryside outside of the settlement boundary for Thurston.

From experience, and especially in the current wider national context, officers are particularly concerned with the notion of refusing housing for housing sake – the outcome of the SoS-determined Long Melford appeal<sup>1</sup> in the adjacent Babergh district (and indeed all other committee overturn appeal decisions relating to Mid Suffolk in recent years) acutely highlights this point and the significant weight placed upon the desire to significantly boost housing supply. This is especially the case given that the Council relies upon unallocated sites to make up its current housing supply; such a supply is despite its out of date housing policies, not because of them. Where the proposed development conflicts with the housing settlement policies of the Council's district development plan documents (principally through conflict with policies CS2 and H7) it does not accord with the development plan taken as a whole. In strict terms, it could be said that there is conflict with policy CS1 also – where the site falls outside of the Thurston settlement boundary – but as a development for a Key Service Centre it is nevertheless the case that the underlying spatial strategy for the District is being followed.

Members will no doubt be conscious of the Government's recent comments in respect of driving the country out of the covid-19 triggered recession and the role that delivery of sustainable housing will play in the recovery.

The application proposal is not, however, considered to directly conflict with the NDP which purposefully splits its housing strategy between local policies and the strategic housing policies of the District<sup>2</sup>.

Further, officers consider that there are other material considerations which direct that planning permission should nevertheless be granted, not least through acknowledging that taken in the round the most important policies for the determination of this application are inconsistent with the NPPF and are out of date, and where the underlying aims of those policies would be otherwise met. The "tilted balance" under NPPF para 11d) is engaged; this is an important material consideration. There are no specific policies in the NPPF which direct for refusal; rather, the application complies with the policies of the Framework taken as a whole.

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<sup>1</sup> Appeal reference: 3214377, available here: <https://www.gov.uk/government/publications/recovered-appealland-off-station-road-long-melford-suffolk-ref-3214377-1-april-2020>

<sup>2</sup> Committees attention is also drawn to the Inspectors appeal conclusion in Eye regarding the extent of additional growth planned within the Eye NDP being over and above the need anticipated for in the JLP identified requirement, and the persuasive/"decisive" effect of that upon the planning balance in that case. See appeal ref: 3215534, available here:

[http://www.landmarkchambers.co.uk/wpcontent/uploads/2020/03/Appeal-Decision-3215534\\_-002.pdf](http://www.landmarkchambers.co.uk/wpcontent/uploads/2020/03/Appeal-Decision-3215534_-002.pdf)

It is acknowledged that the proposal does cause some tension between what is expected in terms of a constraint on future development within Thurston as envisaged in the Thurston Neighbourhood Plan and what is clearly a sustainable development proposal in line with the NPPF. This is because the NDP states that new development within the Parish is to be focused within the settlement boundary.

That said, the NDP clearly does not preclude development outside of that boundary and it is the strategic, District policies which apply in that respect. The housing strategy within the NDP is split between it and the rest of the development plan which is to be expected given the document recognises that it could not reflect the emerging JLP and that the housing need for the village is to be determined by that new Plan, where the village will need to play a key role in addressing the significant levels of growth anticipated; hence, of course, the very fact that this site has been proposed as an allocation by the Council.

Whilst the Neighbourhood Plan includes expansion of the village envelope this is to embrace sites that have already been granted planning permission. The Neighbourhood Plan does not identify [allocate] sites for future expansion and this is left to the District Council in preparing the Draft Joint Local Plan. The District Council as local plan making authority has indicated it is minded to allocate the application site [and others] for residential development. This application conforms with that objective and will help to meet the identified requirement for Thurston during the Plan period up to 2036.

This proposal delivers a raft of benefits chief of which is a package of highway improvements north of Thurston Railway Bridge that will have village wide [and beyond] benefits in terms of highway safety and ease of access. [beyond that previously secured with the 'Thurston Five'. Consequently, when exercising the tilted balance these highway works need to be given significant weight. Regardless, even if the "tilted balance" was not engaged, when all the benefits are taken into account the adverse impact of permitting another 210 dwellings in Thurston (such harm chiefly amounting to the conflict with the housing policies of the development plan) is plainly outweighed. The direction of the planning balance is to grant planning permission at variance to the indication of the current development plan as a whole (but noting the conflict firmly remains with the District's strategic housing policies in the District development plan documents as presently formulated).

Members will recall that the proposed density of development here is identical to that on the Beyton Road development. Members resolved to Grant permission for the Beyton Road development [subject to a S106 Agreement] at the same meeting in January 2020 as this application was deferred.

As previously the recommendation to GRANT conditional outline planning permission subject to S106 remains and is reinforced.

Overall, the package of public benefits delivered by the proposal [were it to be approved and implemented] is stronger than on 29 January 2020 and stronger still than on 12 August 2020.

## **AMENDED RECOMMENDATION for 16 SEPTEMBER 2020**

[for the avoidance of doubt you are advised that this recommendation now replaces the recommendation included in the report due to have been considered on 12 August 2020 and included below]

### **RECOMMENDATION**

In the event of:

- 1. The satisfactory and prior completion of a S106 Agreement to secure the matters set out below, Namely,**

**Please note:**

***[text in italics is unchanged from 12 August 2020 report; and,***  
**Text not in italics is new for the 16 September 2020 report]**

- ❖ *The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [tba] occupations within the residential development. The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan*
- ❖ *On-site delivery of 35% affordable housing as required by the Council's Housing Strategy Service*
- ❖ *Delivery of no less than two car club vehicles within the village*
- ❖ *Provision of a public electric charging point within the village*
- ❖ *Provision of urban gym trail facilities within the development*
- ❖ *Provision, transfer and maintenance of open space {the transfer of the land to be for £1 and to be offered via a cascade. First instance to MSDC who may offer it to a nominee and in the event that MSDC declines an offer of transfer then to a*

*management company who will manage the site on behalf of the developer in perpetuity with a proviso that the site shall be permanently available to all members of the public*

❖ *Provision of an additional commuted financial sum of £200,000 for play equipment including the possibility of wheel play within the open space and maintenance*

❖ *Travel Plan monitoring sum*

❖ *Payment of the Education contributions*

*New primary school land cost : £67,288*

*New primary school build cost: £1,019,772*

❖ Provision of a financial contribution of £30,000 towards a Thurston Railway Station Improvement feasibility study

❖ Provision of a financial contribution of £31,500 towards a discount cycle purchase voucher scheme to new occupiers of homes within the development

❖ Delivery of the package of the footway, cycleway and pedestrian/cycle crossings to an agreed timetable [details of which may be included within a S278 Highway Agreement]

❖ Provision of two new village notice boards within the development at locations to be agreed

❖ Provision of dog bins and a financial contribution towards their emptying locations to be agreed within the development

❖ Provision of a new 20m deep landscape buffer comprising native hedgerow species to be provided behind the visibility splay on the site's Ixworth Road frontage and the provision of a 20m deep landscape buffer on the sites eastern edge [adjacent to meadow Lane] incorporating the existing hedgerow. [details of which shall be included in a landscape management and delivery plan to be agreed prior to commencement of development]

then,

**2 The Chief Planning Officer be authorised to GRANT Outline Planning Permission subject to conditions that shall include those as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Reduced time limit for submission of reserved matters [to 2 years] and then 18 months to commence after approval of reserved matters
- Reserved matters as submitted shall be based substantially on the illustrative layout drawings reference...and shall include cross sections
- No built form shall encroach into or upon any of the open space land shown on the illustrative drawing
- The development shall be served by a second vehicular access, details of which shall be agreed in writing with the Council as part of the first reserved matters submission and this access shall be restricted to emergency vehicles only.
- The open space provision shall not be less than shown on the illustrative layout [this area shall not include such area as is required to provide a SuDS solution to surface drainage. For the avoidance of doubt the open space area referred to shall exclude the notional area allocated for water storage purposes on the illustrative drawing.
- Total residential units shall not exceed 210
- Unit size shall be a matter for reserved matters
- Removal of householder permitted development rights
- Plans (Plans submitted that form this application)
- Parking to comply with Adopted Parking Standards
- Ecological Mitigation
- External materials [to include traditional vernacular such as clay tiles, stock bricks]
- Tree protection
- Provision of ev. charging points to all properties and sustainable construction
- Provision of a minimum of superfast/ broadband to all properties
- Construction Method Statement
- As required by SCC Highways
- As required by SCC Water & Floods

and,

### **3 Appropriate informatives**

**HOWEVER,**

- 4 In the event of the Planning obligations or requirements referred to in Resolutions (1) and (2) above not being secured within 6 months then the Chief Planning Officer be authorised to refuse the application on appropriate grounds if he deems there is little or no prospect of the issues delaying the securing of (1) and (2) being resolved given a reasonable extension of time.**

**PLEASE NOTE**

**The recommendation above has been amended and it arises following further refreshed consideration of the Planning Balance necessary in the light of adjustments to the scheme that have occurred since 12 August 2020. Whilst the planning balance set out in the 12 August 2020 remains relevant and valid officers are now of the opinion that the proposed public benefits associated with the proposal are greater than described in the 12 August 2020 report with no additional significant harm being identified. Consequently, the balance now tips even further towards a recommendation of approval .**

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## **Committee Report**

**Item 8B**

**Reference:** DC/19/02090

**Case Officer:** Vincent Pearce

**Report:** Vincent Pearce

**Ward:** Thurston.

**Ward Member/s:** Cllr Harry Richardson. Cllr Wendy Turner.

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### **RECOMMENDATION – GRANT CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A S106 AGREEMENT**

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#### **Description of Development**

Outline Planning Application (some matters reserved) - Erection of up to 210 dwellings and new vehicular access to include planting and landscaping, natural and semi-natural green space including community growing space(s), children's play area and sustainable drainage system (SuDS), to include 35% affordable dwellings.

#### **Location**

Land To The East Of, Ixworth Road, Thurston, Suffolk

**Expiry Date:** 31/07/2019

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

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

**Applicant:** Gladman Developments Ltd.

**Agent:**

**Parish:** Thurston

**Site Area:** 8.87

**Density of Development:**

**Gross Density (Total Site):** 23.6dph

**Details of Previous Committee : Planning Referrals 29 January 2020 [deferred]**

**Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member:** No

**Has the application been subject to Pre-Application Advice:** Yes

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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:

- ❖ The application is being reported back to Referrals Committee following the carrying out of further investigation by officers as instructed by the Committee. This is the first opportunity since the outbreak of the covid-19 emergency to do so after that additional analysis has been undertaken.
- ❖ It is a “Major” application for a residential development for more than 15 dwellings [therefore outside of the formal scheme of delegation [within the Constitution] to The Chief Planning Officer; and,
- ❖ The Chief Planning Officer is of the opinion that the application raises [i] planning issues of a controversial nature therefore any assessment and discussion of the merits of the proposal need to be in the public arena, with the Planning Committee taking the planning decision.

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## **NOTE IN RESPECT OF THE FORMAT OF THIS REPORT**

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This report is presented as a supplementary report to that presented to the Committee earlier this year. Consequently, new material appears at the start of the report. The body of previous report is re-presented unamended after the new content as it remains valid in all respects except where superseded by the supplementary content. Members are advised that the supplementary report includes a refreshed conclusions and planning balance and recommendation section and this supersedes that contained in the previous report. The July version is therefore the one that should be voted on [*the earlier recommendation is included for comparative purposes*].

## **SUPPLEMENTARY ASSESSMENT FOR AUGUST 2020**

**THE AUGUST 2020 SUPPLEMENTARY REPORT & CONTENT** [numbered with

paragraph prefix ‘S’]

### **S Consultations and Representations**

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

### **S A: Summary of additional responses (LHA comments in subsequent section)**

**Pakenham Parish Council 20.02.2020**

Pakenham Parish Council request to meet with SCC Highways & stakeholders to discuss the cumulative effect of proposed new housing in the neighbouring villages of Thurston, Great Barton and Ixworth.

Reference is made to SCC Highways report for planning application DC/19/02090.

It is understood that in Thurston there are now 7 proposed and 5 granted housing sites plus the Granary site giving a total number of 1247 new dwellings, plus a new primary school. This level of development will approximately double the size of Thurston. There are also around 1500 homes and various other buildings including a primary school proposed for Great Barton and a further 400 dwellings proposed for Ixworth.

#### UPPER TOWN CROSSROADS AND ROAD TO THURSTON FROM PAKENHAM:

For many years Pakenham Parish Council have been trying to make the Upper Town Crossroads safer as there have been numerous accidents at this junction. Recently highway gates were installed to help calm traffic. The road from Pakenham to Thurston is very narrow with an 'S' bend which makes the passing of two large vehicles impossible. There are no footpaths and use of this road by pedestrians or bicycles is very dangerous. Increasingly because of traffic congestion at the A143 and particularly the Bunbury Arms junction, traffic is using the road from the A143 through Upper Town crossroads to Thurston and onward to Bury.

There appears to have been no consideration given to the impact on the Upper Town crossroads or the narrow road leading to Thurston by either the applicants or SCC Highways. Clearly traffic on this road and junction will be increased especially as the Bunbury Arms junction will in future be at capacity and an alternative route will be taken by many to avoid the Bunbury Arms. Pakenham parish council urge that an analysis of Pakenham Upper Town crossroads and the road to Thurston is undertaken before any further planning applications are approved. This is especially true because of the location of the proposed housing site DC/19/02090.

#### BUNBURY ARMS CROSSROADS

For many local people the A143 through Great Barton and particularly at the Bunbury Arms crossroads is already at capacity with traffic often stationary during rush hour. The Highway Authority make it clear that the Bunbury Arms junction is over capacity at one arm and at capacity on two arms. The Highway Agency suggest that the addition of traffic lights with better software will improve capacity, they do not say this will work. There seems to have been no consideration given to the additional housing proposed for Great Barton and Ixworth and cumulative effect on the traffic on the Bunbury Arms. Pakenham Parish Council urge that no further planning consents are given in Thurston until a comprehensive assessment of the impact on the Highway in neighbouring villages is undertaken.

#### LORRY MOVEMENTS

There are a number of restrictions on lorry movements in the area. We assume this has been considered when assessing the Highways impact and the Parish Council ask for confirmation on where lorries will be restricted and directed. This is particularly of concern on the road between Pakenham and Thurston where two large vehicles will not be able to pass each other.

#### CYCLE ROUTES AND PEDESTRIAN ACCESS

For pedestrians and cyclists travelling from Pakenham to Thurston the connecting road is very dangerous with no footpaths or cycle ways. The additional housing in Thurston will exacerbate this situation especially housing adjacent to this route. In the Highway comments on DC/19/02090 there is reference to the National Planning Framework concerning safe access and access from this proposed site to the centre of Thurston, Railway Station etc. No consideration is given to access from Pakenham or attempt to mitigate the effect of extra traffic on pedestrians and cyclists. Many of the children of Pakenham will go to these schools.

## **BMSDC Strategic Housing 27.01.2020**

### **1. Background Information:**

- A development of UP TO 210 dwellings.
- This development triggers Local Plan Amended Policy H4 and therefore up to 35% affordable housing would be required on this site.
- Based on 210 dwellings 73.5 units of affordable housing would be sought. 74 affordable units have been included in the Design and Access statement submitted by Gladman for this site so is policy compliant.

### **2. Housing Need Information:**

2.1 The Babergh and Mid Suffolk District Strategic Housing Market Assessment confirms a continuing need for housing across all tenures and a growing need for affordable housing. The most recent update of the Strategic Housing Market Assessment completed in 2019, confirms a **minimum need of 127 affordable homes per annum.**

2.2 The Council's Choice Based Lettings system currently has circa. 690 applicants registered for the Mid Suffolk area as of October 2019.

2.3. It is considered good practice not to develop a large number of affordable dwellings in one location within a scheme and therefore it is recommended that no more than 15 affordable dwellings should be located in any one part of the development. The location of the affordable dwellings within this outline application have been distributed across the site.

2.4. Our 2014 Housing Needs Survey shows that there is a need across all tenures for smaller units of accommodation, which includes accommodation suitable for older people, wishing to downsize from larger privately-owned family housing, into smaller privately-owned apartments, bungalows and houses.

2.5 It would also be appropriate for any open market apartments and smaller houses on the site to be designed and developed to Lifetime-Homes standards, making these attractive and appropriate for older people.

### 3. Affordable Housing Requirement for Thurston:

Affordable Housing Requirement	35 % of units = 74 affordable units
Tenure Split – 70% Rent & 30 % Intermediate e.g. New Build Homebuy accommodation, intermediate rent, shared ownership or rent to buy.	<p>Affordable Rent = 52 units All rented units will be let as Affordable Rent Tenancies</p> <p>Intermediate = Shared Ownership = 12 units Intermediate = Rent to Buy = 10 units</p> <p>The application does not specify a proposed tenure split or comment on the size of dwellings, but the Council require NDSS compliance so the comment below reflect assumption they will be.</p>
Detailed Breakdown Rented Units	<p>General Needs Affordable Dwellings:</p> <ul style="list-style-type: none"> <li>• 12 x 1 bed 2-person semi-detached houses @ 58 sqm – should be provided in minimum of 2 clusters of 6.</li> <li>• 4 x 2 bed 4-person bungalows @ 70 sqm</li> <li>• 26 x 2 bed 4-person houses @ 79 sqm</li> <li>• 8 x 3 bed 5-person houses @ 93 sqm</li> <li>• 2 x 3 bed 6-person houses @ 102 sqm</li> </ul> <p>Total = 52 ART's</p>
Detailed Breakdown Intermediate Units	<p>General Needs Shared Ownership dwellings:</p> <ul style="list-style-type: none"> <li>• 10 x 2B 4P Houses @ 79 sqm</li> <li>• 2 x 3B 5P Houses @ 93 sqm</li> </ul> <p>Total = 12 Shared ownership dwellings</p> <p>General Needs Rent to Buy dwellings:</p> <ul style="list-style-type: none"> <li>• 7 x 2 bed 4-person houses @ 79 sqm</li> <li>• 3 x 3 bed 5-person houses @ 93 sqm</li> </ul> <p>Total – 10 dwellings Rent to Buy</p>
Other requirements	<p>Properties must be built to current Homes England requirements and NDSS.</p> <p>The council is granted 100% nomination rights to all the affordable units on first lets and at least 75% on relets.</p>

	<ul style="list-style-type: none"> <li>• S106 Standard trigger points for the delivery of the affordable housing – this will then be included automatically in the instruction from planning to shared legal services that it needs to be in the S106 agreement as a matter of course.</li> <li>• (a) not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and</li> <li>• (b) not Occupy or permit Occupation of more than eighty per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider.</li> </ul>
	<p>Adequate parking provision and secure cycle storage is made for the affordable housing units</p>
	<p>It is preferred that the affordable units are transferred to one of Mid Suffolk's partner Registered Providers.</p>

**4.1 Comment on open market mix proposed.**

4.1 The property mix for the open market dwellings are as listed below: -

- 8 x 2 bed semi-detached/mews houses = 5.8% of the open market provision
- 71 x 3 bed houses = 52.2% of the open market provision
- 54 x 4 bed detached houses = 39.7% of the open market provision
- 3 x 5 bed detached houses = 2.2% of the open market provision

Compare these figures against the SHMA 2019 data on the required owner-occupier sector supply needed from 2018 to 2036 in table 4.4e

**Table 4.4e Size of new owner-occupied accommodation required in Mid Suffolk over the next 18 years**

**Size of home Current size profile Size profile 2036 Change required % of change required**

One bedroom	707	1,221	515	<b>7.2%</b>
Two bedrooms	5,908	8,380	2,472	<b>34.4%</b>
Three bedrooms	13,680	15,784	2,104	<b>29.3%</b>
Four or + bedrooms	12,208	14,303	2,096	<b>29.2%</b>
<b>Total</b>	<b>32,502</b>	<b>39,688</b>	<b>7,186</b>	<b>100.0%</b>

### **Recommendation –**

Clarification required that all Affordable homes will meet NDSS requirements.

Open market mix is altered to reduce the number of 3 and 4 bed houses to increase the number of 2 bed houses and add in 2/3 bed bungalows as an offer to those households wishing to down-size.

### **SCC Developer Contributions 17.01.2020**

CIL	Education	
	- Secondary school expansion	£841,306
	- sixth form expansion	£181,904
CIL	Libraries improvement	£45,360
CIL	Waste infrastructure	£23,100
S106	Education	
	- new primary school land cost	£67,288
	- new primary school build cost	£875,108
S106	New early years build cost	£340,074
S106	Highways	tbc

### **Community Infrastructure Levy**

New CIL Regulations were laid before Parliament on 4 June 2019. These Regulations (Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force on 1 September 2019 (“the commencement date”). Regulation 11 removes regulation 123 (pooling restriction and the CIL 123 List in respect of ‘relevant infrastructure’).

### **Early years and primary education contributions**

The Department for Education (DfE) publication ‘Securing developer contributions for education’ [November 2019], which should be read in conjunction with the Planning Practice Guidance (PPG) advice on planning obligations [last updated September 2019].

The primary school strategy is to deliver a new primary school on land to the north of Norton Road in Thurston. A planning application under reference SCC/0073/19MS has been submitted to Suffolk County Council for the ‘Construction of a new 420 place Primary School

and a 30 place Pre-School and associated landscape works.’ The application status is currently pending a decision.

As the project is at an advanced stage, detailed quantity surveying work has recently been undertaken to establish the cost of the new build project which can be summarised as follows:

- The total cost of the school build project is currently estimated to be £7,635,000.
- This includes the new early years setting element which is budgeted at £566,800.
- Therefore, the remainder of the build cost, which is for primary provision, is £7,068,200.

Education type	Cost of relevant school build project	Number of pupils accommodated in school build project	Cost per pupil	Number of pupils generated	Proposed S106 contribution
Early years	£566,800	30	£18,893	18 (FTE)	£340,074
Primary	£7,068,200	420	£16,829	52	£875,108
<b>Total</b>	<b>£7,635,000</b>				<b>£1,215,184</b>

In addition, a proportionate land acquisition contribution of £67,288 (indexed by the RPI) is required.

If the district council consider that planning permission should be granted for up to 210 dwellings, this must be on the basis that section 106 developer funding is secured by way of a planning obligation for early years and primary education provision. Contributions required are as follows:

a) Early years provision – £340,074, increased by the BCIS. Contribution to be used towards the costs of delivering new early years provision serving the development. Payment trigger points: 50% prior to the 1st dwelling occupation & 50% prior to the 75th dwelling occupation. Contributions held for a minimum period of 10 years from the date of first occupation of the final dwelling.

b) Primary school provision – £875,108, increased by the BCIS. Contribution to be used towards the costs of delivering new primary school provision serving the development. Payment trigger points: 50% prior to the 1st dwelling occupation & 50% prior to the 75th dwelling occupation. Contributions held for a minimum period of 10 years from the date of first occupation of the final dwelling.

c) Land contribution – £67,288, increased by the RPI. Contribution to be used towards the costs of acquiring a school site serving the development. Payment trigger point: prior to the 1st dwelling occupation. Contribution held for a minimum period of 10 years from the date of first occupation of the final dwelling.

**Monitoring fee**

The new CIL Regs allow for the charging of monitoring fees. In this respect, the county council charges £412 for each trigger point in a planning obligation which is payable upon commencement.

The above information is time-limited for 6 months only from the date of this letter.



## SCC Floods 29.01.2020

Recommend approval subject to conditions:

1. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:
  2.
    - a. Dimensioned plans and drawings of the surface water drainage scheme;
    - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
    - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
    - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
    - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
    - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
    - g. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
      - i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
        1. Temporary drainage systems
        2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
        3. Measures for managing any on or offsite flood risk associated with construction
    - h. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-floodrisk/construction-surface-water-management-plan/>

2. Within 28 days of completion of the last dwelling, details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

#### Informatives

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act 1991
- Any works to a main river may require an environmental permit

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## S1.0 Relevant Background

S1.1 The Council's Planning Referrals Committee considered a report on this application at its meeting of 29 January 2020.

S1.2 After lengthy debate the Committee voted to defer taking a decision to allow officers [MSDC Development Management and SCC Highways] to carry out further investigation with the applicant with a view to presenting additional information in respect of the likely impact of the proposed development on the safety and capacity of the Bunbury Arms Junction. Members of the Committee had indicated that they may be minded to refuse the application on highway grounds as they were not convinced that the Bunbury Arms could be adapted any further than has already been agreed [signalisation] as part of the suite of five major Thurston applications ("the Thurston Five") to create any further capacity to absorb more development in Thurston.

