

Committee Report

Item 7B

Reference: DC/19/02090

Case Officer: Vincent Pearce

Report: Vincent Pearce & Katherine Hale

Ward: Thurston.

Ward Member/s: Cllr Harold Richardson. Cllr Wendy Turner.

RECOMMENDATION – BLANK PLANNING PERMISSION/LISTED BUILDING CONSENT WITH CONDITIONS

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 / 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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- ❖ It is a “Major” application for a residential development for 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.

PART TWO – POLICIES AND CONSULTATION SUMMARY

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”¹, 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

¹ 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.

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

A: Summary of Consultations

Town/Parish Council

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.

Premises	Weighted List Size	NIA (m²)²	Capacity	Space Capacity (NIA m²)⁴
Mount Farm Surgery	12,713	920.72	13,427	49
Ixworth Surgery (and	10,077	583.70	8,512	44

its branch Stanton Health Centre)				
Total	22,790	1,504.42	21,939	93

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 120m² 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 advise 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 speeds 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, Pokeriage 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 upto 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:



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