S1.3 Members also expressed a desire to see:

- greater connectivity within the proposal; and,
- an enhanced landscape buffer to Meadow Lane; and,

- along with connectivity to the new primary school site; and,
- how the development will enhance connectivity around the village

S1.4 At the same meeting the Committee resolved to grant outline planning permission for up to 210 dwellings on a site southeast of Beyton Road, Thurston subject to a S106 Agreement which is currently being drafted. This application is considered on the basis of that development being committed in order to ensure that likely cumulative impacts have been taken into account.

Members who were present at the 29 January 2020 meeting may recall that the Committee was advised that West Suffolk District Council were also considering a planning application that was connected to that Beyton Road development in that it contained the works to improve the Fishwick Corner junction. At the time of the MSDC Planning Referrals Committee on 29 January 2020 the WSDC application had not been determined. That WSDC application has now been the subject of a minded to grant decision by WSDC Planning Committee after two committee hearings and an additional risk assessment report was presented to it by WSDC officers identifying appeal risks associated with a refusal and after the applicant Bloor Homes gave a commitment to expand the already extensive package of proposed highway works to include the delivery of a cycle route from West Suffolk, along the west side of New Road to Thurston Station.

S1.5 The reason the Beyton Road and Fishwick Corner decisions are mentioned here is that some Members expressed concern about approving the application for up to 210 dwellings on land east of Ixworth Road when there was, at that time, considerable uncertainty as to whether the suite of highway improvements within the Bloor Proposal [Beyton Road] would come forward if the Fishwick Corner improvements had ultimately been refused by WSDC.

S1.6 Members should note that the suite of approved Thurston Five applications provided an extensive package of highway improvements that focused almost entirely on the network north of the railway line. The only element that related to the network south of the railway line was a change to the priority at the Fishwick Corner junction from west/east to north south. [essentially changed road markings].

S1.7 Members will recall that Beyton Road development was predicted to add little extra traffic to the Bunbury Arms Junction as the majority of travel destinations were to the south via the A14. The Ixworth Road development is estimated to add 14 and 10 trips per AM/PM period respectively to Bunbury arms. Other traffic is modelled to use new routes to the A14 at Fishwick Corner and Ixworth Road/Thurston Road to join A143 at Ixworth. Even with additional traffic modelled following Committee in January 2020 there is shown to be capacity within the junction.

S1.8 The question posed by the Committee in January 2020 was does the use of the MOVA technology offered by the applicants deliver sufficient capacity benefits to allow planning permission to be granted on land east of Ixworth Road without adding to capacity issues at that junction [post signalisation and post implementation of the Thurston Five developments and then the Beyton Road development]. For members

this was a question of being able to better understand the likely cumulative impact of another major development in Thurston on the Bunbury Arms.

## S2.0 Bunbury Arms Junction

S2.1 Since the 29 January 2020 deferral the applicant has submitted the following additional material in respect of the impact of the proposed development on the capacity of the Bunbury Arms junctions and in addition the installation of MOVA<sup>1</sup> technology that was not included in the Thurston Five improvements to the junction.

- Highways Technical Note, Land off Ixworth Road, Thurston, Suffolk.  
Prepared by Odyssey, Ref: 18366, May 2020
- Letter dated 6 May 2020 from Transport Planning Associates [addressed to SCC Growth Highways and Infrastructure

S2.2 Previously Odyssey (the Applicant's transport consultant) had submitted the following supporting information:

- Odyssey Report 18-366-02E – Travel Plan (April 2019)
- Odyssey Report 18-366-03A – Transport Assessment (April 2019)
- Odyssey Report 18-366-05 – Response Technical Note (July 2019)
- Odyssey Report 18-366-07 – Highways Overview Technical Note (October 2019)

S2.3 The introduction to the 20 May Highways Technical Notes describes its purpose as:

1.1.5 This Highways Technical Note details the new position given that the nearby Bloor Homes scheme (land south west of Beyton Road in Thurston, ref DC/19/03486) was approved at Planning Committee in January 2020. The remainder of this Highways Technical Note provides a synopsis of the current position with regard to the highways network junction capacity and the new baseline scenario, and the comments received from the Highway Authority (HA) in the January 2020 Planning Committee Report (Item 7B).

S2.4 Odyssey's Conclusions from the additional work

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<sup>1</sup> MOVA which stands for: (Microprocessor Optimised Vehicle Actuation) is described<sup>1</sup> by its creators TRRL as:

*"More than half of the UK's 9000-plus signalised junctions are controlled by independently-operated (uncoordinated) signals with green times varying in response to local traffic flows. MOVA (Microprocessor Optimised Vehicle Actuation) is the new signal control strategy researched and developed by TRRL for such isolated intersections. Data from vehicle detectors on the junction approaches are analysed by an on-line microprocessor implementing the MOVA program; the durations of the green signals are controlled by a delay-and-stops minimising logic, or, if any approaches become oversaturated (congested), by a capacity-maximising process..... It is concluded that MOVA reduces vehicle delay by an average of about 13 per cent throughout the working day."*

- S2.5 As might be expected the modelled impact on the Bunbury Arms junction by 2024 if the existing priority junction was to remain without any mitigation shows that it will that operate over capacity on the Thurston Road arm in the AM peak and on the A143 West arm in the PM peak. This is the scenario that has consistently concerned Thurston Parish Council in that the road out of Thurston to join the A143 would be subject to delays and queuing and that additional development would only compound that problem.
- S2.6 That said it has never been the intention to leave the Bunbury Arms junction as it is. As already reported the suite of Thurston Five permissions contributes mitigation in the form of signalisation of that junction. If approved the current application adds a further important piece of mitigation to the equation and that is MOVA technology.
- S2.7 Odyssey's modelling demonstrates that the proposed mitigation measures do have a significant beneficial impact on capacity at the Bunbury Arms junction in that all arms will operate at below capacity at all times, even without MOVA added (which provides an additional capacity and safety benefit).

### **S3.0 The Data Used**

- S3.1 In the interest of ensuring a consistency of data input and overall transparency Suffolk County Council shared its own predicted traffic distribution data produced for it by AECOM with the applicant. It was this data that was used in the applicants latest modelling and additional modelling/actual traffic counts was undertaken by the applicant in 2019 and 2020.
- S3.2 The applicant's traffic engineers are confident that MOVA will add betterment to the safe operation and capacity of the Bunbury Arms junction; stating:
- 2.3.8 On this basis the addition of the MOVA element is considered to help safeguard the spare capacity shown in the recent updated modelling assessment of the Bunbury Arms junction, and help retain its efficient operation into the future. The MOVA element will not only benefit the future residents of Thurston using the junction, but also the existing residents who will find a junction with better capacity function than if the MOVA element was not added, a more reliable journey time, and more dynamic junction which will continue to retain its efficiency into the future. As Gladman are willing to pay for this additional feature before the signalised junction is built, the impact to residents will be reduced by the fact that the MOVA infrastructure is constructed at the same time as the wider junction improvements, thus negating the need for two separate periods of construction and disruption to traffic.
- S3.4 The designers of the MOVA technology report that use of their system reduces traffic delay throughout the day by on average 13% over signals that do not utilise such technology. This may include reducing delays at red lights during off peak times but this too is a benefit to people in Thurston who wish to use the A143.
- S4.0 Comments of Suffolk County Council as local highway authority dated 26 June 2020 to the additional traffic analysis submitted by the applicant following the Committee meeting of 29 January 2020.**

S4.1 At the Planning Committee meeting on Wednesday 29th January 2020, the decision on this application was deferred to require the applicant to provide further information regarding the cumulative impact from the traffic for all the Thurston applications on A143 Bury Road/Thurston Road junction (Bunbury Arms). To ensure a robust analysis of the junction, Officers recommended that the applicant gathered additional traffic data and re-modelled the junction to calculate the capacity and queues for the proposed traffic signals. Also, to include how Microprocessor Optimised Vehicle Actuation (MOVA) dynamic signal timing control could improve the capacity.




**S4.2.0 JUNCTION ANALYSIS OF BUNBURY ARMS**

S4.2.1 Further traffic surveys were undertaken 3rd to 13 March 2020 using Automatic Traffic Counters (ATC). The original Model files (prepared by AECOM) were used for the revised capacity assessment, with all the committed and proposed developments and the new 2020 ATC flows used to check the assessment.

S4.2.2 By applying the committed sites, with growth and new trips from the proposed developments, the following table gave a summary of the Junction Capacity Assessments (without MOVA):

▼ **Figure 1: Table Showing 2024 Base Future Year + All Development Vehicular Trips (Sites T1-T8)**

Junction Arm	Without Mitigation		With Traffic Signals	
	AM	PM	AM	PM
A143 East	Green	Green	Yellow	Green
Thurston Road	Red	Green	Green	Green
A143 West	Green	Red	Green	Green
Brand Road	Green	Green	Green	Green

 within theoretical capacity – less than 0.85  
 near capacity – between 0.85 and 1.00  
 over capacity – over 1.00

S4.2.3 The table above shows A134 East arm is the only lane that is shown as close to capacity but only by 0.01. Therefore, the junction operates within capacity during all time periods, with all proposed development trips added.

S4.3.4 Although the above table indicates the junction will operate within capacity once signals are installed, the developer is still committed to offer MOVA dynamic controlling as further mitigation.

S4.2.4 This compares favourably with SCC previous analysis.

## **S5.0 MOVA CONTROLLING SOFTWARE**

S5.1 MOVA is a traffic control strategy that is specifically designed to maximise the operational efficiency of a junction/crossing. It is the preferred control strategy for local authorities for isolated junctions. The software continually adjusts the green time required for each approach by assessing the number of vehicles approaching the signals, whilst at the same time determining the impact that queuing vehicles would have on the overall operation of the junction. MOVA is particularly well suited to sites with high traffic flows that can vary according to time of day. Consequently MOVA sites have less queuing and incur less delays.

S5.1.1 It is difficult to quantify the improvements the controlling software can give but research prepared by the Transport Research Laboratory (TRRL) states that signals with MOVA installed, in terms of delay at signal junctions, there is a betterment of 13% compared to sites without.

## **S6.0 SCC HIGHWAYS CONCLUSION**

S6.1 The National Planning Performance Framework states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

S6.2 Without the proposed mitigation, we consider that the cumulative impacts would be severe in highway terms. While some significant negative factors remain, when balanced, the proposed mitigation reduces the impact and there are no unacceptable impacts on road safety. Therefore, the County Council as Highways Authority, does not wish to restrict the grant of permission.

*[Officer comment: The comments of SCC Highways are noted and accepted notwithstanding that it is not clear precisely what significant negative factors remain. A further response will be provided to Members prior to/at Committee.]*



*The key finding is that there is residual capacity and there is additional capacity and safety benefits from providing MOVA. The measures, other than the significant connectivity/safety crossing improvements, ensure that the important policy test under the NPPF para. 109 is positively satisfied: the residual cumulative impacts on the road network would not be severe and no unacceptable impact on highway safety. This is a crucial material consideration.*

## **S7.0 Wider Connectivity**

S7.1 By concentrating on the benefits that arise from additional mitigation being proposed to the Bunbury Arms junction there is a danger that the other connectivity benefits included within the package of works by the applicant are overlooked. At the meeting of 29 January 2020 members of the Committee also wanted to understand what additional measures were being offered by the applicants [over and above those secured through the Thurston Five developments]. What follows is a summary provided by the applicant of the additional works they intend to accompany development of their site if outline planning permission is granted.

- A new **Toucan crossing** over Ixworth Road linking the shared foot/cycleway leading into the site across to the forthcoming 3m shared foot/cycleway to the west of Ixworth Road. This provides safe cycle and pedestrian access to Thurston Community College, and the other nearby schools.
- A new **uncontrolled pedestrian crossing** over Ixworth Road linking the proposed footway adjacent to the site to the new 3m shared foot/cycleway on the western side of Ixworth Road.
- A new **Toucan crossing** over Barton Road (near Heath Road National Cycle Route), this will help to improve access to the schools for residents on the western side of the village.
- A new **Zebra Crossing** over Station Hill (near Norton Road crossroads), this will improve safety for pedestrian movements that currently use an uncontrolled crossing near the crossroads junction.
- A new **Zebra Crossing** over Norton Road (adjacent to school, near Norton Road crossroads).
- **2 x uncontrolled pedestrian crossings** (near Norton Road crossroads, on the arms not served by the new Zebra crossings).
- Proposed **new footway** on the eastern side of Ixworth Road from the proposed uncontrolled crossing to Thurston Rugby Club to the north.

S7.2 From the diagram below it can be seen that the Gladman's proposal will provide a series of important enhancements to the pedestrian network around much of the village.



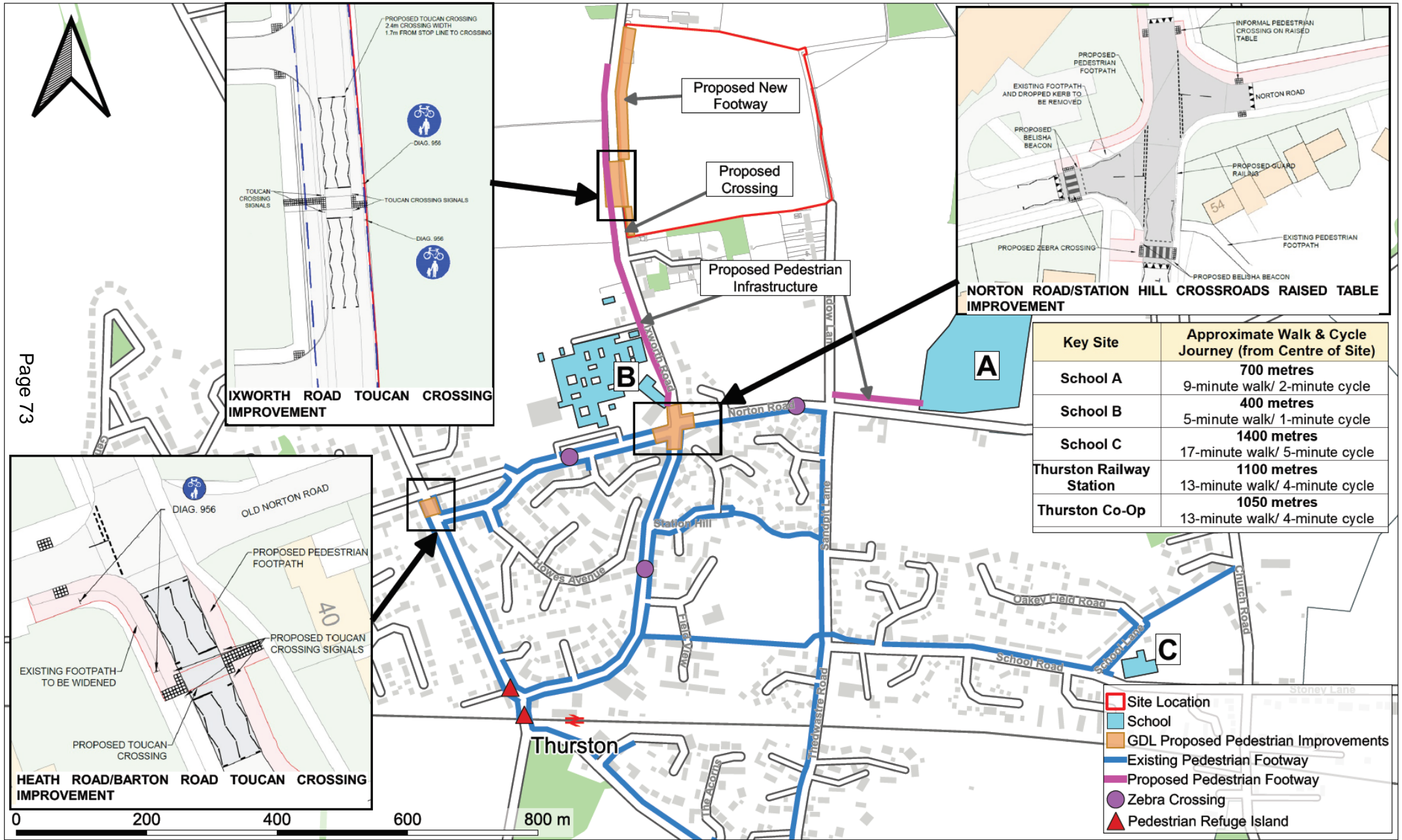


Figure 2: Diagram showing Proposed Improvements to movement

 GDL Proposed Pedestrian Improvements

- S7.3 Perhaps the most significant of these is the improvement to the Ixworth Road/ Norton Road Junction beside the Community College. This junction is acknowledged as something of a barrier to the safe movement particularly of pupils attending the College from within the village.
- S7.4 What is proposed is the provision of two zebra crossings and a raised table over the entire junction. This enhancement is not delivered by any other presently approved development

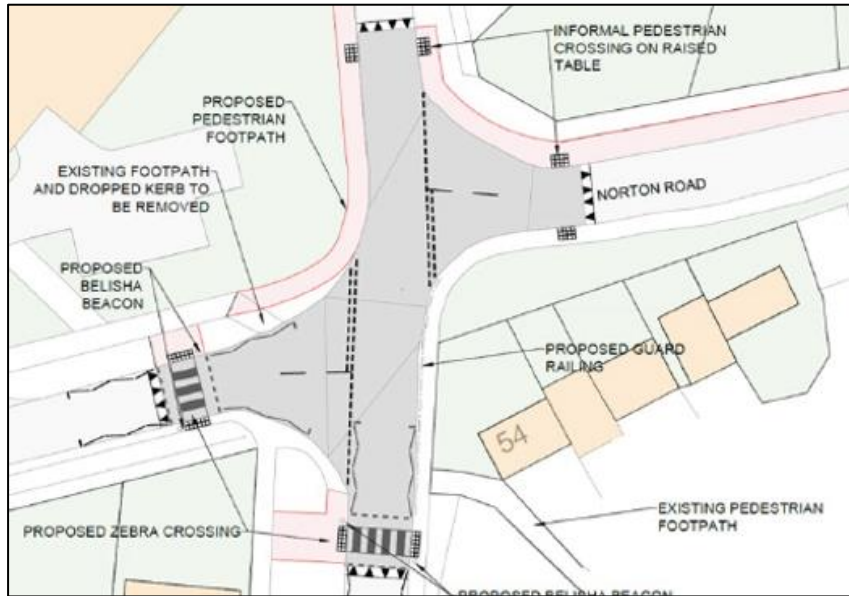


Figure 3: **Diagram showing Proposed Improvements Adjacent to Community College**

- S7.5 It is a significant contribution to the improvement of pedestrian safety. Anyone who has visited the College at the close of the school day will have seen pupils crossing a number of the arms of the junction and dodging in between traffic. The proposed improvement will introduce order and safety into that potentially dangerous chaos. The proposed crossing on Norton Road is an important element of the overall improvement package at this junction because it will connect to an existing footpath that provides a short-cut access to the estate beyond. As a result it is currently well-used and pedestrians seek to cross Norton Road immediately in front of that entry/exit point
- S7.6 The new development will itself have a new footpath/cycleway along its frontage with Ixworth Road and a new Toucan crossing will be delivered to connect-up with the footway/cycleway being delivered by Persimmon on the opposite side of the road.

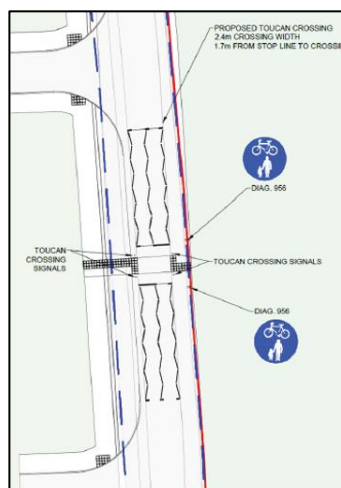


Figure 4:

**Diagram showing Proposed Improvements Adjacent to Community College**

S7.5 In terms of enhancing the safe route to the Community College and the Primary School [existing and new] the delivery of a Toucan crossing on Barton Road will extend the network to reach the west side of the village. Again this will ensure that pedestrians and cyclists will have the ability to trigger 'safer priority over the car' at this key crossing point.

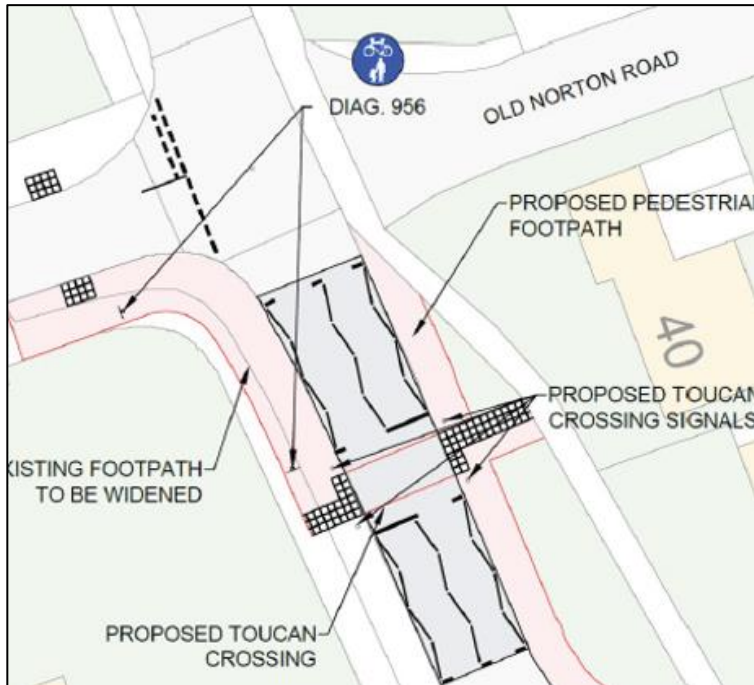


Figure 5:  
**Diagram showing  
 Proposed  
 Improvements on  
 Barton Road**

**S8.0 Other Amendments to illustrative Layout following Committee meeting of 29 January 2020**

S8.1 The applicants have incorporated a number of important revisions to their proposal following the Committee meeting of 29 January 2020 in direct response to comments made by Members.

These include:

- Widening the landscape buffer strip on the application site’s eastern boundary with Meadow Lane to 20m as requested. This will help to retain the rural character of the Lane hereabouts and will further help to soften the visual impact of new built-form as well as enhancing the value of the buffer to wildlife.
- The introduction of a completely new internal green corridor system within the layout that will improve connectivity in north-south and west east directions. Not only will this provide residents of the estate with a pedestrian friendly movement network but it will also invite the community through the development to access the countryside, take recreational walks or simply visit new friends. These new green corridor routes also plug into existing networks connectivity networks beyond the site thereby improving overall accessibility.



- Connecting the internal footpath system to Meadow Lane thereby enhancing safe routes to the new primary school via the Linden Homes development. [east of Meadow Lane]

S8.2 Officers are of the opinion that the additional revisions to the proposed layout secured since the meeting of 29 January 2020 underline that Members were right to seek such enhancements because there is no doubt about the result being a significant improvement on the earlier illustrative layout. Indeed the layout is now considered of a quality to necessitate a condition [of course only if Members are minded to grant outline planning permission] requiring the latest illustrative layout to underpin Reserved Matters in terms of layout principles, open space and green elements.

S8.3 The diagrams that follow illustrate the differences between the original illustrative layout as seen by the Committee on 29 January 2020 and that received in in direct response to constructive criticism at that meeting.

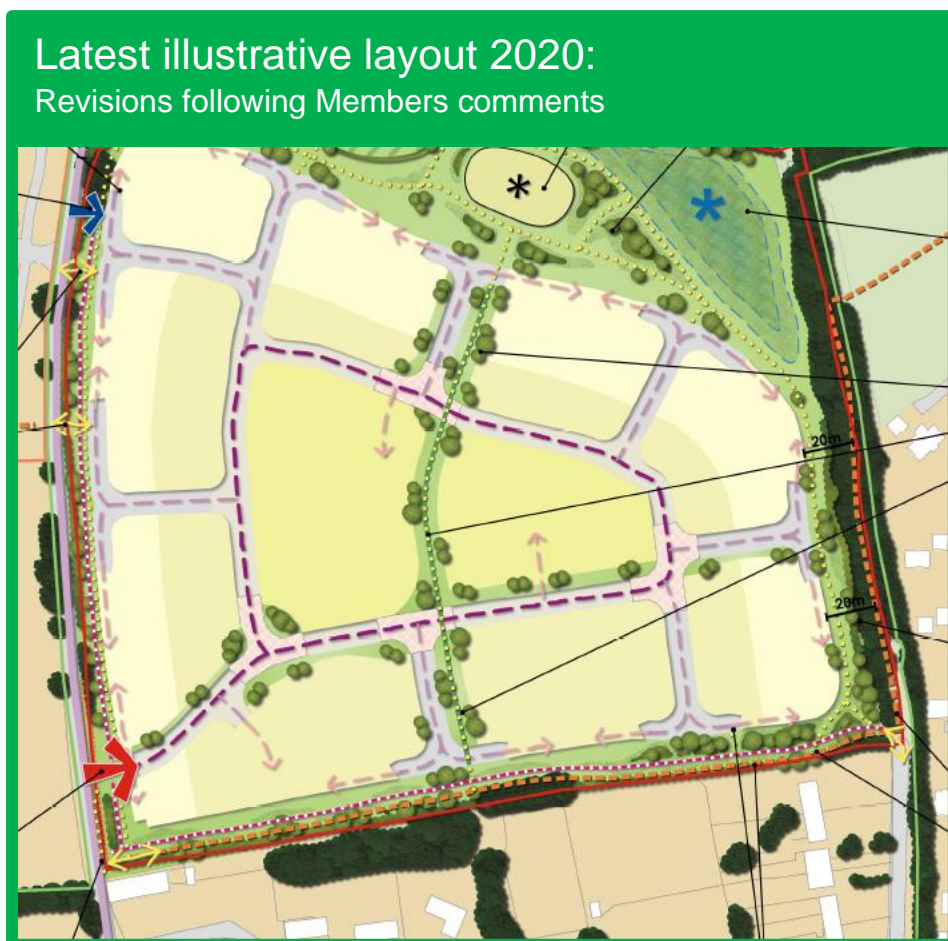


Figure 6:  
Revised Illustrative  
Layout

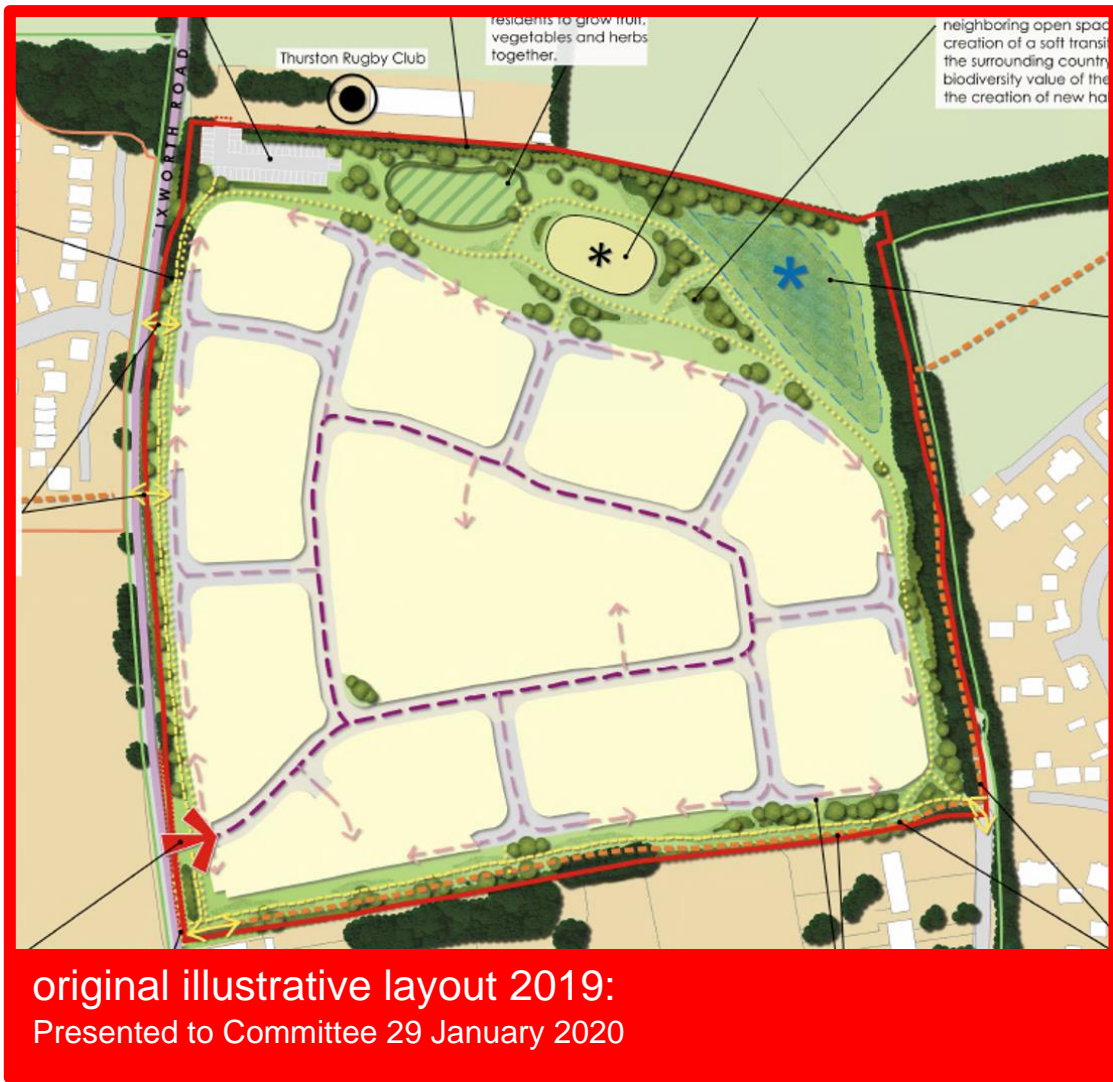
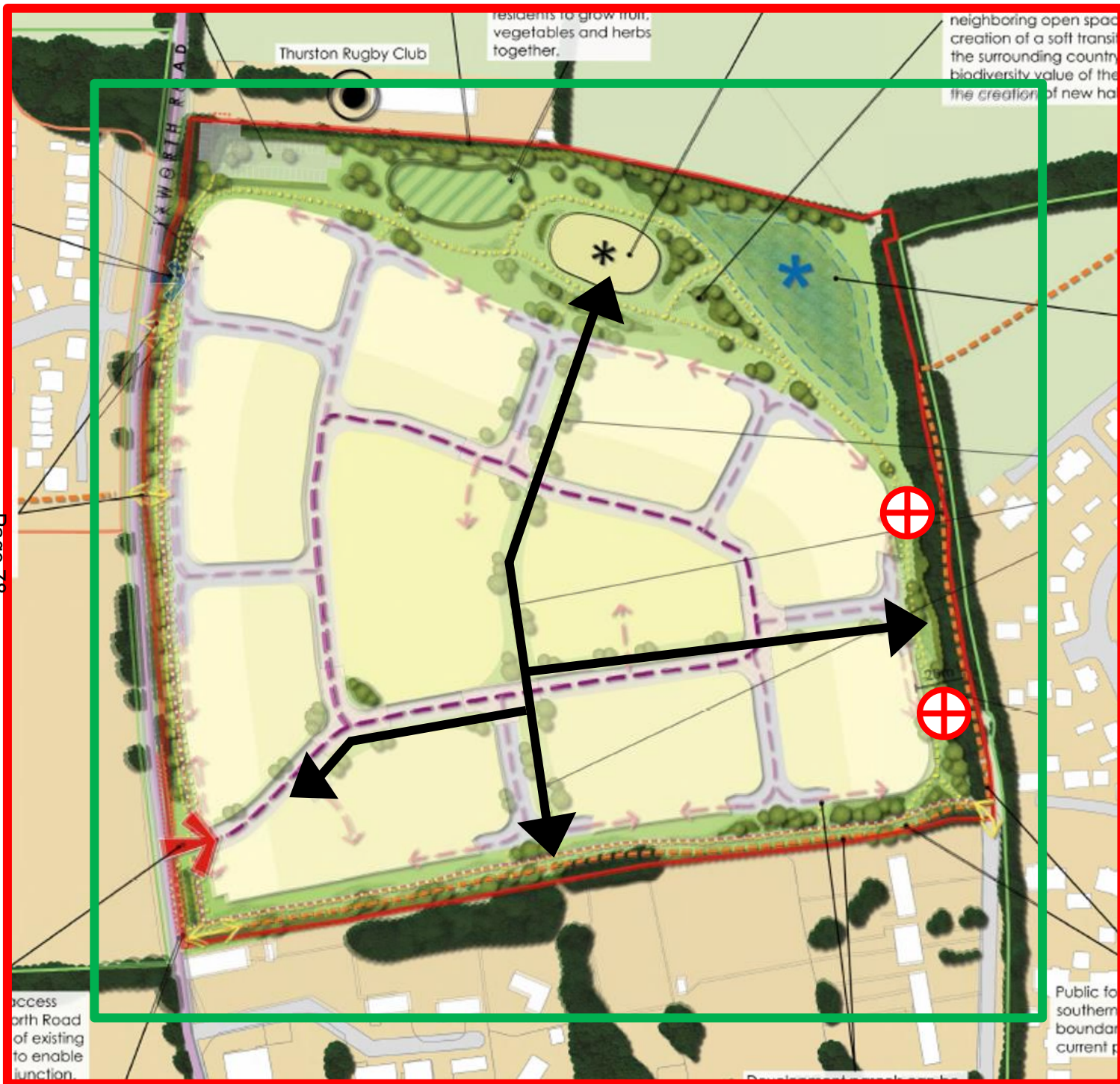


Figure 7: **Original Illustrative Layout**

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⊕ Landscape buffer depth increased to 20m

↗  
↘  
↔ New internal green link pedestrian friendly connectivity

Figure 8:  
**Comparison**  
Original Layout Superimposed over Revised Layout

**S9.0 Relevance of Persimmon Development on Ixworth Road to the Gladman proposal under consideration here .**

S9.1 Members may recall that one of the 'Thurston Five' permissions involved development of land on the opposite side of the road to the application site now before Members

S9.2 That development has been commenced.

S9.3 As part of the approval new access and footway/ cycleway arrangements are being formed that require the loss of a number of trees on the frontage to the Persimmon site.

S9.4 Local protest at the loss of these trees with permission to be removed has prompted the District to explore with Persimmon and the County Council options for retaining as many of trees due for removal as possible whilst still facilitating approved development and the realignment of the provision of the approved footway and cycleway on the west side of Ixworth Road.

S9.5 Members will wish to be assured that the proposed access arrangements within the Gladman proposal now before the Committee are compatible with:

[i] the approved access road details in respect of the Persimmon development opposite; and,

[ii] any amended Persimmon site access details agreed with Suffolk County Council as local highway authority to accommodate additional tree retention on the west side of Ixworth Road.

S9.6 The drawing extract below shows the detail already approved in respect of the Persimmon development. And compares access points with those proposed by Gladman's.



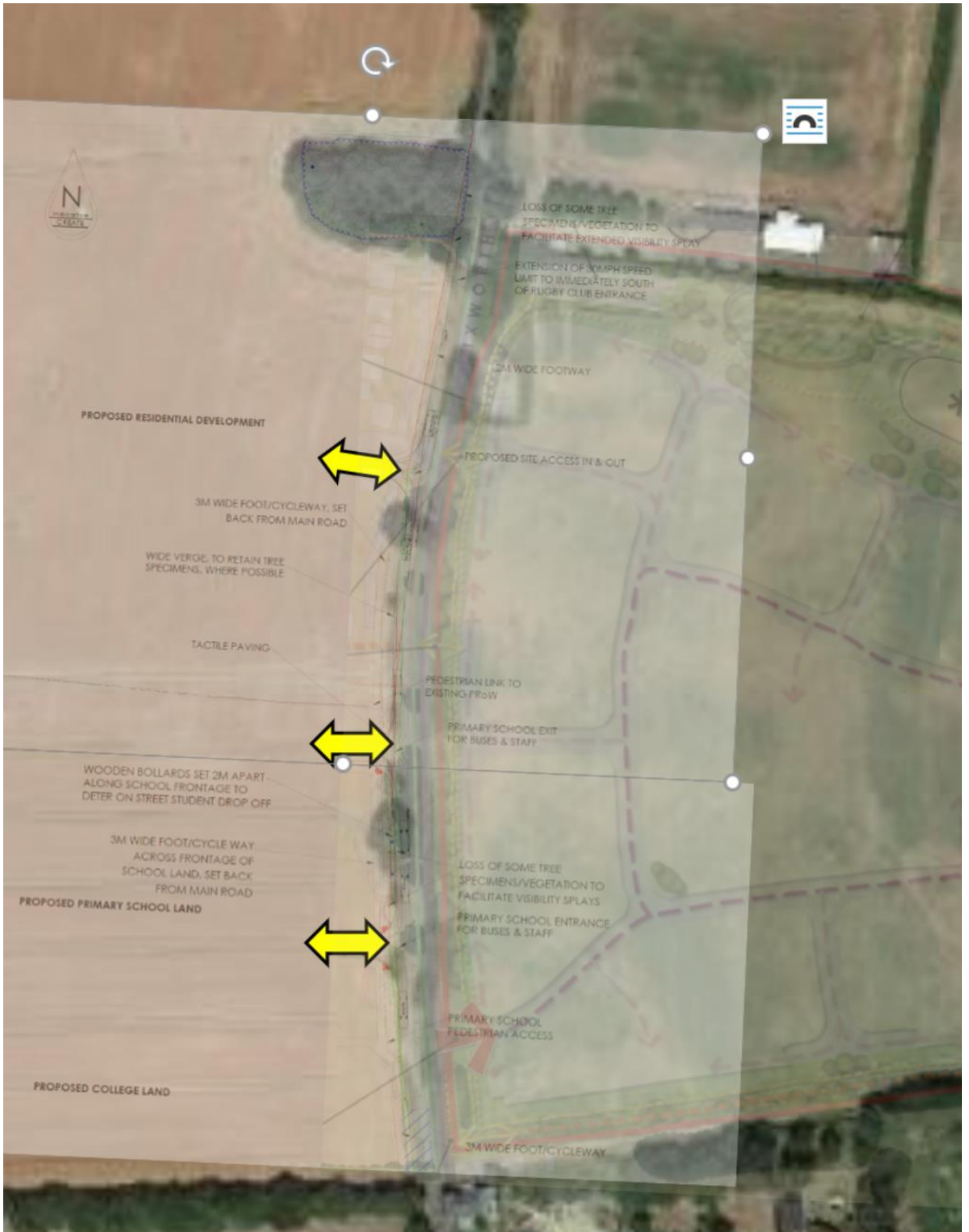
PERMISSION DEVELOPMENT  
[Ixworth Road West]



PROPOSED GLADMAN DEVELOPMENT  
[Ixworth Road East]







COMPOSITE DIAGRAM

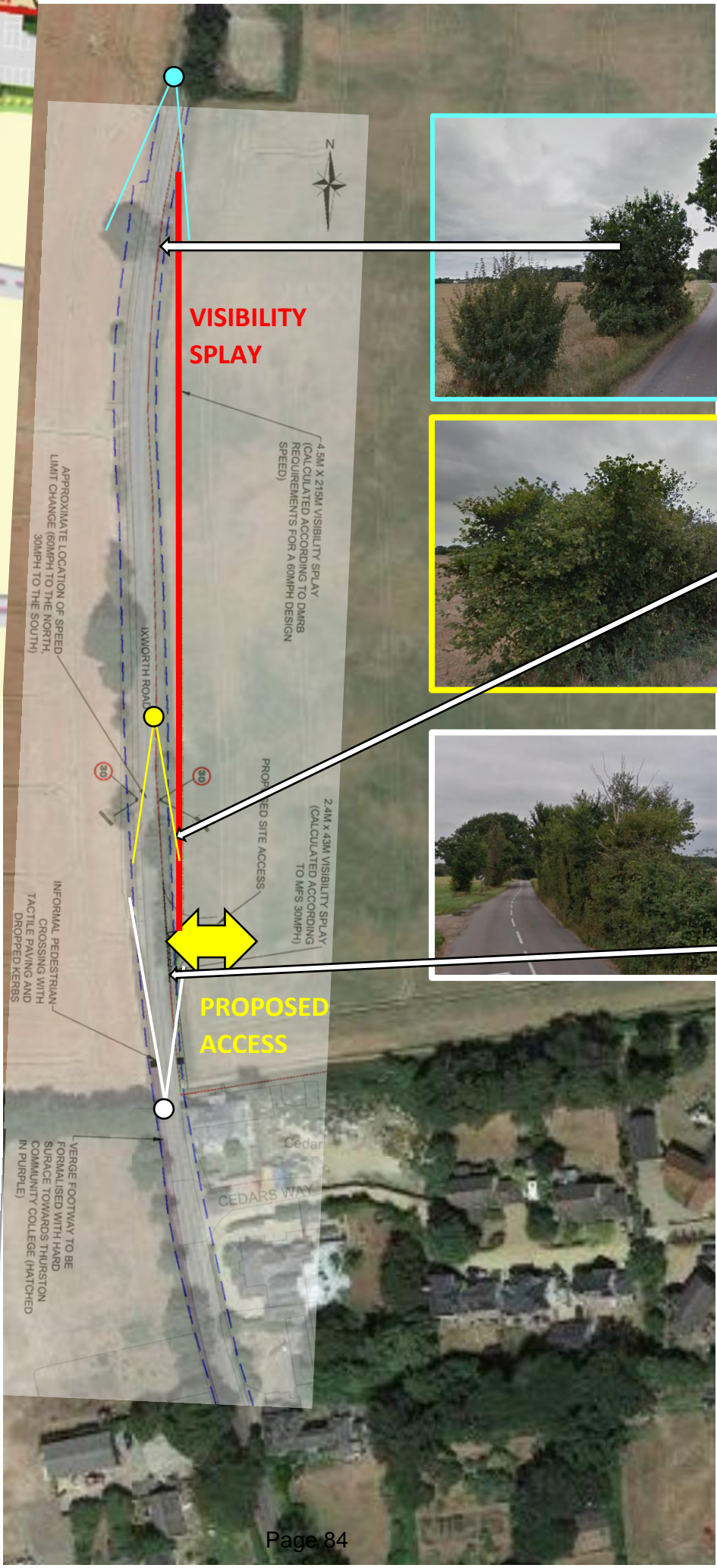
- S9.7 Suffolk County Council as local highway authority has taken full account of the cumulative highway safety and capacity implications of the proposed Gladman's access arrangements in the context of those already approved on the other side of Ixworth Road. They have concluded that there is no objection within the context of paragraph 109 of the NPPD 2019.
- S9.8 As previously highlighted the Gladman development will if approved and implemented deliver significant safety improvements to the Ixworth Road/ Norton Road/ Barton Road junction outside of the Community College. Such improvements represent an enhancement to highway safety and particularly students walking/cycling to and from the College.
- S9.9 Members are advised that the question of tree loss in Ixworth Road associated with implementation of the Persimmon development is not in itself a material consideration in relation to this application development. The District and County Council have been working together on the potential provision of educational facilities to serve the College on part of the land anticipated for that purpose under the Persimmon permission. It is recognised that the removal of trees and hedging over this educational land to connect with the Persimmon site has been a matter of considerable local objection and the present County Council sports pitch etc application has been under amendment to realign the footway as it crosses College land in the area of the caretakers bungalow. This provides an opportunity to better manage and mitigate the foreseeable planting loss in this area and an associated revision to the footway route to the north of the proposed pitch is expected to achieve similar benefits. Whilst these matters are not material to the application before you today they do provide appropriate context for the situation in Ixworth Road.
- S9.10 Presently solutions to retain some of the trees agreed to be removed revolve around taking a footway cycleway behind the trees rather than through the trees where this does not interfere with approved visibility splays. As such were these adjustments to be agreed there would be no direct highway implications for the proposed Gladman's development.
- S9.11 It is clear the proposed visibility splay [215m] northwards from the proposed access will require the removal of what is a remnant and now scrubby section of hedgerow at the southern end of the east side of Ixworth Road and the removal of a stranded very short section of hedgerow at the northern end.
- S9.12 This was the case when the application was first considered at Planning Referrals Committee on 29 January 2020 when it was considered that these vestigial pieces of hedgerow would be better replaced by new hedgerow planting along the entire length of the site's frontage onto Ixworth Road.

S9.13 Having a complete hedgerow [with trees] will effectively restore the traditional rural roadside character that has now been lost through hedgerow dying or having been grubbed out. splay.

S9.14 Members will be comforted by knowing that just as the landscaping on the site's eastern edge [adjacent to Meadow Lane] has been deepened at Members request to 20m following the 29 January 2020 meeting it is recommended that a condition be added to any permission [*in the event of members resolving to grant outline planning permission*] requiring a 20m deep hedgerow to be planted on the sites western edge behind the proposed visibility splay.

S9.15 This will have a dramatic impact in terms of reinforcing a natural edge to the proposed development and will soften the impact of new built form and will certainly provide a green foil to the Persimmon development.





## S9.0 UPDATED Conclusion and Planning Balance [July 2020]

- S9.1 Having considered the additional traffic analysis submitted by the applicant since the Committee meeting of 29 January 2020 officers are satisfied that the proposed development with additional modelling and additional mitigation proposed [MOVA technology at a signalised Bunbury Arms junction] will create additional capacity.
- S9.2 Furthermore that additional capacity will mean the junction will operate below capacity at all times and on all arms.
- S9.4 These improvements are expected to benefit all users of the junction and are likely to result in some changes to current travel behaviour particularly those wishing to access the A143 via a right turns from Thurston Road as that manoeuvre become easier and safer.
- S9.5 Suffolk County Council as the beneficiary of Thurston Five contributions are ultimately responsible for procuring the Bunbury Arms junction improvements and it is suggested that of members are minded to grant planning permission the securing of funding for acquisition and installation of the MOVA technology is included within a S106 Agreement.
- S9.6 It is not reasonable to limit occupations within this development to a specific number tied to a trigger for delivery of the Bunbury Arms junction improvements because other than for the MOVA technology the signalisation works are outside of the current applicant's control.
- S9.7 What however is within the applicant's control is the ability to deliver the package of other highway improvements being offered and it is considered reasonable to require all of these to be in place and operational prior to first occupation. In this way the development will deliver early benefits for the community in terms of easier movement.
- S9.8 The changes to the illustrative layout that have arisen since the January Committee meeting following the comments of Members and as described earlier have enhanced the quality of the proposal and will deliver a better connected 'greener' and more sympathetic {to its rural edge] development. It is therefore suggested that if Members are minded to grant planning permission Reserved Matters be conditioned to follow the layout principles now shown on the illustrative masterplan.
- S9.9 Officers are therefore satisfied that the proposed development remains acceptable and that the applicant has adequately demonstrated that their proposed mitigation at the Bunbury Arms junction will accommodate not only their development but also the Beyton Road development without pushing the junction over capacity. Indeed the added mitigation reduces pressure on capacity compared to the signalisation already secured from the Thurston Five developments. In accordance with NPPF para 109 there is no reason to refuse the development on grounds of network capacity and flow. Likewise, there is no highway safety concern and safe/suitable access can be secured.
- S9.10 Officers are content that the planning balance previously described in the report to Committee on 29 January 2020 remains valid and that if anything the balance has

been confirmed as appropriate by the additional modelling work undertaken and the changes to the illustrative layout secured.

For the avoidance of doubt the reasons underpinning that balance are set out in refreshed terms, as follows.

- S9.11 With the exception of the Parish Council, the application is not subject to objection from any statutory consultee and no objection has been received in relation to any technical matter. The application is considered to be acceptable in all respects save for noting the policy breaches relating to the site being presently unallocated, representing new housing in the countryside outside of the settlement boundary for Thurston.

From experience, and especially in the current wider national context, officers are particularly concerned with the notion of refusing housing for housing sake – the outcome of the SoS-determined Long Melford appeal<sup>2</sup> in the adjacent Babergh district (and indeed all other committee overturn appeal decisions relating to Mid Suffolk in recent years) acutely highlights this point and the significant weight placed upon the desire to significantly boost housing supply. This is especially the case given that the Council relies upon unallocated sites to make up its current housing supply; such a supply is despite its out of date housing policies, not because of them.

Where the proposed development conflicts with the housing settlement policies of the Council's district development plan documents (principally through conflict with policies CS2 and H7) it does not accord with the development plan taken as a whole. In strict terms, it could be said that there is conflict with policy CS1 also – where the site falls outside of the Thurston settlement boundary – but as a development for a Key Service Centre it is nevertheless the case that the underlying spatial strategy for the District is being followed.

The application proposal is not, however, considered to directly conflict with the NDP which purposefully splits its housing strategy between local policies and the strategic housing policies of the District.<sup>3</sup>

Further, officers consider that there are other material considerations which direct that planning permission should nevertheless be granted, not least through acknowledging that taken in the round the most important policies for the determination of this application are inconsistent with the NPPF and are out of date, and where the underlying aims of those policies would be otherwise met. The “tilted balance” under NPPF para 11d) is engaged; this is an important material

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<sup>2</sup> Appeal reference: 3214377, available here: <https://www.gov.uk/government/publications/recovered-appeal-land-off-station-road-long-melford-suffolk-ref-3214377-1-april-2020>

<sup>3</sup> Committees attention is also drawn to the Inspectors appeal conclusion in Eye regarding the extent of additional growth planned within the Eye NDP being over and above the need anticipated for in the JLP identified requirement, and the persuasive/“decisive” effect of that upon the planning balance in that case. See appeal ref: 3215534, available here: [http://www.landmarkchambers.co.uk/wp-content/uploads/2020/03/Appeal-Decision-3215534\\_-002.pdf](http://www.landmarkchambers.co.uk/wp-content/uploads/2020/03/Appeal-Decision-3215534_-002.pdf)

consideration. There are no specific policies in the NPPF which direct for refusal; rather, the application complies with the policies of the Framework taken as a whole.

It is acknowledged that the proposal does cause some tension between what is expected in terms of a constraint on future development within Thurston as envisaged in the Thurston Neighbourhood Plan and what is clearly a sustainable development proposal in line with the NPPF. This is because the NDP states that new development within the Parish is to be focused within the settlement boundary. That said, the NDP clearly does not preclude development outside of that boundary and it is the strategic, District policies which apply in that respect. The housing strategy within the NDP is split between it and the rest of the development plan, which is to be expected given the document recognises that it could not reflect the emerging JLP and that the housing need for the village is to be determined by that new Plan, where the village will need to play a key role in addressing the significant levels of growth anticipated; hence, of course, the very fact that this site has been proposed as an allocation by the Council.

- S9.12 Whilst the Neighbourhood Plan includes expansion of the village envelope this is to embrace sites that have already been granted planning permission. The Neighbourhood Plan does not identify [allocate] sites for future expansion and this is left to the District Council in preparing the Draft Joint Local Plan. The District Council as local plan making authority has indicated it is minded to allocate the application site [and others] for residential development. This application conforms with that objective and will help to meet the identified requirement for Thurston during the Plan period up to 2036.
- S9.13 This proposal delivers a raft of benefits chief of which is a package of highway improvements north of Thurston Railway Bridge that will have village wide [and beyond] benefits in terms of highway safety and ease of access. [beyond that previously secured with the 'Thurston Five'. Consequently, when exercising the tilted balance these highway works need to be given significant weight. Regardless, even if the "tilted balance" was not engaged, when all the benefits are taken into account the adverse impact of permitting another 210 dwellings in Thurston (such harm chiefly amounting to the conflict with the housing policies of the development plan) is plainly outweighed. The direction of the planning balance is to grant planning permission at variance to the indication of the current development plan as a whole (but noting the conflict firmly remains with the District's strategic housing policies in the District development plan documents as presently formulated).
- S9.14 Members will recall that the proposed density of development here is identical to that on the Beyton Road development. Members resolved to Grant permission for the Beyton Road development [subject to a S106 Agreement] at the same meeting in January 2020 as this application was deferred.
- S9.16 As previously the recommendation to GRANT conditional outline planning permission subject to S106 remains and is reinforced.



# AMENDED RECOMMENDATION FOR AUGUST 2020

**AMENDED RECOMMENDATION: [August 2020]**  
**THIS IS THE 'LIVE' RECOMMENDATION**  
[it supersedes the January 20020 recommendation]

## RECOMMENDATION:

[1]

That subject to the completion of a S106 Agreement to the satisfaction of the Chief Planning Officer, to secure the following:

- A. The payment of a commuted sum to be agreed upon commencement for the designing, acquisition and installation of 'MOVA' technology into the planned works to signalised the Bunbury Arms junction
- B. On-site delivery of 35% affordable housing as required by the Council's Housing Strategy Service
- C. Delivery of no less than two car club vehicles within the village/equivalent sum to secure provision of.
- D. Provision of a public electric charging point within the village/equivalent sum to secure provision of.
- E. Provision of urban gym trail facilities within the development
- F. Provision, transfer and maintenance of open space to an an specification. The transfer of the land to be for £1 and to be offered via a cascade. First instance to MSDC who may offer it to a nominee and in the event that MSDC declines an offer of transfer then to a management company who will manage the site on behalf of the developer in perpetuity with a proviso that the site shall be permanently available to all members of the public
- G. Provision of/management/maintenance of play equipment including real play within the open space
- H. Travel Plan monitoring sum
- I. Payment of the Education contributions

**New primary school land cost : £67,288**



**New primary school build cost: £1,019,772**

**New early years build cost: £372,609**

**Total £1,459,669 [or such other sum as shall have been agreed with SCC]**

**THEN,**

**[2] The Chief Planning Officer be authorised to GRANT Outline Planning Permission subject to conditions that shall include those as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- **Reduced time limit for submission of reserved matters [to 2 years] and then 18 to commence after approval of reserved matters**
- **Reserved matters as submitted shall be based substantially on the revised illustrative layout and shall include cross sections**
- **No built form shall encroach into or upon any of the open space land shown on the illustrative drawing**
- **The unbuilt area shall not be less than shown on the illustrative layout [All this land shall be open space save for the area required to provide a SuDS solution to surface drainage.**
- **Total residential units shall not exceed 210**
- **Unit size shall be a matter for reserved matters**
- **Removal of householder permitted development rights**
- **Approved Plans (Plans submitted that form this application)**
- **Parking to comply with Adopted Parking Standards**
- **Ecological Mitigation**
- **External materials [to include traditional vernacular such as clay tiles and stock bricks]**
- **Tree protection**
- **Provision of ev. Charging points to all properties and sustainable construction**
- **Provision of a minimum of superfast/ broadband to all properties**
- **Construction Method Statement**
- **As required by SCC Highways**
- **As required by SCC Water & Floods**

**and,**

**[3]**

**Appropriate informatives**

**HOWEVER,**

[4]

In the event of the Planning obligations or requirements referred to in solutions [as recommended] (1) and (2) above not being secured within 6 months then the Chief Planning Officer be authorised to refuse the application on appropriate grounds if he deems there is little or no prospect of the issues delaying the securing of (1) and (2) being resolved given a reasonable extension of time.

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## **REPORT FROM 29 JANUARY 2020 FOLLOWS**

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**What follows is the report presented to the 29 January 2020 meeting**

# REPORT FROM JANUARY 2020

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## PART TWO – POLICIES AND CONSULTATION SUMMARY

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### Summary of Policies

NPPF - National Planning Policy Framework  
Thurston Neighbourhood Plan

Core Strategy [2008]

CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
CS09 - Density and Mix

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

Local Plan [1998]

GP01 - Design and layout of development  
H04- Proportion of Affordable Housing  
H02 - Housing development in towns  
H03 - Housing development in villages  
H07 - Restricting housing development unrelated to needs of 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  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
CL08 - Protecting wildlife habitats

### Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:- Stage 7: Adoption by LPA [October 2019]

Accordingly, the Neighbourhood Plan has statutory weight and alongside the rest of the development plan it is the starting point for decision-taking purposes.

Of particular relevance to the consideration of the merits of this proposal are Neighbourhood Plan policies:

Policy 1 Thurston Spatial Strategy

Policy 2 Meeting Thurston's Housing Needs

Policy 4 Retaining and Enhancing Thurston Character Through Residential Design

Policy 5 Community Facilities

Policy 6 Key Movement Routes

Policy 7 Highway Capacity at Key Road Junctions

Policy 8 Parking Provision

Policy 9 Landscaping and Environmental Features

Policy 11 Provision for Wildlife in New Development

#### **Status of Adopted Local Plan Core Strategy and Core Strategy Focused Review**

A number of policies within the Plan have now been held to be 'out-of-date' as a result of recent planning appeal decisions on the basis of Inspectors declaring them to be inconsistent with the NPPF [2019]. On this basis the tilted balance required by paragraph 11 of the is brought into play where those policies are, in the round, considered to be those most important for the determination of the application in this instance noting the key issues; principally, policies CS1, CS2, and H7.

#### **Status of Draft Joint Local Plan [2019]**

The Babergh and Mid Suffolk Joint Local Plan is currently in Regulation 18 phase with the consultation period for comments now finished. Within the Draft Joint Local Plan the application site forms part of the proposed site allocations ref: LA089. The allocation policy is set out as follows:

## **LA089 – Allocation: Land east of Ixworth Road, Thurston**

**Site Size - 8.7ha**

**Approximately 200 dwellings (with associated infrastructure)**

**The development shall be expected to comply with the following:**

- I. The relevant policies of the Joint Local Plan;**
- II. An ecological survey, and any necessary mitigation measures are provided;**
- III. Protected trees within the site are retained;**
- IV. Contributions to the satisfaction of the LPA, towards pre-school, primary school and secondary school provision;**
- V. Contributions to the satisfaction of the LPA, towards healthcare provision;**
- VI. Provision of a new footway link to the village; and**
- VII. Contributions may be required, to the satisfaction of the LPA, toward accessibility improvements at Thurston railway station.**

An assessment of this application against that allocation Policy is included within this report where it will be demonstrated that the terms of that policy, albeit only in draft, have been met.

The emerging Plan provides an indication of the intended 'direction of travel' with regard to the Council's approach to sustainable growth within Thurston in order to meet ongoing needs locally and within the District. The Council has already set out its intent to allocate the site for development is an important one and it is important for Members to consider the consistency of that decision given the individual circumstances of this application.

### **Five Year Housing Land Supply Statement [5YHLS]**

The Council is currently able to demonstrate that it has a 5YHLS.

However, as above, the Council's housing policies (e.g. CS2, H7) are out of date. Furthermore, it should be recognised that the Council's current land supply position contains a significant proportion of sites that are otherwise contrary to those housing policies i.e. of themselves and in the absence of any other "harm"<sup>4</sup>, that a proposed site falls out of a defined settlement boundary should not automatically preclude a grant of permission. Naturally, this accords with the s38(6) statutory duty which requires Members to not only consider the development plan but to also consider other material considerations (e.g. the NPPF and the emerging JLP).

### **Consultations and Representations**

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

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<sup>4</sup> 44% of the Council's supply is outside of settlement boundaries and 58% of major applications (>10 dwellings) are outside of settlement boundaries and unallocated.

## **A: Summary of Consultations**

### **Town/Parish Council**

The Parish Council, having considered this application at its Planning Committee Meeting on 22nd May 2019, would like to confirm that it objects to this application in its entirety.

Whilst it acknowledges that the applicant met with the Parish Council for a pre-application discussion, it has failed to take any regard of the comments made at that meeting and has failed to take effective note of the workings of the Thurston Neighbourhood Development Plan (NDP) which has now passed its examination stage. The Examiner has concluded that, subject to amendments as highlighted by the examiner, and which do not significantly or substantially alter the intention or nature of the Draft Plan, the NDP as submitted meets the Basic Conditions and should proceed to Referendum. It is felt by the examiner that the Thurston NDP will provide a strong practical framework against which decision on development can be made and as such the Parish Council contend that it is to be regarded as a material consideration in the determination of this application.

1. As has been mentioned by the Parish Council on similar applications for new dwellings outside of the settlement boundary, since 151 November 2017 it has been asked to consider a number of planning applications for new dwellings outside of the Built- Up Area Boundary of Thurston. This application on land to the east of Ixworth Road is outside of the amended built-up area boundary and as such is contrary to not only policies within the Mid Suffolk Local Plan but also the post examination Thurston Neighbourhood Development Plan POLICY 1: THURSTON SPATIAL STRATEGY which states that all new development in Thurston parish shall be focused within the settlement boundary of Thurston village as defined within the Policies Maps on pages 76-77 of the Thurston Neighbourhood Plan.

2. The general approach in the Thurston Neighbourhood Plan, fully supported by the Parish Council is that growth will be focused on the 5 significant sites which were granted planning permission as of 2017 (which are located within the settlement boundary as amended by the Neighbourhood Plan) and on small scale infill sites within the settlement boundary. As these sites are expected to provide high quality schemes which generally enhance the public realm and improve accessibility for pedestrians and cyclists, it is felt that this proposal will neither enhance nor protect the village facilities given its location outside of the settlement boundary.

3. The granting of planning permission on 5 sites in late 2017 has meant that there are over 1,000 dwellings in the planning pipeline for Thurston, i.e. with planning permission but not yet built or occupied. Whilst it's for the Joint Local Plan to ultimately address the objectively assessed housing need of Mid Suffolk district over the period to 2036 and also to determine Thurston's contribution to that, (given) the levels of growth in the planning pipeline; the fundamental concerns of the Suffolk County Council Highways Team about highway capacity; and the need to deliver major new education

infrastructure in the form of a larger primary school on a new site, the Parish Council contends that Thurston should not be expected to accommodate any additional growth outside of the settlement boundary as revised.

4. As previously stated, it was considered that approval of 818 dwellings at the Mid Suffolk Planning Referrals Committee Meeting on 1st November 2017 was a level of development that was of such a strategic scale that a cumulative approach was required through the planning process to provide improvements to both mitigate against any severe impacts to ensure that they did not result in unsustainable growth of the village. The Parish Council is concerned that additional growth such as that now being considered, is unsustainable, unsafe and will have a severe impact on the Highway Network in and around Thurston.

5. Thurston Parish Council therefore objects to this application on the grounds that there are no further mitigation measures that have been identified that will provide solutions to the severe negative impact that additional growth will have on the Highway Network and draws reference to the letter submitted by SCC Highways (Steve Merry (SCC) to Ben Elvin (MSDC) 13 Oct 2017) who raised concerns that, following mitigation measures being implemented (for those planning applications approved at the meeting of 1 st November 2017), the roads in and around Thurston will be operating at capacity if all the developments go ahead. In his letter it is stated:

"Any future development in Thurston must, in the Highway Authorities opinion, address the following constraints;

- . No further capacity can be provided at the A143 Bury Road / Thurston junction within the existing highway boundary for traffic traveling to / from the Thurston area.
- The C692 / C693 Thurston Road (Fishwick Corner) cannot be improved further in terms of either road safety or capacity due to the highway boundary constraints.
- Any significant future development is likely result in the C560 Beyton Road / C692 Thurston Road /U4920 Thedwastre Road (Pokeriage Corner) junction reaching its theoretical capacity. This work has not investigated the potential for mitigation, but the site has similar highway boundary constraints as the other junctions.
- The C291 Barton Road under the rail bridge is at capacity and without mitigation this may restrict future development in the area."

The Parish Council also feels that as there has been no further update from Suffolk County Council on how future growth will be mitigated, these serious limitations within the highways network which have no quick or simple solution must be addressed prior to further development being considered.

6. In addition, the decision taken by Suffolk County Council to implement changes to its School Travel and Post-16 Travel Policy by only providing children aged 4-16 years old with transport to their nearest school with an available place (phasing in the policy from September 2019) will impact on the Thurston Community College which has a wide catchment area. Indications are that a significant number of parents will continue

to support their school choice and as such there will be a negative impact on the rural infrastructure with an anticipated increase in the numbers travelling to and from school via car.

7. It is felt that further exacerbation of traffic issues at this point in the village will occur given the close proximity of this site on Ixworth Road to the large-scale development taking place further along Ixworth Road and the potential increase use of the rear of the car park to the rear of the College as a parking facility for parents dropping off and collecting children from the College.

8. Further concerns to be raised cover the following:

- Density of the build - the Parish Council is concerned that there is an urban feel to the design which neither complements nor enhances the village. Overall the spatial strategy is of a poor design not in sympathy with the village character and fails to take into account guidance as given within Suffolk County Council's (2000 revised) Suffolk Design for Residential Areas, or even the Government's Manual for Streets and Manual for Streets 2 as well as Historic England's Streets for All documents. It further fails to take account of Policy 4: Retaining and enhancing Thurston Character through residential design of the Thurston NPD as it fails to deliver housing design that fits in with the surrounding area and is in character with that of a rural village rather than that of an urban location.
- Type of dwellings - overall the Parish Council has a concern that the application has failed to demonstrate that the housing mix is justified with regard to planning policy, the local context and viability. There is a failure to provide a housing mix that will create a broad-based community as it fails to consider incorporating a range of property sizes and types and the Parish Council is concerned that the overall design neither complements nor enhances the village.
- Within the northern side of the village, there are no 2.5 storey dwellings built within the vicinity of this site. The Parish Council is concerned that their inclusion at different roof heights from the surrounding dwellings will provide for a street scene that is neither in keeping with the surrounding area nor enhancing of the area as a whole.
- The Parish Council is also concerned at the paucity of bungalows within the application and feels that the overall scheme does not represent a consideration of the need locally in terms of demand and those wishing to downsize from existing dwellings. It has also failed to respond to the consultative findings of the Thurston NDP which reflected residents desire and support for houses in groups of no more than 50 dwellings. Overall the Parish Council has a concern with the size of the smaller dwellings and would request that all properties are built to current Nationally Described Space Standards as published March 2015.
- The traffic survey undertaken on behalf of the applicant has failed to take into account the school finishing times and instead concentrated on the peak times of 7-9am and 5-7pm. There has been a failure to take into account the impact on this area of traffic movements and in particular the narrowness of Ixworth Road and the movement of young people at Ixworth Road to gain access to the College and planned Primary School to be located along Norton Road.



- Lack of landscaping detail - overall the detail the landscaping of the site overall is limited and fails to provide details in particular of the species to be used in terms of trees and shrubs along with details of the 5-year care plan to be implemented. Further details on the hard and soft landscaping to be used should be submitted and must allow for public and private spaces to be clearly defined and soften the edge of the development leading into the countryside which it abuts. Furthermore, the Parish Council would like to see species that will form a strong and effective boundary, such as hedge forming shrubs rather than exotic or ornamental plants and will wish to ensure that there is sufficient detail and budget provision allocated to ensure a high-quality boundary scheme is delivered. Appropriate landscaping should be used to ensure that boundaries are respected and that residents would feel that their personal space is protected. There is also little detail on the landscaping for the SUDs area and this should have accompanied the application along with further details on planting features including species to be used.
- The Parish Council has requested on similar applications that there should be a greater emphasis on appropriate soft landscaping to the street scene in order to protect the visual amenity of the area as well as further enhancements to the public open spaces to create a strong green infrastructure and attractive outlook from properties and to ensure the biodiversity of the site is maintained.
- Generally the Parish Council feels that the green space area located to the north of the site is in the wrong space to allow it to come forward as an open space area. The open space should be located to the southern part of the development and contain facilities that are available for all to use as they would be located within reasonable walking distance of the majority of the units within the development scheme as well as those nearby. Such a facility should be of a demonstrable recreational or amenity value and should be multi-functional.
- A PROW runs to the southern edge of the site which will be severely compromised by a significant loss of views and amenity from the PROW. There are important views across the site to the north looking out of the area and the proposal will detrimentally impact on those views looking out of the area.
- To the east of the site is Meadow Lane which is a Green Lane. This lane is unmetalled and vegetation is allowed to colonise freely. The Parish Council is concerned that the proposal will negatively impact on its status as a Green Lane and highlights that there is no provision for maintenance of this lane given the proposal to create pedestrian links to this area to allow connectivity.

In summary, the Parish Council contends that this application should not be supported as it fails to adhere in the main to POLICY 4: RETAINING AND ENHANCING THURSTON CHARACTER THROUGH RESIDENTIAL DESIGN of the Thurston NDP which states that development proposals as submitted, must demonstrate how they contribute to the features which positively define Thurston's character, taking into consideration the Thurston Character Assessment 2017 - Revised 2018. The development does not protect the amenity of neighbours, nor does it reflect the scale, mass, height and form of neighbouring properties. According to the examiner there is robust background evidence within the Character Assessment to support policy 4 to help ensure that new development contributes towards the positive aspects of local character. The Parish Council requests that the desires to the community, which were clearly expressed through engagement in the production of the Thurston NDP are

respected and that sites coming forward should demonstrate that they are in conformity with the Thurston NDP.

**SCC Councillor Otton [ response dated 14 August 2019]**

I wish to make the following comments; Following a meeting with the application and the parish council it is obvious that this application should be refused. The cumulative effect of the numerous applications and permission granted must be taken seriously . The Thurston spatial strategy clearly states that any further permission should only be within the settlement boundary. The issue of impact on the highways in and around Thurston is now at a critical position and cannot withstand any further traffic movements. Suffolk county council highways have clearly indicated that this is unsustainable. The location of the site in relationship to Thurston Community college is of serious concern, with the possibility of another 600 car movements to and from the college particularly at the start and end of the school day.

**National Consultee**

**Environment Agency [response dated 23 May 2019]**

Thank you for your email. This consultation has been logged as being outside of our consultation checklist. Please see the attached checklist which outlines when to consult the Environment Agency. If you believe the application ticks any of the attached triggers, please do let me know.

**NHS West Suffolk Clinical Commissioning Group [response dated 16 April 2019]**

1. I refer to your consultation letter on the above planning application and advise that, following a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of NHS England Midlands and East (East) (NHSE), incorporating West Suffolk Clinical Commissioning Group (CCG).

**Background**

The proposal comprises a development of up to 210 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

**Review of Planning Application**

2. There are no GP practices within a 2km radius of the proposed development, there are 2 GP practices and a branch practice closest to the proposed development and these are within circa 6km. These practices do have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area will not be sought to mitigate the impact.

**Healthcare Impact Assessment**

4. The intention of NHS England is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

5. The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1.

**Table 1: Summary of capacity position for healthcare services closest to the proposed development.**

<b>Premises</b>	<b>Weighted List Size</b>	<b>NIA (m2)<sup>2</sup></b>	<b>Capacity</b>	<b>Space Capacity (NIA m2)<sup>4</sup></b>
Mount Farm Surgery	12,713	920.72	13,427	49
Ixworth Surgery (and its branch Stanton Health Centre)	10,077	583.70	8,512	44
<b>Total</b>	<b>22,790</b>	<b>1,504.42</b>	<b>21,939</b>	<b>93</b>

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.

2. Current Net Internal Area occupied by the Practice.

3. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO) Space requirement aligned to DH guidance within “Health Building Note 11-01: facilities for Primary and Community Care Services”

4. Based on existing weighted list size.

6. This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Mount Farm Surgery and Ixworth Surgery and its branch Stanton Health Centre, servicing the residents of this development, will not be sought from the CIL contributions collected by the District Council.

### **Developer Contribution required to meet the Cost of Additional Capital Funding for Health Service Provision Arising**

7. In line with the Government’s presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development’s impact, a financial contribution is sought.

8. Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

10. NHS England is satisfied that the basis of a request for CIL contributions is consistent with the Regulation 123 list produced by Mid Suffolk District Council.

## **Anglian Water [response dated 23 May 2019]**

### **ASSETS**

Section 1 - Assets Affected There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### **WASTEWATER SERVICES**

Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Thurston Water Recycling Centre that will have available capacity for these flows.

### **Section 3 - Used Water Network**

This response has been based on the following submitted documents: - Foul Drainage analysis 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. We will then advice them of the most suitable point of connection.

- (1) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- (2) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- (3) **INFORMATIVE** - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- (4) **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- (5) **INFORMATIVE**: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

#### Section 4 - 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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information: Next steps Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> Once submitted, we will work with you in developing a feasible mitigation solution. If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition: Foul water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including: Development size Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s) Connecting manhole discharge location (No connections can be made into a public rising main) Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website) Feasible mitigation strategy in agreement with Anglian Water (if required) Surface water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including: Development hectare size Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculationtools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate) Connecting manhole discharge location Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

## **Natural England [response dated 8 May 2020]**

No comments

## **County Council Responses**

### **SCC Highways Authority [response dated 7 January 2020]**

Notice is hereby given that the County Council as Highway Authority make the following comments:

#### **1. Background Information**

Following the receipt of five major planning applications for Thurston received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned AECOM to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. The assessment used the peak hours 8.00 to 9.00 and 17.00 to 18.00hrs (derived from traffic survey evidence). Junctions were modelled to calculate the capacity and queue lengths for future years with the developments and required mitigation measures regarding capacity are:

- Introduction of Traffic signals at A143 Bury Road/Thurston Road junction (locally known as Bunbury Arms Junction) with introduction of 30mph speed limit on commencement of works.
- Change in priorities on C692/C693 Thurston Roads (known as Fishwicks Corner) and introduction of a 40mph speed limit at the junction.

Other mitigation measures requested where safety was a consideration are:

- Improvements to footway network within the village
- Contributions to pedestrian crossings at key junctions and locations
- Extension of 30mph speed limits on Ixworth Road, Barton Road and Norton Road.
- Improvements to the PROW footpath network; contribution of £126,500

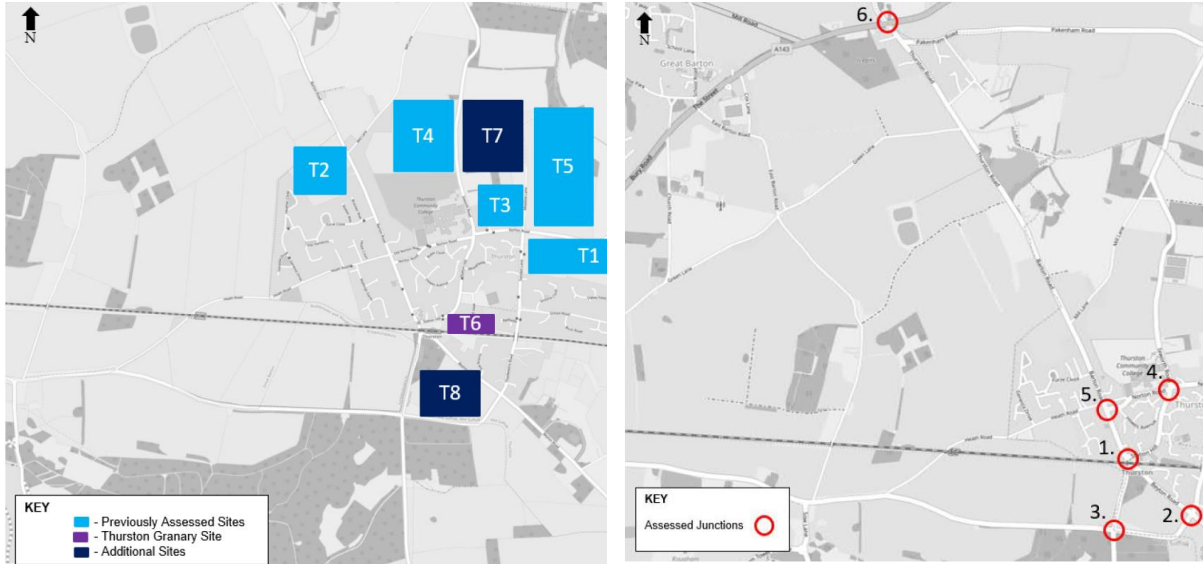
In our 2017 response we identified constraints at Bunbury Arms Junction, Fishwicks Corner, Pockeridge Corner and Barton Road under the Rail Bridge which needed to be addressed by any future developer. Each location will need to be improved with regard to capacity and safety and we highlighted that future mitigation was limited by the restricted land available within highway boundary.

#### **2. Highway Assessment of 2019 Applications**

In 2019 a further 2 major applications for Thurston were received proposing up to 420 dwellings (210 for each site) bringing the total of 1247 dwellings for 7 sites. AECOM were commissioned by SCC to update the report on the cumulative impact from the 5 original sites (plus The Granary site) to include the 2 new sites for future year 2024. TEMPRO was used to derive the local growth factors for the area. The trip generation applied were those set out in the 2017 transport assessment 0.67 (two-way traffic)

giving additional 846 trips in the AM peak and 832 trips in the PM peak from all 7 developments.

The indicative locations of all the development sites and the junctions assessed are shown below:



Locations of Developments

Junction Locations

The junctions assessed are as follows:

- Barton Road/Station Hill mini roundabout
- Pokeridge Corner
- Fishwick Corner
- Station Hill/Ixworth Road/Norton Road junction
- Barton Road/Norton Road junction
- Bunbury Arms junction

By applying the trips from the developments to the existing highway layout, the Ratio of Flow to Capacity (RFC) and Queue lengths (Q) were calculated on the key junctions for future year 2024. Note If the RFC value is 0.85 or less, this indicates the junction is nearing but operating within capacity; 1 being at capacity.

By applying the committed sites, with growth and new trips from the proposed developments, the following table gave a summary of the Junction Capacity Assessments:

	Junction	2024 Base		2024 With Dev (T1 – T6)		2024 With Dev (T1 – T7)		2024 With Dev (T1 – T6 & T8)		2024 With Dev (T1 – T8)	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
J1	C691 Barton Road / C562 Station Hill Three Arm Mini Roundabout	Green	Green	Green	Green	Yellow	Yellow	Green	Yellow	Yellow	Yellow
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Green	Green	Yellow	Green	Green	Green	Yellow	Green
J2	C560 Beyton Road / C692 Thurston Road / U4920 Thedwastre Road Crossroads (Pokeridge Corner)	Green	Green	Yellow	Green	Yellow	Green	Yellow	Green	Yellow	Green
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green
J3	C693 Thurston Road / C692 Thurston Road Crossroads (Fishwick Corner)	Yellow	Green	Red	Green	Red	Green	Red	Green	Red	Green
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green
J4	C559 Norton Road / C562 Ixworth Road / C562 Station Hill staggered Crossroads	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
J5	C691 Barton Road / C559 Norton Road 'T' Junction	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
J6	A143 / C691 Thurston Road Crossroads	Red	Red	Red	Red	Red	Red	Red	Red	Red	Red
	<i>Proposed Mitigation Scheme</i>	Grey	Grey	Red	Green	Red	Green	Red	Green	Red	Green

- within theoretical capacity – less than 0.85
- near capacity – between 0.85 and 1.00
- over capacity – over 1.00

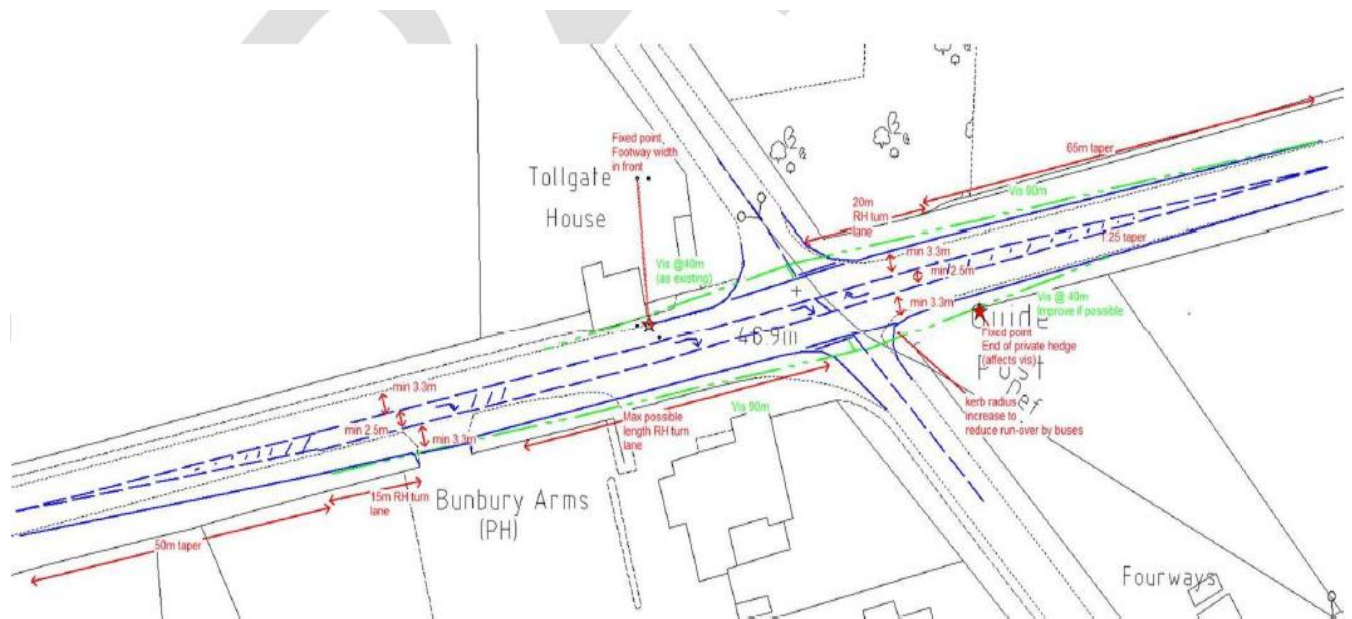
The report concluded that the 2 developments shows Barton Road/Station Hill mini roundabout, Fishwick Corner and Pokeridge Corner junctions would all be close to or over capacity. With proposed mitigation from the Beyton Road Development, these junctions all operate within desired capacity limits for future year 2024.

The detailed designs of the junctions will be designed to current specifications and standards. A Stage 2 Safety Audit has also been completed on the junctions with the proposed mitigation measures. The audit did not identify major problems and minor items raised can be detailed during the s278 process during our technical approval process.



### 3. Junction Analysis and Evaluation of the Proposed Mitigation

#### A143/C691 Bunbury Arms junction



Existing situation	Proposed mitigation
<p>The mitigation from the 2017 developments included signalling the junction. The junction will be at capacity on two arms in the AM peak hour for the granted applications. This was accepted as the developments had mitigated their impact, but it was not possible to fully mitigate the background growth due to space constraints.</p>	<p>The proposed mitigation with contributions from the previous 5 applications, the 2019 AECOM indicates that the one arm of the junction will be over capacity during the AM peak hour and at capacity on two arms. On further assessment of the model data, we believe there is scope to improve the proposed preliminary design of the signals using better software and monitoring systems to improve capacity. However, no further mitigation, in terms of highway layout, is considered possible within the highway boundary.</p>

The signals capacity can be improved by installing Microprocessor Optimised Vehicle Actuation (MOVA). This operational method assesses the traffic flows approaching on each arm of the junction and then calculates which arm should be allocated what green time and alters signal timings to maximise capacity of the junction. This programme will improve the signals to 'at capacity level'. The developer has indicated that they are prepared to pay contribution for MOVA to be installed at this junction.

We also believe that the provision of a signal junction at the A143 junction will potentially result in a redistribution of traffic due to the additional delay for left turn out movements. The signals could also increase the right turn movements from Thurston, as it becomes more attractive manoeuvre no longer being directly opposed.

**Barton Road Mini Roundabout and Rail Bridge/Beyton Road junction**

Existing situation	Proposed mitigation
<p>Barton Road under the railway bridge has sufficient carriageway width to allow 2 cars to pass. However, with the arch of the bridge, high-sided vehicles have to use the centre of the carriageway to use the maximum height of the bridge, therefore no other vehicles can pass large vehicles except cyclists. Due to the height restriction of the bridge, use by high sided vehicles is restricted (single deck buses can use this route). The footways under the bridge are narrow; where the west footway terminates adjacent to the south-west bridge abutment 490mm wide and the other has a pinch point of 750mm.</p> <p>The carriageway is not parallel with the bridge abutments which restricts the forward visibility from Beyton Road junction under the bridge to 24.5m.</p>	<p>This application is not suggesting any mitigation for the traffic impact at this junction.</p>

**C693 Thurston Road/C692 Thurston Road junction (Fishwicks Corner)**

Existing situation	Proposed mitigation
<p>At Fishwicks Corner the primary cause for congestion is due to limited visibility at the junction. Being a crossroads with four-way movements also reduces capacity and adds to delays. The junction is an accident cluster site with 13 recorded injury accidents; 11 of which were drivers failing to look properly on the minor arms of the crossroads due to poor forward visibility. As part of the mitigation for the 2017 developments, a 40mph speed limit is being introduced with a change in the junction priority and altering the give-way scenario to Stop lines on the side roads. The predicted RFC with the 2017 developments following the revised layout of the junction was calculated as 0.93 in the PM peak.</p>	<p>This application is not suggesting any further mitigation for the traffic impact at this junction other than the previous 5 applications.</p> <p>It is not considered possible to deliver any additional mitigation to that proposed in 2017 within the current highway boundary,</p>

**C560 Beyton Road/C692 Thurston Road/U4920 Thedwastre Road Crossroads (Pokeridge Corner)**

Existing situation	Proposed mitigation
<p>Pokeridge Corner is also a crossroads where the primary cause of congestion is the lack of visibility from the side arms of the junction. It was considered the traffic impacts of the 2017 applications did not affect this junction to a point where mitigation was required.</p> <p>There were 3 accidents at this junction where drivers failed to look properly and overshoot the give way lines.</p>	<p>This application is not suggesting any mitigation for the traffic impact at this junction</p> <p>Limited improvements may be possible within the highway boundary but without proposal this cannot be confirmed.</p>
<p>The bridge over the rail track on Thedwastre Road has a vehicle priority system with a single lane road and a painted footway. The parish council has raised concerns on the pedestrian safety at the bridge due to the increase in traffic and pedestrian movements associated with this development. There has been no recorded crashes resulting in injury at this location and the visibility is good for all road users.</p>	<p>This application is not suggesting any mitigation for the impact of this development.</p>

#### 4. Sustainable access to and from the Development

##### Proposed Cycling and Pedestrian Improvements

The developer is proposing a number of pedestrian and cycle improvements in Thurston:

- A new shared cycleway on the east side of Ixworth Road linking with footways at the junction with Norton Road.
- Tabletop traffic calming at Norton Road/Ixworth Road junction with zebra crossings
- Controlled pedestrian crossing on Barton Road near junction with Heath Road to provide a safe link for pedestrians and for cyclists for the NCR51 to the village.

To promote, encourage and support the principles of sustainable transport as outlined in the National Planning Policy Framework, safe and suitable access is required for bus services, pedestrians and cyclists to and from the site:

- The rail station is within the village and is approx 900m from the centre of the site
- The closest bus stop is 550m from the centre of the site with good bus service
- The primary school is 1000m (15 minute walk) and the secondary school is 450m from the site both schools are within walking distance.
- proposals to improve the cycling and pedestrian links to the schools and NCR51.

- National Rail, BMSDC and SCC and in talks regarding the existing pedestrian safety and accessibility within the station.

In terms of sustainable transport, the development has adequate access to public transport. Pedestrian links including those to the PRow network are adequate but good quality cycling facilities are limited.

## 5. Discussion

When considering this application, we have been careful to balance the negative impacts of the development against the positive impacts of some of the mitigation to provide an overall weighted conclusion to inform the Planning Authority when making their decision.

**Capacity** - An additional 210 dwellings from this specific development will place additional strain on the road network around Thurston, specifically in the Bunbury Arms, Fishwick Corner and Pokeridge junctions and the road under the rail bridge. An additional 210 dwellings on the site off Beyton Road will add to the cumulative traffic impacts on Thurston. The mitigation proposed for the Thurston 5 was acceptable for that level of development but did not allow headroom for future development. Overall we consider that the impact of both developments would place an unacceptable strain on the highway network within Thurston with increased que lengths, delays and junctions at or approaching their theoretical capacity. Little mitigation is proposed to offset the impact of this development and therefore the impacts are considered to be severe.

**Road Safety** - In 2017 we expressed concerns regarding the impact of development in terms of road safety at the same junctions. The mitigations proposed for the 2017 applications were sufficient to mitigate their harm but not that of other future developments. One of the key concerns is Fishwick Corner where the 2017 mitigation was considered suitable for the impacts of the 5 developments and the best achievable with existing constraints. Therefore the

**Sustainability: Existing Pedestrian and Cycle Links** - The site has good links south to the village although there is a lack of formalised crossing points. Without mitigation we consider that the impacts of this development would be severe in terms of capacity, road safety and sustainability (pedestrian and cycle access). The mitigation proposed by this development is considered to have a positive benefit in isolation.

**School Transport** - concerns have been raised by the Parish Council and residents regarding the removal of subsidised places on school buses and the impact on travel patterns. Pupils from the proposed development could reasonably be expected to walk or cycle to both the primary and secondary schools and the applicant is expected to provide high quality footways and cycleways to enable this. However, Thurston Academy has a large, predominately rural catchment area the changes to school transport are likely to generate additional car trips from these areas for non-eligible pupils, As the policy is phased in and only started in September 2019 it is difficult at

this point to assess the transport impact. It is clear that any impacts will be greatest (but not exclusively) at the Ixworth Road / Norton Road and Norton Road / Barton Road junctions. We are aware that Thurston Community College (TCC) are keen to continue to support bus travel to school and each year survey families of potential new year 7 students to see if there is enough demand to make a school-led bus option financially viable. The Highway Authority's main concern is the impact on road safety although congestion and inconsiderate parking also have to be considered. While it is not reasonable in planning terms to expect this development to mitigate the additional school traffic it is a matter the we consider should be included in the Planning Authorities weighing up of the application. We would also work with the developer to ensure that any mitigation proposed for their development, if permitted, should consider these impacts within the design process.

## **6. Conclusion**

As the Highways Authority we have examined this application and the supporting information in detail. The additional development will lead to more vehicles, pedestrians and cyclists using the highway network around Thurston in addition to that from previously permitted development.

Without mitigation we consider that the cumulative impacts are severe in highway terms. The mitigation proposed from this site does have some significant benefits for pedestrians and cyclists within the north of the village but when balanced against the lack of mitigation elsewhere we conclude that there is a cumulative severe impact and that there are unacceptable impacts on road safety.

Mitigation for Fishwicks Corner, Pokeridge Corner, and improvements to the highway at the rail bridge and required to reduce the severe impact for this site, therefore, we recommend this application is refused unless these issues are addressed to our satisfaction.

## **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:

V 1 - Condition: Before the access into the site is first used, visibility splays shall be provided as drawing No 18366-003B 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.

HW 1 - Condition: Prior to commencement of any works (save for site clearance and technical investigations) details of the highway improvements and mitigation (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing to the Local Planning Authority in consultation with Local Highway Authority. The details as agreed shall be delivered in accordance with a timetable for improvement which shall have been submitted to and agreed in writing by the LPA concurrent with the said details.

Reason: To ensure that design highway improvements/footways are constructed to an acceptable standard.

ER 1 - Condition: Prior to commencement of any works, (save for site clearance and technical investigations) 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.

ER 2 - 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 in consultation with Local Highway Authority.

L1 - Condition: Before the development hereby permitted is commenced a Lighting design shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to avoid the hazard caused by disability or discomfort glare for motorists.

P 2 - Condition: Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including electric vehicle charging units 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.

B 2 - 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 on the highway causing obstruction and dangers for other users.

TP1 - Condition: Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. No dwelling within the site shall be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, policies CS7 and CS8 of the St Edmundsbury Core Strategy and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

TP2 - Condition: Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

HGV CONSTRUCTION - 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:

- 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.

## **S106 CONTRIBUTION**

### Travel Plan

As Suffolk County Council (as Highway Authority) have been identified as a key stakeholder in the Travel Plan process, a £1,000 per annum Travel Plan Evaluation and Support Contribution payable prior to occupation of the 100th dwelling to provide Suffolk County Council suitable resource to engage with the Travel Plan Coordinator appointed by the applicant. As this is a discretionary function of the County Council, this is chargeable under Section 93 of the 2003 Local Government Act and Section 3 of the 2011 Localism Act. This will need to be secured through a Section 106 Agreement or separate Unilateral Undertaking. If the contribution is not secured Suffolk County Council are unlikely to have the resource to provide the assistance which is identified in the Travel Plan, which is likely to result in the Travel Plan failing. Further guidance and justification of this contribution can be found in the Suffolk County Council Travel Plan Guidance ([www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transport-planning/Local-Links/26444-Suffolk-Travel-Plan-Guidance-V5-Printable-Version-LR.pdf](http://www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transport-planning/Local-Links/26444-Suffolk-Travel-Plan-Guidance-V5-Printable-Version-LR.pdf)).

Alternatively, Suffolk County Council can produce the Resident Travel Packs and deliver the Travel Plan on behalf of the developer if a suitable contribution can be agreed and secured through a Section 106 Agreement or separate Unilateral Undertaking prior to the determination of this application. If this is of interest to the developer, they can contact the Suffolk County Council Travel Plan Team at [travelplans@suffolk.gov.uk](mailto:travelplans@suffolk.gov.uk) to obtain a quote. Further information on this service can be found on [www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/Travel-Plan-Delivery-offer-to-LPAs-and-developers-2.pdf](http://www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/Travel-Plan-Delivery-offer-to-LPAs-and-developers-2.pdf).

## **NOTES**

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the



Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

### **SCC Archaeology**

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.

### **SCC Fire & Rescue Service**

Hydrants are required for this development (see our required conditions)

I refer to the above application. The plans have been inspected by the Water Officer who has the following comments to make.

#### Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

#### Water Supplies

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

#### Sprinklers Advised

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

### **SCC Development Contributions [response dated 12 November 2019]**

I refer to the proposal: outline planning application (some matters reserved) – erection of up to 210 dwellings and new vehicular access to include planting and landscaping, natural and semi-natural green space including community growing space(s), children's play area and sustainable drainage system (SuDS), to include 35% affordable dwellings.

This letter updates and replaces the previous consultation response letter dated 04 May 2019. Summary of infrastructure requirements split between CIL/S106:

CIL	Education	
	- Secondary school expansion	£841,306
	- Sixth form expansion	£181,904
CIL	Libraries improvement	£35,360
CIL	Waste infrastructure	£23,100
S106	Education	
	- New primary school land cost	£67,288
	- New primary school build cost	£1,019,772
S106	New early years build cost	£372,609
S106	Highways	tbc

### **SCC Flood and Management**

SCC Water & Floods has indicated that based on the Flood Risk Assessment information they are satisfied that the proposed development will not result in flood risk.

Currently the applicant is clarifying a number of technical surface water drainage points with SCC Water & Floods arising from the initial submission of information which pointed to an acceptable solution being possible. In view of this SCC Water & Floods has registered a holding objection on surface water drainage grounds but the applicant fully accepts to be able to satisfy SCC ahead of the Committee meeting. SCC Water & Floods has indicated that it will provide an update for the meeting if the requested clarification is provided and demonstrates what is expected.

## **Suffolk Police**

Thank you for the opportunity to comment on the above outline planning application. I attach a copy of the document Designing Out Crime in Suffolk, Residential Developments, which has been produced to help developers and designers determine the appropriate aspects of design that will help to reduce the opportunity for crime to occur within new developments. It has been proven that effective design will deter criminal and anti-social behaviour and will help create a sense of ownership and responsibility for new developments.

[https://www.suffolk.police.uk/sites/suffolk/files/residentialdesignguide\\_low.pdf](https://www.suffolk.police.uk/sites/suffolk/files/residentialdesignguide_low.pdf)

I have also copied this letter and the attachment to the developer, Gladman, in order that they can consider these recommendations.

I would be pleased to work with the developer at the detailed design stage and would invite them to contact me should the development progress to this stage.

An early input at the design stage is often the best way forward to promote a partnership approach to reducing the opportunity for crime to occur and to reduce the fear of crime.

I also strongly recommend that an application for Secured by Design (580) approval is made for this development.

Officers and committee members are asked to consider the requirements of the following legislation relative to designing out crime when making a decision regarding this application.

The following legislation is relevant.

Section 17 of the 'Crime and Disorder Act 1998'

This part of the CDA places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment' .

National Planning Policy Framework.

Paragraph 91 b.

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 127(f).

Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Developers can apply for National Building Approval membership from Secure by Design (SBD), where members agree to adopt Secure Design principles and can market properties as being Secure By Design approved at the start of building, rather than at the final stages of completion. Further details can be found at the following link: <http://www.securedbydesign.com/sbd-national-building-approval/>

Further information on SBD can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

### **Internal Consultee Responses**

#### **Heritage**

No comments

#### **Arboricultural Officer [Response dated 7 May 2019]**

I have no objection in principle to this application as the existing land use means conflict between the development and any significant trees/hedges on site should be avoided. Although a small number of trees are likely to require removal none are of sufficient importance to warrant being a constraint and their loss will not result in an adverse impact upon the wider landscape. The accompanying Tree Survey provides an accurate appraisal of existing trees although a detailed Arboricultural Impact Assessment will be required to identify specific losses and areas requiring precautionary measures and/or mitigation. This should be provided at full application stage or when a final layout design is available.

If you are minded to recommend approval we will also require a detailed Arboricultural Method Statement and Tree Protection Plan in order to help ensure the retained trees are safeguarded effectively. This information can be dealt with as part of reserved matters/under condition.

Please let me know if you require any further input.

#### **Public Realm [Response dated 9 May 2019]**

The Public Realm Officers have discussed the outline planning permission for land off Ixworth Road, Thurston and make the following observations.

The inclusion of a Neighbourhood Play Area within this development is welcomed. It is noted that other proposed developments surrounding this application site do not contain play areas and Officers believe it is essential that a play area is included in one of the other developments should this one not gain planning permission. There is a risk that no play provision may be provided if this development fails.

In consultation with the community in Thurston it was expressed that the provision of space for a skate park was required. A location to the north of the high school was identified as being the most suitable location. Whilst outside the boundary of this application, officers would like to see consideration given to the provision of a skate park somewhere within the developments around Thurston High School.

### **Place Services Ecology [11 January 2020]**

#### **No objection subject to securing biodiversity mitigation and enhancement measures**

##### **Summary**

Further to our review of the Preliminary Ecological Appraisal (CSA Environmental, April 2019) provided by the applicant, we have now considered the response letter from the applicant's ecologist (CSA, July 2019) relating to the additional information requested to remove our holding objection.

The response letter contains the requested survey results, which were not available previously, for:

- • Great Crested Newt (GCN) eDNA survey
- • Bat activity surveys
- • Hazel Dormouse presence/likely absence surveys

We note that the GCN eDNA survey was negative for samples taken from pond P1 and all remaining ponds within 500m were dry. We are satisfied therefore that there is no need for further surveys for this European Protected Species and no impacts predicted.

The remote monitoring of bat activity was still ongoing at the time the letter was written however given that the hedgerows on the development site are being retained, we agree that the only potential impact on foraging habitat from lighting can be controlled by a condition of any consent.

The Dormouse nest tube surveys found no evidence of this European Protected Species during visits April, May and June 2019 although survey results from August & September were obviously not available at the time of writing the response letter. Although this incomplete survey is not sufficient to inform presence/absence, the potential impacts are limited given the retention and reinforcement of the vast majority of the boundary hedgerows. We welcome the inclusion of appropriate measures to be taken in the unlikely event that Dormouse is found to be present on site. The standard two-stage approach to clearance of any small area of Dormouse habitat clearance and compensatory tree/shrub planting for loss of hedgerow for vehicular access should be secured by a condition of any consent.

In our holding response, we considered that there was insufficient compensatory measures for Priority species farmland birds given that the Preliminary Ecological Appraisal indicates the presence of Skylark (Priority species) during the walk over survey

We have now considered the results of the two breeding bird surveys that were undertaken in June 2019. These were considered necessary to inform the potential impact of the development to Priority Farmland Birds species, particularly Skylark. The surveys confirmed that a single pair of Skylark were nesting on site and given the late start due to the request in May 2019, the letter acknowledges that other additional breeding pairs could have been present earlier in the year and may already have left. Other Skylarks recorded during these surveys were noted as likely to be nesting off-site in adjacent fields.

Although the applicant was, at the time of writing, not offering any compensatory nesting habitat for Skylark, we now understand from discussions with the LPA that the applicant is willing to secure off-site compensatory nesting habitat for this Priority species.

It is therefore recommended that a skylark mitigation strategy is secured as a condition of any consent which can be provided at reserved matters stage. Mitigation for Skylarks should consist of the provision of Skylark plots (two per every Skylark territory) to be secured on appropriate offsite agricultural land for a minimum period of 10 years. This mitigation must be secured by legal agreement as the applicant has indicated that there is no land available that it currently within their control.

The Skylark Mitigation Strategy will need to contain the following content:

- a) Purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';

- c) locations of the Skylark plots by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measures.

We are now satisfied that the LPA has certainty on likely impacts of development on designated sites, Protected & Priority species & habitats and there is sufficient ecological information is currently available for determination of this application.

The mitigation measures identified in the Preliminary Ecological Appraisal (CSA, April 2019) and response letter (CSA, July 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species & habitats.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. We recommend that these include the provision of a variety of bird boxes as well as reptile hibernacula and hedgehog highways.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

**Recommended conditions:**

**1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal (CSA, April 2019) and Response Letter (CSA, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”*

**Reason:** To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

**2. PRIOR TO COMMENCEMENT: CONSTRUCTION METHOD STATEMENT (BIODIVERSITY)**

*“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*

- *a) Risk assessment of potentially damaging construction activities.*
- *b) Identification of “biodiversity protection zones”.*
- *c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- *d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- *e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- *f) Responsible persons and lines of communication.*
- *g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- *h) Use of protective fences, exclusion barriers and warning signs.*
- *i) Containment, control and removal of any Invasive non-native species present on site*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”*

**Reason:** To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

### **3. PRIOR TO COMMENCEMENT: SKYLARK MITIGATION STRATEGY**

*“A Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.*

*The content of the Skylark Mitigation Strategy shall include the following:*

- *a) Purpose and conservation objectives for the proposed Skylark nest plots;*
- *b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: ‘AB4 Skylark Plots’;*
- *c) locations of the Skylark plots by appropriate maps and/or plans;*
- *d) persons responsible for implementing the compensation measure.*

*The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.”*

**Reason:** To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

### **4. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.*



*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) *Purpose and conservation objectives for the proposed enhancement measures;*
- b) *detailed designs to achieve stated objectives;*
- c) *locations of proposed enhancement measures by appropriate maps and plans;*
- d) *timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- e) *persons responsible for implementing the enhancement measures;*
- f) *details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”*

**Reason:** To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

## **5. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

**Reason:** To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

### **BMSDC Waste Services [response dated 22 May 2019]**

No objection subject to conditions

Ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around attached are the vehicle specifications.

The road surface and construction must be suitable for an RCV to drive on.

Please identify the bin stores and presentation points for the waste and recycling bins for each property the points must be at the edge of the curtilage.

### **BMSDC Environmental Health Noise/Odour/Light [response dated 23 May 2019]**

Thank you for consulting me on the outline application to erect 210 dwellings.

I note the noise assessment by ANC acoustic consultants dated April 2019. The assessment is reasonable and robust. It confirms the suitability of the land for the purpose proposed and I concur with this.

I do not, therefore, have any adverse comments and no objection to the proposed development.

I would, however, recommend that before work starts on site, the applicant submits for approval an environmental construction management plan. I would suggest the following condition:

Prior to the commencement of development, details of the construction methodology shall be submitted in a construction management plan. Any such plan shall be approved by the planning authority and incorporate the following information:

- a) Details of the hours of work/construction of the development within such operations shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed to avoid parking on street and conflicts with other road users.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Details of proposed arrangements for notifying neighbours of the commencement of works and contact details in case of enquiries.

The construction shall be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Note: recommended construction hours are 08.00 – 18.00 hours Monday – Friday and 0800 – 13.00 hours Saturdays, with no work to take place on Sundays or Bank Holidays.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development.

### **BMSDC Planning Policy [13 January 2020]**

The site in question is allocated within the emerging Joint Local Plan (JLP) (July 2019) referenced as LA089. Therefore, up-to-date evidence supports the site and the proposal does not cause any significant undermining conflict with the emerging JLP. Therefore, there is not considered to be any significant conflict with paragraph 49 National Planning Policy Framework (Feb 2019). The principle of the site is encouraged for development in accordance with emerging JLP allocation policy

LA089. It is understood the proposal is to provide some significant benefits to Thurston as a whole. Which the case officer will need to balance out the sustainable benefits against the adopted Thurston Neighbourhood Plan (October 2019).

In theory there is considered conflict between the proposal and the adopted Thurston Neighbourhood plan because the application site is outside of the Neighbourhood plan settlement boundary. It is also apparent the site is adjacent and sandwiched between two large sites that already have planning permission. The adopted Neighbourhood Plan identifies key movement routes either side of the application site in question. This proposal would provide a bridged gap between the two large sites with planning permission either side. This would allow the settlement boundary a cleaner settlement line up to the existing Rugby ground to the north of the application site.

It is noted figure 13 inset map of detailed locations within the Neighbourhood plan. It is apparent the only sites allocated in the Neighbourhood Plan are those with planning permission, which does not allocate anything new. Technically, it could be argued there is some conflict with paragraph 29 of the NPPF (Feb 2019) insofar as ...'*Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies*'. It is also noted the site in question was included within the emerging JLP as part of the August 2017 formal consultation document. Therefore, for some time it has been recognised as an emerging suitable and needed site to meet housing needs. It should also be highlighted even though the Thurston Neighbourhood Plan (October 2019) is recently adopted it also requires current review as the emerging JLP is gaining weight and strategic plan-led direction and is a material consideration in this case in accordance with Section 38(6) PCPA 2004 that states: '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*'.

When the benefits of the proposal and the progressive plan-led approach in this settlement are weighted and balanced and considered against the adopted Thurston Neighbourhood Plan there is considered limited conflict. The application in principle is supported by the strategic planning policy team.

*Officer comment: Thurston NDP does not allocate any sites against any identified need; it is not considered that NPPF paragraph 14 can be engaged as a result and the development would not prejudice the focus for development to be located within the settlement boundary of the NDP. The development would meet the infrastructural requirements of the NDP at Policy 5 and in that respect it is a compliant development.*

### **BMSDC Communities [response dated 13 June 2019]**

I have been working with Thurston Parish Council to ideally plan for appropriate open space and play provision within the village. The proposed provision of the NEAP there warrant more detailed discussion with TPC to ensure its location and the equipment provided reflects their strategic and priority needs for the village which are mainly for adventure and teenage provision. However, it is noted that this application is outside the scope of the forthcoming Neighbourhood Plan.

### **B: Representations**

At the time of writing this report at least 8 letters/emails/online comments have been received. It is the officer opinion that this represents 8 objections, no comments in support or in the way of general comments have been received. A verbal update shall be provided as necessary.

Views are summarised below:-

- \*Inaccurate information regarding bus services
- \*Inadequate public transport provisions
- \*Local infrastructure impacts
- \*Cumulative impact of other approved developments
- \* Lack of health services in Thurston as it is
- \*Public Right of Ways affected
- \*Conflict with local plan
- \*Design
- \*Parking standards
- \*Unsafe vehicle junctions would be exacerbated
- \*Inadequate pedestrian/cyclist/pushchair/wheelchair/mobility scooter movement through the bridge.
- \*Construction related amenity impacts
- \*MSDC now has a 5 year land 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

### The 'Thurston Five' planning permissions

NP site ref	Number of dwellings	Relevant pp	Location and [expected developer]
A	Up to 200	Outline approved 1070/16  Phase 1 RM approved DC/19/ 01602	Land north of Norton Road [Linden Homes]  S278 close to signing
B	250	Outline approved 4963/16  RM approved DC/18/03547	Land west of Ixworth Road [Persimmon Homes]  S278 about to be signed
C	175	Appeal allowed: Outline 5010/16 [Ref]  RM approved DC/18/01376	Land south of Norton Road [Hopkins Homes]  S278 close to signing
D	64	Full approved 4942/16	Land at Meadow Lane [Laurence Homes]  No commencement no S278.
E	129	Full approved DC/17/02232	Land west side of Barton Road [Bovis Homes]  S278 being drafted
<b>TOTAL</b>	<b>818</b>		

**DC/19/03486: Beyton Road Outline 210 dwellings YET TO BE DETERMINED**

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

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

- 1.1 The site is agricultural land on the east side of Ixworth Road and extends eastwards up to the western boundary of meadow Lane where it adjoins the Linden Homes site [one of the 'Thurston Five' sites and currently under construction Outline 1070/16 RM DC/19/01602]. Opposite the site's western boundary is the Persimmon site. [another of the 'Thurston Five' sites outline 4963/16 RM DC/19/03547].
- 1.2 The site extends to some 8.87ha.
- 1.3 A public footpath skirts part of the western and eastern edges of the site .
- 1.4 An 'Area' TPO sits adjacent to the site's southern boundary
- 1.5 There are no heritage assets on or adjacent to the application site.

### **2. The Proposal**

- 2.1 The application to be considered is for outline planning permission for the erection of up to 210 dwellings. Access is to be considered as part of this outline application all other aspects will be determined at Reserved Matters in the event of outline planning permission having first been granted.
- 2.2 The applicant has worked openly and collaboratively with the Development Management Service and this has been welcomed.
- 2.3 Gladman met with the Parish Council on 10 April 2019 before submitting the current application.
- 2.4 They subsequently met with the Parish Council again once the application had been lodged. [Community Centre/Parish Council office on 2 August 2019]. On that occasion the case officer also attended.



Figure 1: Illustrative layout

### **3 The DETAILED OFFICER ASSESSMENT of the planning merits of the proposal**

#### **3.1 Overarching policy context**

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. That direction continues to be relevant to the determination of this application.

3.3 The current Development Plan comprises the following:

- Mid Suffolk Local Plan 1998
- Mid Suffolk Core Strategy 2008
- Mid Suffolk Focused Review Core Strategy 2012

- Thurston Neighbourhood Plan 2019

**3.4 Consideration of the acceptability or not of the principle of residential use.**  
[This is a matter to be determined at this outline application stage]

**3.5 How many dwellings is the Committee being asked to consider?**

3.6 Members will note that this outline application is described as being for ‘up to 210’ dwellings but what does that actually mean?

3.7 ‘Up to’ implies that 210 represents a possible upper limit or ceiling of what may be possible and this sets the envelope of assessment that has been carried out; it is a parameter that fixes the nature of the development and what could be brought forward at the reserved matters where the final number of dwellings would be known.

3.8 Members are advised that they should not assume ‘up to’ could mean anywhere between 1 and 210 and that the Committee cannot reasonably exert effective control over total numbers at Reserved Matters if the principle is found to be acceptable and no objection is raised now to 210 units. If 210 dwellings was thought to be inappropriate/unacceptable and that position can reasonably be justified in policy terms then the Committee should either seek amendment of the proposal by reducing numbers or it should be refused. It is disingenuous to suggest that any developer would be happy to readily accept a scheme that comprised fewer numbers when it came to the submission of reserved matters. If not conditioned at outline stage matters such as mix, density\*, and tenure cannot reasonably be controlled retrospectively by the local planning authority unless conditioned at outline stage. [\* particularly where the applicant has given a ceiling number of units within the description of development.]

3.9 Members should look at the proposal as if it were an application for 210 dwellings as that is what any developer will argue they have permission for if an application described as ‘up to 210’ is approved. The applicants have provided an illustrative layout that makes provision for 210 dwellings. They are satisfied the site can satisfactorily accommodate that many units. Whilst the illustrative layout may not formally comprise part of the submission documents its purpose is to show that the upper limit of development in terms of dwellings numbers is realistically achievable. [and satisfies relevant Council amenity standards, parking requirements and so on]. The emerging JLP allocates the site for “approximately 200 dwellings”; as a matter of planning judgement, that requirement would be satisfied.

3.10 Gladman does not generally develop sites itself preferring to act as land promoter. In the event that outline planning permission is granted the site is likely to be sold on to a national housebuilder. This is not an unusual arrangement within the development industry.

3.11 Gladman has adopted an open and collaborative approach with officers and they have also engaged in local consultation which is to be commended.



### **3.12 The principle**

- 3.13 As with the previous Committee item [DC/19/03486], much of this report will, of necessity, explore the extent to which the very principle of residential development on this site is or is not acceptable. Charting a course that will provide answers is made more difficult on this occasion by a complex interplay of material planning policy considerations that on the face of it appear to produce some diametrically opposed paths to a recommendation [approve or refuse]. We are required to consider a number of documents and to ascertain whether despite initial appearances to the contrary there is a consistent approach between them or if not how much weight do we need to give each compared to the other when trying to resolve the question – “Is the development unacceptable or acceptable in principle?”
- 3.14 As with many things in planning this ultimately will come down to questions of policy interpretation, an examination of the hard evidence, applying appropriate weight, undertaking a careful balance and finally exercising one’s own reasoned judgement after taking account of material planning considerations.
- 3.15 The key documents we will now consider in detail are:
- ❖ Adopted Thurston Neighbourhood Plan [Oct 2019]
  - ❖ Babergh Mid Suffolk Joint Local Plan ‘Preferred Options Document [July 2019]
  - ❖ Mid Suffolk Core Strategy [2008]
  - ❖ Mid Suffolk Focused Review Core Strategy [2012]
  - ❖ Mid Suffolk Local Plan [1998]
  - ❖ National Planning Policy Framework [June 2019]
- 3.16 Increasingly, as more Neighbourhood Plans are adopted and as the Joint Local Plan progresses to adoption these types of difficult ‘policy-dominated’ applications will become more common place simply as a matter of odds. Consequently, Neighbourhood Plans are going to be subjected to ever increasing scrutiny to ensure that they continue to meet the requirements expected of them in the NPPF [2019]. Some may find that they fall short as changes are brought in. Some will be very robust.
- 3.17 Adopted Thurston Neighbourhood Plan 2019 & Draft Babergh Mid Suffolk Joint Local Plan ‘Preferred Options’ Document 2019**
- 3.18 Thurston has an Adopted Neighbourhood Plan [October 2019]. This is a made Plan that now forms part of the Council’s Adopted Development Plan for Mid Suffolk and as such it now benefits from the statutory presumption of s38(6); it must be the starting point for decision taking. The weight to be attributed to that document must however, as always, be balanced with and against all other material planning considerations.

3.19 The spatial strategy for Thurston is described in S1 of the Neighbourhood Plan where it states the aim as being:

“To develop and sustain the key service centre status of Thurston by ensuring any future development is sustainable and supports a range of employment, services and housing.”

The Plan acknowledges that there are “over 1,000 dwellings in the planning pipeline for Thurston, ie: with planning permission but not yet built or occupied” It is this that leads the Plan to conclude that:

“..it is not expected that significant additional growth will need to be planned for in Thurston to support the emerging Joint Local Plan.<sup>5</sup>” [para 4.2 page 10] .That said the Plan does recognise that:

It is for the Joint Local Plan to ultimately address the objectively assessed housing need of the two districts over the period to 2036 and also to determine Thurston’s contribution to that:

“It is for the Joint Local Plan to ultimately address the objectively assessed housing need of the two districts over the period to 2036 and also to determine Thurston’s contribution to that.”

3.20 The Adopted Neighbourhood Plan is therefore predicated on the presumption that sites that are not allocated within the Plan should not be permitted to come forward for residential development.

3.21 The site being promoted by Gladman by way of the outline application currently before the Committee is not allocated for development of any sort within ‘figure 12: Locations with the parish<sup>6</sup>’ or ‘figure 13: Inset map: detailed locations<sup>7</sup>’ however such illustrated items are not of themselves allocations to meet an identified need within the NDP either.

3.22 In the context of the **Neighbourhood Plan, ‘Policy 1: Thurston Spatial Strategy<sup>8</sup>’** therein provides the policy support for this position. It states:

A. New development in Thurston parish shall be focused within the settlement boundary of Thurston village as defined on the Policies Maps (pages 75-76).

***Officer Comment:***

***the application site is outside the defined village settlement boundary and is not included as an allocation on the policy maps referred to. It should however be noted that the Thurston Neighbourhood Plan does not allocate new sites for development but rather reflects the likely status quo arising from***

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<sup>5</sup> at paragraph 4.2 on page 10 [TNP 2018-2036]

<sup>6</sup> page 75 [THP 2018-2036]

<sup>7</sup> page 76 [THP 2018-2036]

<sup>8</sup> page 32 [THP 2018-2036]

**extant planning permissions. The Plan appears not to make any reference to the number of dwellings that are considered to be required within the plan period and nor does it suggest how the extended settlement boundary to include sites with extant planning permissions will or won't meet a predicted requirement up to 2036. This position will be explored in greater detail shortly within this report.**

- B. Development proposals within the settlement boundary (as defined on the Policies Maps pages 75- 76) will be supported subject to compliance with the other policies in the Neighbourhood Plan.

**Officer comment:**

***This criteria is not relevant as the site lies outside of the defined settlement boundary shown in the Neighbourhood Plan. The Policy does not state that development outside of settlement boundaries is unacceptable,***

- C. All new housing proposals will be expected to address the following key matters:
- A. Ensure they address the evidence-based needs of the Thurston Neighbourhood area in accordance with Policy 2; and

**officer comment:**

***It is clear that there is a critical difference of opinion between the Parish Council and the District Council based on evidence as to how much development is required to be accommodated in Thurston during the Plan Period 2018-2036 but no requirement is identified within the NDP. It is this fundamental difference that sits at the heart of discussion around the merits of the current proposal. Ultimately Members will need to pick their way through the evidence and apply their own judgement.***

***Of relevance to this debate is the fact that whilst the site is not allocated for development in the Thurston Neighbourhood Plan it is allocated for residential development in the Babergh Mid Suffolk Joint Local Plan Preferred Options document of July 2019<sup>9</sup>***

***As an expression of the Council's intended strategic direction the JLPPO document was agreed by Full Council and to that extent the proposed allocations need to be seen as this Council's***

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<sup>9</sup> LA087- Allocation: Land east of Ixworth Road, Thurston. BMSJLPO 2019. page 428 approx 250 dwellings

**latest advancing expression of identified housing requirement and preferred strategic distribution for that requirement. The significance of this will be discussed more fully later on in this report.**

- B. In accordance with the statutory tests in the Community Infrastructure Levy Regulations 2010, contribute towards education infrastructure and other key infrastructure which shall include health, transport and movement, community facilities, utilities and public realm improvements, through direct provision and/or developer contributions (including Community Infrastructure Levy and/or Section 106) and.

**Officer comment:**

**The development will make the necessary financial contributions towards education, highways, local open space/play and sustainable travel by way of a S106 Agreement [if members are minded to approve the proposal] and other infrastructure needs will be eligible for funding from the CIL contributions attracted by the development.**

- C. Design high quality buildings and deliver them in layouts with high quality natural landscaping in order to retain the rural character and physical structure of Thurston.

**Officer comment:**

**There is no reason to suggest that if approved a high quality scheme cannot be negotiated via Reserved Matters submissions.**

- D Development proposals to meet specialist housing and care needs on sites that are outside the settlement boundary will be permitted where it can be demonstrated that no available and deliverable site exists within the settlement boundary.

**Officer comment:**

**The housing being proposed by Gladman does not fall into the category of specialist and care needs housing. It is general housing. Consequently, it cannot draw on this policy support for specialist residential use outside of the defined settlement boundary.**

- E. Where development uses best and most versatile agricultural land, it must be clearly demonstrated that the remaining parts of any fields remain economically viable for commercial farming.

**Officer comment:**

**The land is classified as Grade 3 agricultural land on the Natural England - Agricultural Land Classification [ALC] maps<sup>10</sup>. Included with Grade 3 are two sub-categories as follows:**

**Grade 3a: Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.**

**Grade 3b: Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.**

**The site is therefore not identified as**

- 1 Excellent quality agricultural land with no or very minor limitations to agricultural use.**
- 2 Very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting**
- 4 Poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.**
- 5 Very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.**

**On this basis it does not represent the highest quality of most versatile land but could fall within the spectrum of land considered to represent best and most versatile if it was proved to be Grade 3a.**

**As the site represents an entire field [bounded as it is on all sides by highway] it must be concluded that within the test set by criteria E of Policy 1 Thurston Spatial Strategy that no awkward unfarmable parcel will remain. It should also be noted that as the site area is only 8.87 ha it falls below the 20ha threshold prescribed by the Government [NPPG] for formal consultation with DEFRA. The objective being to consult on the loss of high quality agricultural that may have strategic implications for**

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<sup>10</sup> The limitations of the ALC Maps need to be recognised in so far as follow-up analysis is recommended because within the broad bands of classification much diversity can exist. It is therefore a crude analysis but of some value as a first point of general reference

***farming in a locality. Clearly that cannot be said to apply here. The site will continue to be surrounded by viable commercial farmland to the west, south and east.***

3.23 Members will of course be familiar with the Government's main plank of planning direction which is the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF [2019] and how different parts of it must be brought into play depending on what particular circumstances prevail. This application raises issues that require careful analysis of paragraph 14 which considers *inter alia* the interplay between the "tilted balance" and adopted Neighbourhood Plans.

3.24 Whilst Thurston now has an Adopted Neighbourhood Plan paragraph 14 [b] suggests that in the case of the Thurston Neighbourhood Plan the Council may have to temper some of that.

It states:

"Paragraph 14.

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

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

***Officer comment:***

***This applies***

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

***Officer comment:***

***The Adopted Thurston Neighbourhood Plan does not meet its identified housing need as now expressed in the Draft Joint Local Plan Preferred Options Document of 2019. On this basis further careful consideration needs to be given to the extent to which the presumption against approving development that is contrary to an up to date Neighbourhood Plan can be applied especially where the Neighbourhood Plan does not of itself identify a minimum housing requirement.***

***It is therefore critical to fully analyse this situation because the Parish Council, and many villagers understandably believe that large scale new development such as this can now be resisted [ie refused] on the basis that the site is not allocated in the Adopted Neighbourhood Plan. Having been adopted as recently as October 2019 any challenge to the of the Neighbourhood Plan is likely not to be well received locally. In such circumstances it would be easy to understand the local reaction “Well what was the point of us going through the Neighbourhood Plan process if we cannot rely on it to protect us from development to which we object?” Generally there would be considerable sympathy for that expression of exasperation and disbelief. Members of the Committee however know from experience that planning never stays still for long and it is clear from paragraph 14 that the Government continues to drive housing delivery and that Neighbourhood Plans are not immune from that direction if they fail to allocate sufficient sites to meet the ongoing housing requirement as identified by the District Council as local plan making authority. The Govt reiterates this at NPPF para 59 where a key planning objective is to significantly boost the supply of new homes. The extent to which the Adopted Thurston Neighbourhood Plan does or does not meet that requirement is considered from further below.***

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

***officer comment:***

***This applies***

and

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

***officer comment:***

***This applies***

**In light of the above, NPPF paragraph 14 is not engaged because the NDP does not contain policies and allocations to meet an identified need. In any event, the “tilted balance” remains engaged.**

### **3.25 Neighbourhood Plan & Draft Joint Local Plan identified housing requirement**

- 3.26 In the light of the above let's now analyse the likely housing numbers to be delivered as identified in the Neighbourhood Plan and compare these to the current housing requirement numbers in the Draft JLP Preferred Options Document (if only indicative bearing in mind the emerging status, albeit democratically-approved, of the JLP). Members are reminded that the Draft Joint Local Plan Preferred Options Document currently carries limited weight as a document as it has yet to achieve sufficient statutory advancement to garner greater weight. The trajectory of its progress is however forwards and that the Council has already set out its intent to allocate the site for development, alongside setting out minimum housing requirements for neighbourhood plan areas, is an important one. The needs for Thurston in the next plan period are identified as being 1468 dwellings; the housing figures within the existing district plan documents have expired by virtue of their age. The number represented by the "Thurston 5" is 818 dwellings.
- 3.27 The Draft JLP Preferred Options Document is an expression of how the Council would prefer to meet its overall housing requirement in terms of spatial strategy and geographic distribution of new housing. To that extent it does highlight an agreed direction of travel and it follows that where planning decisions [refusals] prevent new houses on sites considered to be preferred' then those numbers will need to be found elsewhere either in different locations within allocated settlements or in other settlements where additional numbers will be required to be taken to offset the shortfall, in this case, in preferred sites in Thurston.
- 3.28 This therefore prompts the obvious and critically important question **"Does the Adopted Thurston Neighbourhood Plan identify sufficient sites to accommodate [or exceed] the requirement identified by the Council?"**
- 3.29 Helpfully the NPPG provides some help is assessing what is expected by the Government when it comes to planning for identified housing requirements; It states:

**"Where a qualifying body wants to benefit from the protection of paragraph 14, why is it important that they should include policies and allocations in their neighbourhood plan?"**

Allocating sites and producing housing policies demonstrates that the neighbourhood plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community. In turn this also contributes to the local authorities' housing land supply, ensuring that the right homes are delivered in the right places."



Paragraph: 096 Reference ID: 41-096-20190509

Revision date: 09 05 2019

**“In the context of paragraph 14 of the National Planning Policy Framework, what does ‘policies and allocations to meet its identified housing requirement’ mean for neighbourhood plans?”**

In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body. For example, a neighbourhood housing requirement of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient.

Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.”

Paragraph: 097 Reference ID: 41-097-20190509

Revision date: 09 05 2019

**3.30 Member’s attention is drawn to the need to ‘meet the identified housing requirement in full’ as set out in paragraph 097 of the NPPG above.**

**3.31 Mid Suffolk District Council’s identified requirement for Thurston**

3.32 The identified requirement as set out in Table 04 – Minimum housing requirement for NP Areas Mid Suffolk on page 41 of the Draft Joint Local Plan Preferred Options Document for Thurston up to 2036 is: **1468 dwellings**.

NP site ref	Number of dwellings	Relevant pp	Location and [expected developer]
A	Up to 200	Outline approved 1070/16  Phase 1 RM approved DC/19/ 01602	Land north of Norton Road [Linden Homes]  S278 close to signing
B	250	Outline approved 4963/16  RM approved DC/18/03547	Land west of Ixworth Road [Persimmon Homes]  S278 about to be signed
C	175	Appeal allowed: Outline 5010/16 [Ref]  RM approved DC/18/01376	Land south of Norton Road [Hopkins Homes]  S278 close to signing
D	64	Full approved 4942/16	Land at Meadow Lane [Laurence Homes]  No commencement no S278.
E	129	Full approved DC/17/02232	Land west side of Barton Road [Bovis Homes]  S278 being drafted
<b>TOTAL</b>			
	<b>818</b>		

Figure 1 The 'Thurston Five' permissions

- 3.33 Adopted Thurston Neighbourhood Plan expected housing delivery numbers through extant planning permissions [extended settlement boundary to reflect the current status quo]**
- 3.34 Figures 12 and 13 in the Neighbourhood Plan respectively show that with the Adopted Thurston Neighbourhood Plan the previous settlement boundary is now extended to include five major sites all of which benefit from planning permission. By doing this it might be said that these five sites [some of which are now under construction] will satisfy the identified requirement for Thurston. However, the NDP doesn't identify a housing requirement. Even if that were the proposition let's take a detailed look at what is expected to be the overall product in terms of new dwellings from these five sites.
- 3.35 On this basis there appears to be a shortfall to meet the current requirement of 1468 dwellings identified by Mid Suffolk District Council within the village in the period up to 2036. The shortfall equates to some 650 dwellings.
- 3.36 This shortfall is not negligible or even modest – it is significant. The Adopted Neighbourhood Plan appears therefore to have allocated sites for only 55.7% of the identified requirement. In such circumstances it is reasonable to question whether the village can rely on its Neighbourhood Plan to resist the principle of more residential development as the situation runs counter to that expected by paragraph 14 [b] of the NPPF [2019] if the presumption in favour of refusal is to be applicable.
- 3.37 This is a fundamental point and cannot be dismissed. Whilst the status of the Draft JLP Preferred Options Document can be questioned the massive difference between the housing requirement in it for Thurston and that now in the Adopted Neighbourhood Plan draws attention to a serious conflict in approach. If members take the view that the limit of development in Thurston is to be 818 until 2036 then 650 dwellings will need to be reallocated elsewhere within the District.
- 3.38 Not all adopted neighbourhood plans within the District have potentially under-allocated residential sites or couched an identified housing requirement within the framework of the adopted development plan, the housing requirements within which are out of date. For example Adopted Eye Neighbourhood Plan [2019] identifies sufficient sites to ensure that the identified requirement for Eye as set out in the Draft Joint Local Plan 'Preferred Options' Document is easily met. This has meant that an application for 126 houses on a site that falls outside of the Neighbourhood Plan allocations can be refused confident in the knowledge that the Plan complies fully with all four requirements of neighbourhood plans as set out in paragraph 14. Eye's neighbourhood plan group chose as a minimum to meet the Council's [MSDC] identified requirement and exceed it themselves by c.30%.
- 3.39 As Members will be aware the NPPF [2019] continues to have a presumption in favour of sustainable development alongside a general thrust for securing

development that is sustainable and significantly boosting housing supply and as you might expect this report will consider the extent to which the proposed development can be said to be sustainable in economic, social and environmental terms.

- 3.40 It needs to be acknowledged that this site is allocated within the Draft Joint Local Plan Preferred Options Document for residential development under the reference LA089 on the Thurston Inset Map [page 428].

The equivalent draft policy states:

**“LA089 – Allocation:**

**Land east of Ixworth Road, Thurston**

**Site Size – 8.7ha Approximately 200 dwellings (with associated infrastructure)**

**The development shall be expected to comply with the following:**

- I. The relevant policies of the Joint Local Plan:

***Officer comment:***

***It does. A noteworthy proportion of the overall site is effectively given over to open-space. Member’s are reminded that whilst the JLP currently generally attracts limited weight, certain elements do have increasing relevance and resonance particularly where these relate to identified housing requirements [such as at Thurston] and where it identifies important infrastructure requirements associated with new development [again as in Thurston]***

- II. An ecological survey, and any necessary mitigation measures are provided:

***Officer comment:***

***The applicants have complied with this requirement and provision is being made for skylark mitigation along with other ecological mitigation the details of which can be conditioned***

- III. Protected trees within the site are retained

***Officer comment:***

***Secured by condition and the illustrative layout retains an open edge to the south {part of area covered by a TPO}***

IV. Contributions to the satisfaction of the lpa, towards pre-school, primary and secondary school provision;

**Officer comment:**

***Mutual agreement to secure by S106 Agreement [and CIL where appropriate].***

V. Contributions to the satisfaction of the lpa, towards healthcare provision;

**Officer comment:**

***NHS has accepted that it is appropriate to bid for this resource via CIL. This is supported in principle as Thurston will require additional GP services to meet the increased demand through housing expansion.***

VI. Provision of new footway link to the village;

**Officer comment:**

***SCC Highway is satisfied with the package of highway [including footway] improvements offered. In the event of Members being minded to grant outline planning permission these will first be secured via S106 and S278 Agreements***

VII. Contributions may be required, to the satisfaction of the lpa, toward accessibility improvements at Thurston railway station.

**Officer comment:**

***A £30,000 contribution towards a platform improvement feasibility study is to be secured by way of a S106 Agreement. This will inform the Council's decision on what options exist and whether CIL can be used to support the implementation of such improvements.***

- 3.41 Whilst the Neighbourhood Plan's strategy for growth is predicated on it all being within the expanded settlement boundary [that includes the five major sites and 818 dwellings] we also need to look at Neighbourhood Plan policy 2. That states:

“POLICY 2: MEETING THURSTON'S HOUSING NEEDS

A. Proposals for new residential development must contribute towards Thurston’s role as a Key Service Centre/Core Village. This means addressing both the needs of the wider Housing Market Area and the needs of Thurston as a rural community.

B. Within the context of Thurston’s needs, all housing proposals of five or more units must reflect the need across all tenures for smaller units specifically designed to address the need of older people (for downsizing) and younger people (first time buyers).

C. An alternative dwelling mix will only be permitted where evidence is brought forward with an application that clearly demonstrates the need for a different mix.

D. In order to address the needs of younger people in Thurston, development that provides housing specifically designed to address their needs will be supported.

E. In order to address the needs of older people in Thurston, development that provides housing specifically designed to address their needs will be supported. This includes the provision of sheltered housing.”

3.42 One of the principle concerns within the village is seen as the potentially rapid growth in population engendered by the recent approval of the five major planning applications that will boost housing numbers by 818 units. Assimilating this level of growth in a short period is seen as difficult particularly if infrastructure provision is unable to keep pace to support that growth.

3.43 Head of the concerns for many is what is perceived as the likely strain on the local highway network and whilst the Thurston five proposals will contribute nearly £1 million pounds of highway improvements [£989,000] they will not deliver the suite of improvements south of the railway identified as necessary in the Thurston Neighbourhood Plan and accepted by SCC & MSDC as being crucial to improving ease of circulation and safety.

3.44 The previously secured improvements include:

		Junction (Capacity)	Improvements
T1	A143 Bury Road / C691 Thurston Road/ C649 Brand Road		

T2	C693 Thurston Road / C692 Thurston Road / C693 New Road	Junction improvements (Road Safety). Re-route road through new development to create two 3 way priority junctions. Interim 40mph speed limit
Note no T3	Ixworth Road	Extend speed limit to Thurston Rugby Club
T4		
T5	Norton Road (east)	Extension of speed limit
T6	Barton Road	Extension of speed limit west of Mill Lane
T7	Norton Road (east)	Pedestrian Crossing between Meadow Lane and Station Hill / Ixworth Road (uncontrolled)
T8	Ixworth Road	Footway on west side between Norton Road and Persimmon site
T9	Ixworth Road	Footway link to Thurston Rugby Club
T10	Norton Road / Station Hill / Ixworth Road	Pedestrian crossing facilities (zebra on Norton Rd east and Station Hill?)
T11	Norton Road (east)	Footway on north side from Meadow Lane east towards Church Lane
T12	Norton Road (east)	Crossing between Hopkins site and Pigeon site (un-controlled)
T13	Church Road	Provide metalled footway
T14	Church Road	Street lighting

T15	Sandpit Lane	2 no pedestrian crossing (uncontrolled) south of Cloverfields and north of Sandpit Drive
T16	Barton Road	Extension of footway along Barton Road
T17	Norton Road	Bus stops east of Rylands Close
T18	Meadow Lane	Modify to improve cycle / pedestrian facilities (and maintain access to properties)
T19	Ixworth Road to Meadow Lane	Improve PROW 001 (unmetalled?)
T20	Ixworth Road to Mill Lane	Improve PROW 018 (unmetalled)
T21	Barton Road to Heath Road	New PROW along southern boundary to Heath Road and Cycle Route 51
T23	Norton Road to Church Road	Improve PROW 006 (metalled)
T24	North of Meadow Lane	Improve PROW 007 (unmetalled)

3.45 This programme of works provides extensive highway mitigation north of Thurston Railway Bridge. Chief amongst them are the proposed improvements to the Bunbury Arms junction [identified as T1 above]. Thurston Parish Council is concerned that when the 'Thurston Five' applications were approved the proposed signalisation of the Bunbury Arms junction [paid for the by five major sites] was expected locally not to resolve current capacity problems but to merely ensure that the 818 dwellings create sufficient new capacity not to



worsen the current problem. Locally it is believed that once the Bunbury Arms junction has been improved through signalisation no additional capacity can be created as no other options will be implementable within the highway. This is seen as being a brake on any further new development of housing in Thurston.

- 3.46 As can be seen from the consultation response from Suffolk County Council as local highway authority the Parish Council's concerns were not without some foundation. The good news is that contrary to what was thought at the time additional capacity can be created at the Bunbury Arms junction. The County Council as local highway authority commissioned AECOM to consider highway impacts of the proposal and they reported that the original signalisation works did not include any real-time traffic management controls. AECOM suggests that if the current Gladman site proposal was to fund the inclusion of MOVA [Microprocessor Optimised Vehicle Actuation] technology into the 'as built design' then additional capacity can be achieved. MOVA involves laying sensors into the road surface that can detect vehicles and so traffic light sequences can be changed in real-time to respond to pressure on different arms as it arises. The works as currently approved rely on pre-programmed signal changing protocols and therefore are not sensitive to changing demand on different arms.
- 3.47 In considering the impacts on the junction AECOM acting for SCC have provided the highway authority with independent advice. SCC now reports that the signalisation 'will potentially result in a redistribution of traffic due to the additional delay for left turn out movements. The signals could also increase the right turn movements from Thurston, as it becomes more attractive manoeuvre no longer being directly opposed.
- 3.48 The Highway Authority makes it clear that whilst the additional improvements to the Bunbury Arms junction are satisfactory to accommodate this development [and the Beyton Road scheme DC/19/03486 as well] the Gladman development should not be permitted to be substantially built-out unless and until the highway works south of the railway bridge associated with the Bloor Homes scheme have first been secured. Members will recall from the report that accompanied the previous item [DC/19/03486] that the significant majority of vehicular movements within and around Thurston are to and from destinations to the south rather than the north. Therefore, whilst the Bloor Homes Beyton Road site may gain some modest advantage from the additional Bunbury Arms improvements the Gladman site will gain considerable advantage from the improvements to Fishwick Corner, Pokeriage Corner and the highway underneath the rail bridge. It is therefore recommended that in the event that Members are minded to grant planning permission then it is recommended that a condition needs to be added to any

permission that precludes occupation of any unit until such time as a scheme for improvement works to Fishwick Corner, Pokeriage Corner and underneath Thurston Station Railway Bridge that has previously been submitted to and approved by the LPA & LHA has been delivered.

3.49 For the sake of completeness and transparency we need to acknowledge that the site is not allocated for development in the current Adopted Local Plan [1998] or Core Strategy (2008 and Focused Review 2012) and therefore is classified as countryside where the presumption is against largescale residential development. Members are now well versed in the fact that the Councils CS2 is out-of-date' as it is not compliant with the NPPF [2019] insofar as it [policy CS2] effectively precludes sustainable development on the edge of or adjacent to sustainable settlements and is therefore contrary to the Government's intention that sustainable development will be supported.

3.49 Thurston is defined in the Core Strategy 2008 as a Local Service Centre – that means it is 'the main focus for development outside of the towns.'

3.50 That suggests Thurston is by definition a sustainable location and this is supported by the fact that it contains:

- **a railway station:**

*a connecting line linking the London to Norwich intercity route and London to Cambridge, Peterborough and Kings Lynn routes via Elmswell, Thurston, Bury St Edmunds*

- **a secondary school**
- **a primary school**
- **shops [incl co-op supermarket]**
- **post office**
- **pubs**
- **restaurant**
- **community centre [New Green]**
- **fuel filling station with shop**
- **sport**

*Thurston Rugby Club*

*Thurston Sports Education Centre [operated by Abbeycroft]*

*Thurston Football Club*

3.51 Residents of Thurston do not have a GP practice within the village and are obliged to travel to Woolpit Health Centre or beyond.

3.52 The proposed settlement hierarchy in the Babergh Mid Suffolk Joint Local Plan 'Preferred Options' Document 2019 defines Thurston as a 'Core Village' [the definition of local service centre having been dropped from definitions]. A Core Village is defined as being a focus for development along with Mid Suffolk Ipswich Fringe settlements and Market Towns/Urban Areas. Consequently it continues to occupy a position in the settlement hierarchy that is by definition a sustainable location. Therefore, while conflict with policy CS2 is noted, notwithstanding its inconsistency with the NPPF the significance of that conflict is in any event very low bearing in mind its underlying aims have nevertheless been met i.e. being sited well-connected to a Key Service Centre, a sequentially-preferable location for new housing.

### **3.53 Five Year Housing Land Supply**

3.54 Mid Suffolk District Council is able to demonstrate that it has in excess of a 5YHLS. The question that naturally arises within the village is therefore likely to sound like –

“If the Neighbourhood Plan has allocated sites for some 818 new dwellings [all with permission] and the Council is able to demonstrate that it has a 5YHLS surely there is no immediate imperative for the village to accommodate any more development. If that is the case, then why is more potentially being forced on us”

3.55 It is here that the question does the Neighbourhood Plan satisfactorily address the identified housing requirement for Thurston highly relevant and the ramifications are explored in detail in this report.

### **3.56 Mid Suffolk Core Strategy [2008] & Mid Suffolk Focused Review Core Strategy [2012] National Planning Policy Framework [2019]**

3.57 In view of much of the Adopted Development Plan for Mid Suffolk being 'out-of-date' and the Council having been advised through appeal decisions that certain of its policies [some of which are relevant to the application at hand] are no longer consistent with the NPPF the Framework must now form a significant material planning consideration. To that end we need to explore which of the Framework policies are relevant to the discussion of the acceptability or not of the principle of residential use on this site.

3.58 What is however clear is that as the Council can demonstrate that it has a 5YHLS it is not required to skew consideration of the merits to enable unallocated land to be brought forward where a proposed development is sustainable for the purpose of rapidly closing the 5YHLS gap.

3.59 That said Members are advised that the ‘Tilted Balance’ described in paragraph 11 of the NPPF [2019] is triggered by the fact that some of the Council’s relevant adopted planning policies are ‘out-of-date’ and the fact that the Thurston Neighbourhood Plan [2019] fails to satisfy the requirement contained in paragraph 14b of the NPPF [2019]. The latter meaning the Neighbourhood Plan cannot in itself be relied on to resist sustainable development outside of the defined settlement boundary for reasons previously discussed. This will without doubt frustrate and anger many in Thurston. Just as with many other aspects of planning policy and guidance Neighbourhood Plan goal-posts are moved by the Government to ensure that housing delivery continues to be driven hard<sup>11</sup> in the interest of the health of the national economy – the spectre of the 2008 financial crisis [and the impact it had on the decade of Austerity’ that followed and still casts a shadow over economic resilience and confidence at a time of new uncertainty in European and world markets.

- Paragraph 11: The Presumption in Favour of Sustainable Development

“Plans and decisions should apply a presumption in favour of sustainable development. the benefits, when assessed against the policies in this Framework taken as a whole...

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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<sup>11</sup> As evidenced by paragraphs 73, 74, 75 & 76 of the ‘Maintaining Supply and Delivery’ section of Part 5 - ‘Delivering a sufficient supply of homes’ of the NPPF [2019]

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- Paragraph 12.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date<sup>12</sup> development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- Paragraph 13.

The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

- Paragraph 14.

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

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<sup>12</sup> Members are advised that ‘up-to-date’ does not necessarily refer per se to the age of a document. Whilst it may be assumed the more recently a document is adopted the higher the likelihood that it will comply with the latest NPPF requirements it does not necessarily follow that [i] an ‘old’ document will just because of its age be NPPF non-compliant and [ii] a ‘new’ [up-to-date] document will have necessarily appropriately embraced changing NPPF requirements.

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required<sup>9</sup> over the previous three years.

- Paragraph 29.

Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies<sup>16</sup>.

- Paragraph 47.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

- Paragraph 48.

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- Paragraph 49.

However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- Paragraph 65.

Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

This is not intended to be an exhaustive list of NPPF paragraphs relevant to all the matters at hand and others will be brought in as necessary as certain aspects of the proposed development are considered. These references are considering to include some of those most relevant to the consideration of the acceptability of the principle of development that is being undertaken within this section of the report.

### **3.60 Cumulative Impact**

3.62 The Thurston Five applications were approved as acceptable in terms of use and each provided its own appropriate levels of impact mitigation via S106 Agreement and CIL payments.

3.63 In terms of use the Land east of Ixworth Road proposal comes with its own extensive package of mitigation sufficient to offset its own impacts. It should be noted that the application includes a raft of highway works that can be said to provide village wide benefits of a nature that help to mitigate the impact of not just existing traffic but also that to be generated by the Thurston Five.

3.65 If approved the Bloor Homes proposal will mitigate its own impacts and the proposed additional benefits south of the railway bridge will benefit all of the village.

3.66 Cumulatively it is considered that impacts are suitably mitigated and in some cases results in village wide benefits.

### **3.67 Principle of the Use: Conclusions**

**3.68 The proposed use is considered acceptable for reasons that include:**

- **It helps to achieve delivery of dwellings identified as required in the emerging Joint Local Plan on a preferred site and within the context of needing to significantly boost the supply of new homes.**
- **Conflict with policies CS2 and H7 is deemed to be of little significance where the development is in a sustainable and**



**preferable location having regard to the underlying aims of those policies and the settlement hierarchy.**

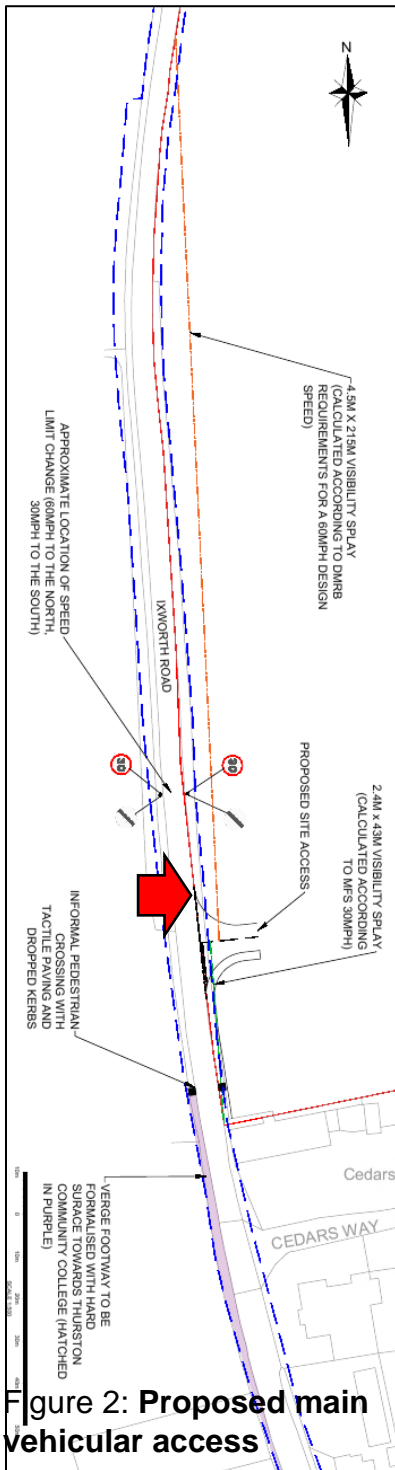
- **It represents highly sustainable development**
- **It delivers a raft of highway improvements**
- **It provides significant construction jobs**
- **It will deliver 75 much needed affordable dwellings**
- **It will result in ecological enhancement**
- **It delivers a high quality scheme**

**3.69 Consideration of the merits of the proposed access & highway impacts and other matters raised by the proposed development.**

3.70 [Access is a matter to be determined at this outline application stage]. Members are advised that the application includes a raft of highway improvements that should be secured by way of S106 Agreement in the event that Members are ultimately minded to grant planning permission. [these improvements will be described in detail shortly]

**3.71 Proposed access**

3.72 It is proposed to service the site from a new bellmouth vehicular access point from Ixworth Road:



**Figure 2: Proposed main vehicular access**



**Figure 3: Proposed main vehicular access**



**Figure 4: Indicative emergency vehicle access**

3.73 Suffolk County Council has raised no objection to the proposed access. Gladman's is currently working with SCC Highways to identify an access point for emergency vehicles in order to satisfy the Local Highway Authority's requirement for such an alternative as a back-up access for such vehicles as the development exceeds 150 dwellings. There is no reason to think that such an access cannot be provided. A verbal update will be provided.

3.74 Helpfully The Thurston Neighbourhood Plan dedicates much of its content to addressing the multiplicity of highway issues identified by local people as existing within the village.

3.75 Chapter 2: Vision and Objectives of the Neighbourhood Plan identifies a number of these:

“Challenges for Thurston

1.1 Overall, the key challenge facing Thurston is to provide appropriate sustainable development and an infrastructure that supports it while retaining the quality of current village life. Thurston is under continuing pressure that may result in the residents of Thurston living in a non-sustainable community with severe consequences for their wellbeing, safety and lifestyle.

1.2 More specifically, the individual challenges which are part of this are:

*[please note that for the purpose of this section of the report the list has been edited to include highway/movement related issues only]*

- Railway station safety – passengers have to cross the tracks to access the westbound platform. The growth in the population will increase passenger numbers and therefore increase the risks. There appears to be no ready solution to the problem that is acceptable.
- A lack of parking serving users of the railway station.
- Roads leading to surrounding villages (in particular Ixworth Road and Norton Road), and Bury St Edmunds (Mount Road) are winding and narrow for the traffic carried
- The narrow road underneath the rail bridge between New Road and Barton Road has inadequate pavements, yet is a main route used in the village.
- **Various road junctions either have a significant number of accidents and/or are at capacity.**

- **Thurston Community College serves a wide area, with many children being brought to school either by coach or car. This puts additional pressure on the local roads.**

## Transport and Movement

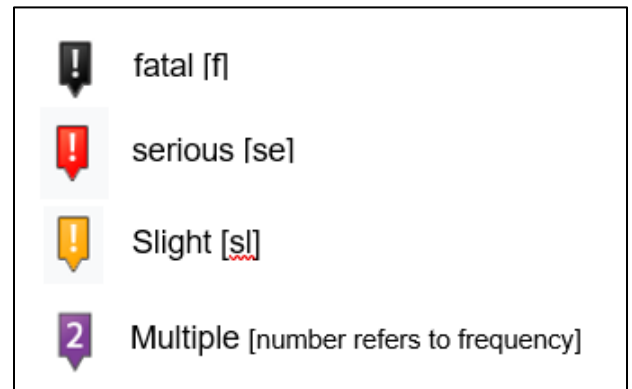
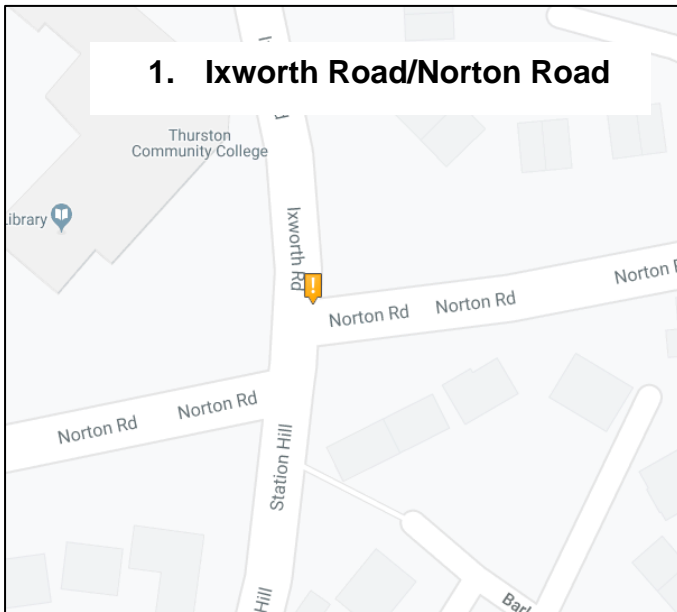
3.48 Access to the westbound platform is via the Barrow Foot Crossing over the two rail lines. Network Rail acknowledges that there is a need to mitigate passenger risk but to date a solution has not been found. The approved development in late 2017 will move the cumulative passenger risk into a higher category and the Parish Council is of the view that mitigation measures should be in place prior to any further development, above that already permitted, being allowed. However, in recognising that the crossing needs improvement and that the calculation of risk at the railway crossing is not simple, MSDC has taken the view that there is not sufficient justification at present for this being used as a reason for refusing planning applications.

Thurston Neighbourhood Plan [2019] Policy 7: 'HIGHWAY CAPACITY AT KEY ROAD JUNCTIONS' draws strong attention to the junctions that are seen in the village as an impediment to further development. It states:

- A. Where a Transport Assessment or Transport Statement is required, this should address the transport impacts on road junctions, particularly including the following junctions on the Policies Maps:
  - a. Fishwick Corner;
  - b. Pokeriage Corner;
  - c. Junction of Beyton Road and New Road;
  - d. The railway bridge/junction of Barton Road and Station Hill.

Paragraphs 7.29, 7.30 and 7.31 of the Plan provide background justification for Policy 7 and underpinning it are concerns about the impact that 'pinch points' associated with these 'problem junctions' have on safety. The supportive text refers to accident records and dangers associated with a number of the junctions.

3.76 Reference to 'Crash Map'<sup>13</sup> data [2014/15/16/17 &18, incl] supports this concern.



Figures 5: Relevant Crash Map data

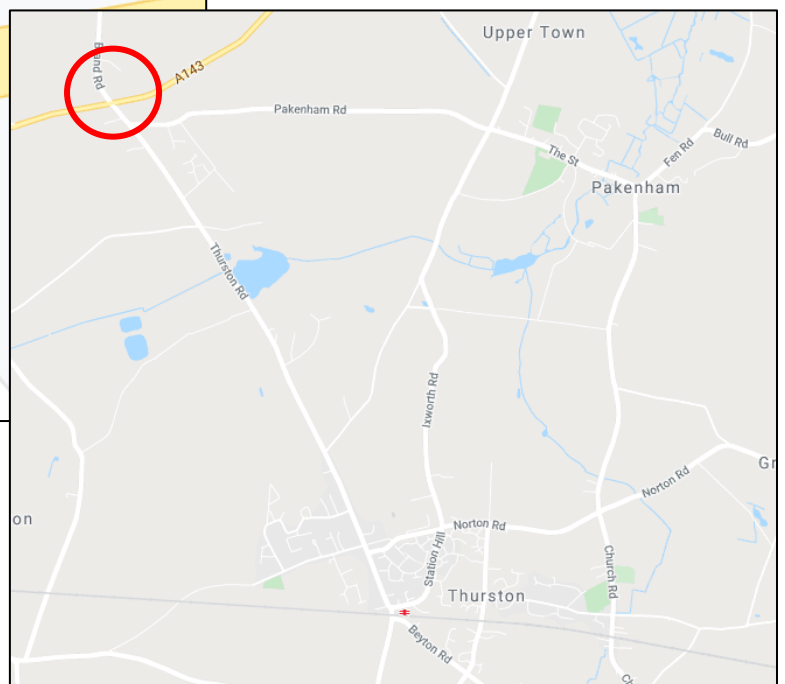
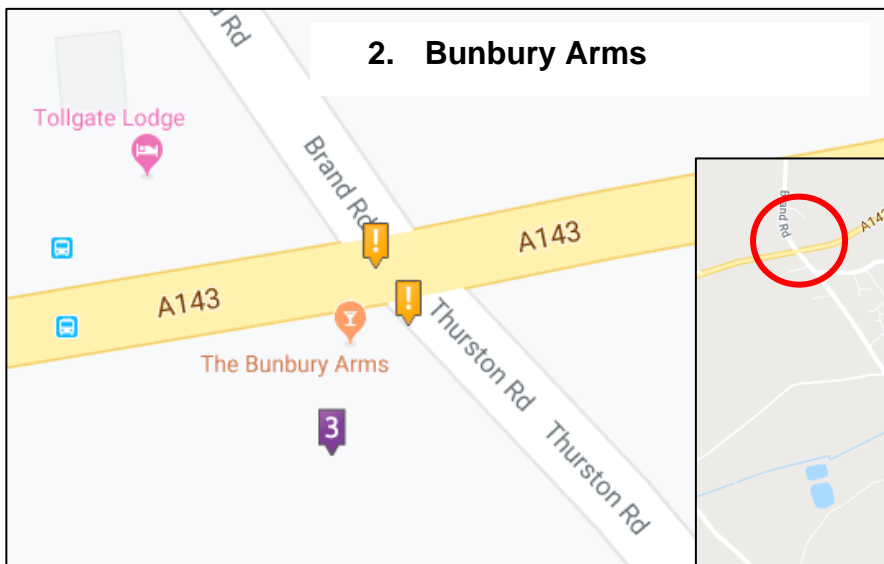


Figure 6: Bunbury Arms location

<sup>13</sup> <https://www.crashmap.co.uk/>

3.77 It is accepted that the crash map data under reports incidents because it is based on incidents being reported to the police and therefore if an incident , minor bumps and scrapes with no injury and/or near miss goes un-reported it will not appear in the statistics.

3.78 Gladman mindful of local concerns worked with their highway consultants to set about developing a proposal for this site that responded positively to the issues identified above.

**3.79 So what main highway / movement improvements are included within the application?**

1. Additional improvements to the Bunbury Arms junction; and
2. Installation of pedestrian crossing points on all four arms of the Ixworth Road / Norton Road junction adjacent to Thurston Community College; and,
3. Installation of a new pedestrian crossing on Barton Road to facilitate easier west east pedestrian movement; and,
4. Footway improvements on site frontage [Ixworth Road];

**3.80 Phasing of improvements**

3.81 From a road safety point of view the most important junction improvement to secure before any other is considered to be that to Ixworth Road / Norton Road junction. Indeed, if the Committee is minded to grant permission then it is suggested that these improvements need to be completed and available for use **before** any residential plot proceeds above slab level.

3.82 In terms of the Bunbury Arms improvements it is suggested that the additional works accepted by Gladman as necessary should be implemented at the same time as the previous secured improvements are undertaken and the S278 Agreement route [Highways Act with SCC] is considered the appropriate vehicle.

3.83 In the event that planning permission is granted it is suggested that a S106 Agreement be required necessitating the submission of a Highway Works Implementation programme that identifies when all of the Gladman site

highway improvements will be delivered with an associated restriction on occupancy of units linked to the various deadlines for delivery of highway works.

### **3.84 Layout, scale, density, design, appearance, urban design & parking**

- 3.85 Whilst, as previously explained, these elements are not to be determined here [rather being reserved matters in the eventual event of outline planning permission being granted] officers have been engaged in negotiations to secure a commitment to high quality around these aspects.
- 3.86 Officers believe that what is now being shown on the illustrative drawings [after amendment] will lend itself to a good quality scheme. It is possible to secure a density of 30 dph on the countryside edges of the development. Open space within the proposal exceeds 10% and it is clear that the northern edge [adjacent to open countryside] will create a soft transition between new urban form and the countryside beyond.
- 3.87 Parking levels will be expected to meet with the Council's Adopted Parking Standards and this is a matter for scrutiny at Reserved Matters Stage [in the event that outline planning permission is granted]

### **3.88 Open space**

- 3.89 In discussion with officers the applicants have provided large areas of open space within the development well beyond the normally required 10%. The ratio of open space to area of built-form is approximately 3.1ha : 5.7ha. Therefore some 35% of the site will be unbuilt upon.
- 3.90 This is welcomed because SuDS drainage solutions [ponds] as a rule can take as much as 10%-15% of the total site area to satisfactorily accommodate. This means that as the SuDS details are firmed up through the RM / Discharge of Condition process in the event that outline planning permission is ultimately granted there will be sufficient land to provide the open space recreational areas/facilities shown on the illustrative layout.
- 3.91 It also means that the northern edge of the site where it adjoins open countryside can be very successfully visually integrated into the landscape as a transition zone.

Suggested facilities within the open space include:

- Community growing area
- Neighbourhood Equipped Area for Play [NEAP]
- Wheel play area

- Informal open space
  - Gym trail
  - Dog walking areas
- 3.92 Included within the package of benefits is a contribution of £200,000 for on-site equipment.
- 3.93 The Thurston Neighbourhood Plan makes 6 references to a skatepark including:
- “6.12 There is aspirational support for a site which could provide pitches and facilities for Thurston Football Club, a skate park (depending on whether provision is made elsewhere) and play facilities in the same area.”
- 6.14 There is a need for the following play facilities: • A dedicated site for an adventurous type play area for children 14+ to young adults, properly landscaped and accessible to all for community use, which could include a skatepark.
- Policy 5
- C. The provision of the following community facilities will be strongly supported: a. A neighbourhood equipped area for play (NEAP) b. A multi-use games area (MUGA) c. Allotments or community growing spaces d. An adventurous type play area designed for use by older, 14+ children/young adults and a skate park. “
- 3.94 Originally Gladman’s offered to provide the adjacent Thurston Rugby club with a new hard surfaced car park to support their use of the site to the north but that appears not to have been accepted by the club. That would not however preclude the delivery of a small car park to serve the open space although members might feel this would defeat the point of encouraging walking and active recreation.
- 3.95 Inclusion of urban gym trail equipment and circular car free jogging trails will all support the health and wellbeing agenda.
- 3.96** Drainage
- 3.97 SCC Water & Floods has indicated that based on the Flood Risk Assessment information they are satisfied that the proposed development will not result in flood risk.



3.98 Currently the applicant is clarifying a number of technical surface water drainage points with SCC Water & Floods arising from the initial submission of information which pointed to an acceptable solution being possible. In view of this SCC Water & Floods has registered a holding objection on surface water drainage grounds but the applicant fully accepts to be able to satisfy SCC ahead of the Committee meeting. SCC Water & Floods has indicated that it will provide an update for the meeting if the requested clarification is provided and demonstrates what is expected.

### 3.99 Sustainability

3.100 The fact that Thurston is defined as a Key Service Centre in the Adopted Core Strategy Development Plan Document 2008 within policy CS1 'Settlement Hierarchy' means by definition that it is a sustainable location and a focus for development [along with the 'Towns' – Stowmarket, Eye and Needham Market]

3.101 Gladman is supporting ev..chaging to all plots and have also made a commitment to deliver club facilities for Thurston Full compliance with NDSS will be expected in the event that outline planning permission is granted.

### 3.102 Public Transport

It is one of but a few settlements within the District that is served directly by its own railway station – 'Thurston'. This provides connections to London Cambridge Bury St Edmunds Ipswich and the network beyond.

3.103 Thurston is served by two main bus routes:

- 384 / 385 Stephenson's Buses which link Bury St Edmunds and Stowmarkt via Thurston but using slightly different routes

3.104 In combination these routes deliver buses from Thurston Green at:

Stowmarket - **Thurston** - Bury St Edmunds [unemboldened text below]

Bury St Edmunds – **Thurston** – Stowmarket [**emboldened text** below]

Mon-Fri	Sat	Sun	Mon-Fri	Sat	Sun
07.06	07.06	no service	<b>09.10</b>	<b>09.10</b>	no service
07.51	07.51		<b>10.44</b>	<b>10.44</b>	
09.53	09.53		<b>11.56</b>	<b>11.56</b>	
10.50	10.50		<b>13.29</b>	<b>13.29</b>	
12.33	12.33		<b>14.47</b>	<b>14.47</b>	
13.50	13.50		<b>16.30</b>	<b>16.30</b>	
15.20	15.20		<b>17.59</b>	<b>17.59</b>	
16.50	16.50		<b>19.02</b>	<b>19.02</b>	
18.00	18.00				

- 3.105 CS3: This encourages the use of initiatives such as
- ❖ Use of low water volume fittings and grey water systems
  - ❖ Orientation to maximise solar gain
  - ❖ High levels of insulation
  - ❖ Adequate provision for separation and storage of waste for recycling; and,
  - ❖ Use of materials from a sustainable source in new development
- to contribute towards sustainable construction

3.106 Whilst this is an outline planning application it is possible to condition any permission [if that is forthcoming] to secure such features via reserved matters submissions.

3.107 Gladman has agreed to implement a Skylark ecological mitigation programme and this is welcomed.

### **3.108 CIL and village infrastructure**

3.109 Members are advised that conservative estimates of the likely CIL receipts from the market housing within the Thurston Five developments is between £7,772,502 and £8,881,851. If the Gladman application were to be approved, reserved matters subsequently approved and the development delivered then a further CIL contribution of between £1,961,018 and £2,240,909 would be expected [subject to overall floor area]. **Consequently, the Thurston Five sites and East of Ixworth Road site could produce a CIL total of between £9,733,520 and £11,122,760.**

3.110 Thurston Parish Council is entitled, as of right, to 15% of this total where the development commenced prior to adoption of the Thurston Neighbourhood Plan and 25% where commencement followed adoption. **So for example if the Land East of Ixworth Road application were to be granted and commenced then Thurston Parish Council will stand to directly receive [estimate] between £490,254 and £560,227 from that development.**

**3. 111 15% of the Thurston Five CIL estimate is between £1,165,875 and £1332,277.**

**3.112 This produces a combined total of between £1,656,129 and £1,892,504.**

3.113 This is money that can be spent by the Parish Council delivering new and expanded community facilities and infrastructure within the village

3.114 The remaining 85% or 75% sits with MSDC to be released for such projects as deemed appropriate and eligible. It is from this pot that the NHS would for example seek to secure funding for expanded GP services or other agencies [including MSDC] would seek to secure funding for their own infrastructure projects within the village. [eg Thurston Station platform improvements].

3.115 These are significant sums and reflect the amount of new development being accommodated within Thurston but they are also large enough to provide extensive mitigation for the impacts of that development. That is how CIL is expected by the Government to function.

3.116 Members are advised that any S106 contributions secured sit outside of the CIL regime and are in addition to CIL contributions.

### **3.117 S106 Contributions**

3.118 Gladman has agreed in principle to the following S106 requirements:

- ❖ The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [x] occupations within the residential development. The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan

- ❖ On-site delivery of 35% affordable housing as required<sup>14</sup> by the Council's Housing Strategy Service
- ❖ Delivery of no less than two car club vehicles within the village
- ❖ Provision of a public electric charging point within the village
- ❖ Provision of urban gym trail facilities within the development
- ❖ Provision, transfer and maintenance of open space {the transfer of the land to be for £1 and to be offered via a cascade. First instance to MSDC who may offer it to a nominee and in the event that MSDC declines an offer of transfer then to a management company who will manage the site on behalf of the developer in perpetuity with a proviso that the site shall be permanently available to all members of the public
- ❖ £30,000 contribution towards feasibility study [platform improvements]
  
- ❖ Provision of an additional commuted financial sum of £200,000 for play equipment including wheel play within the open space
- ❖ Travel Plan monitoring sum
- ❖ Payment of the Education contributions

New primary school land cost : £67,288

New primary school build cost: £1,019,772

New early years build cost: £372,609

**Total** **£1,459,669**

### **3.119 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

3.120 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

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<sup>14</sup> To include agreed split between affordable rented and shared ownership, nomination rights, unit size [no of beds and no of persons per unit and delivery rate linked to phased occupations of open market units

- 3.121 The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 3.122 The application site currently consists of agricultural land. Proposed landscaping and habitat creation is likely to enhance the overall biodiversity of the site and the introduction of green corridors between natural features will facilitate easier movement of wildlife.
- 3.123 An assessment has been undertaken with regards to the protected species and sufficient ecological information has been submitted to provide certainty as to the likely impacts on protected and Priority species/habitats. The mitigation measures identified in the submitted Ecological Impact Assessment have been considered and the mitigation measures outline in the report are considered to be suitable. As such the proposal is considered acceptable in this regard.
- 3.124 The trees and be retained will be safeguarded via a condition requiring a tree protection plan to be submitted to and approved the Council as local planning authority in advance of work starting on site.

**3.125 Land Contamination, Flood risk, and Waste**

- 3.126 Environmental Health confirm that there is no objection to the proposal in this regard and SCC is satisfied with drainage details. The site will be laid out to facilitate easy waste collection..

**3.127 Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

- 3.128 No adverse heritage impacts have been identified and none are expected

**3.129 Impact on Residential Amenity**

- 3.130 The application is for outline only with all matters reserved save for access. As such residential amenity is not a consideration at this stage as any issues could be addressed and overcome subject to design, form and siting within

the plot, it is unlikely that there would be any impact on the existing residential amenity and this would not be sufficient to warrant refusal at this stage as the design could address these issues.

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## **PART FOUR – CONCLUSION**

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### **4. Planning Balance and Conclusion**

- 4.1 Where the proposed development conflicts with the housing settlement policies of the Council's district development plan documents it does not accord with the development plan taken as a whole. It is not however, considered to directly conflict with the NDP. Further, officers consider that there are other material considerations which direct that planning permission should nevertheless be granted, not least through acknowledging that such policies are inconsistent with the NPPF and where the underlying aims of those policies would be otherwise met. It is acknowledged that the proposal does cause some tension between what is expected in terms of a constraint on future development within Thurston as envisaged in the Thurston Neighbourhood Plan and what is clearly a sustainable development proposal in line with the NPPF.
- 4.2 Whilst the Neighbourhood Plan includes expansion of the village envelope this is to embrace sites that have already been granted planning permission. The Neighbourhood Plan does not identify [allocate] sites for future expansion and this conflicts with the direction of travel in the Draft Joint Local Plan. The District Council as local plan making authority has indicated a requirement to allocate the application site [and others] for residential development. This application conforms with that objective and will help to meet the identified requirement for Thurston during the Plan period up to 2036.
- 4.3 This proposal delivers a raft of benefits chief of which is a package of highway improvements north of Thurston Railway Bridge that will have village wide [and beyond] benefits in terms of highway safety and ease of access. [beyond that previously secured with the 'Thurston Five'. Consequently, when exercising the

tilted balance these highway works need to be given significant weigh. When all the benefits are taken into account the adverse impact of permitting another 210 dwellings in Thurston is outweighed.

- 4.4 On that basis the Committee is recommended to GRANT planning permission subject to a S106 Agreement to secure the matters identified earlier and conditions.

## 5. RECOMMENDATION

In the event of:

1. **The satisfactory and prior completion of a S106 Agreement to secure the matters set out in the recommendation section of this report, Namely,**
  - ❖ The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [x] occupations within the residential development. The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan
  - ❖ On-site delivery of 35% affordable housing as required<sup>15</sup> by the Council's Housing Strategy Service
  - ❖ Delivery of no less than two car club vehicles within the village
  - ❖ Provision of a public electric charging point within the village
  - ❖ Provision of urban gym trail facilities within the development
  - ❖ Provision, transfer and maintenance of open space {the transfer of the land to be for £1 and to be offered via a cascade. First instance to MSDC who may offer it to a nominee and in the event that MSDC declines an offer of transfer then to a management company who will manage the site on behalf of the developer in perpetuity with a proviso that the site shall be permanently available to all members of the public
  - ❖ Provision of an additional commuted financial sum of £200,000 for play equipment including wheel play within the open space
  - ❖ Travel Plan monitoring sum

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<sup>15</sup> To include agreed split between affordable rented and shared ownership, nomination rights, unit size [no of beds and no of persons per unit and delivery rate linked to phased occupations of open market units

❖ Payment of the Education contributions

New primary school land cost : £67,288

New primary school build cost: £1,019,772

**THEN,**

**2 The Chief Planning Officer be authorised to GRANT Outline Planning Permission subject to conditions that shall include those as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Reduced time limit for submission of reserved matters [to 2 years] and then 18 to commence after approval of reserved matters
- Reserved matters as submitted shall be based substantially on the illustrative layout drawings reference...and shall include cross sections
- No built form shall encroach into or upon any of the open space land shown on the illustrative drawing
- The development shall be served by a second vehicular access, details of which shall be agreed in writing with the Council as part of the first reserved matters submission and this access shall be restricted to emergency vehicles only.
- The open space provision shall not be less than shown on the illustrative layout [this area shall not include such area as is required to provide a SuDS solution to surface drainage. For the avoidance of doubt the open space area referred to shall exclude the notional area allocated for water storage purposes on the illustrative drawing.
- Total residential units shall not exceed 210
- Unit size shall be a matter for reserved matters
- Removal of householder permitted development rights
- Approved Plans (Plans submitted that form this application)
- Parking to comply with Adopted Parking Standards
- Ecological Mitigation
- External materials [to include traditional vernacular such as clay tiles, stock bricks]
- Tree protection
- Provision of ev. charging points to all properties and sustainable construction
- Provision of a minimum of superfast/ broadband to all properties
- Construction Method Statement



- As required by SCC Highways
- As required by SCC Water & Floods

and ,

### **3 Appropriate informatives**

**HOWEVER**

**.... Recommendation 4 follows**

- 4 In the event of the Planning obligations or requirements referred to in Resolutions (1) and (2) above not being secured within 6 months then the Chief Planning Officer be authorised to refuse the application on appropriate grounds if he deems there is little or no prospect of the issues delaying the securing of (1) and (2) being resolved given a reasonable extension of time.**

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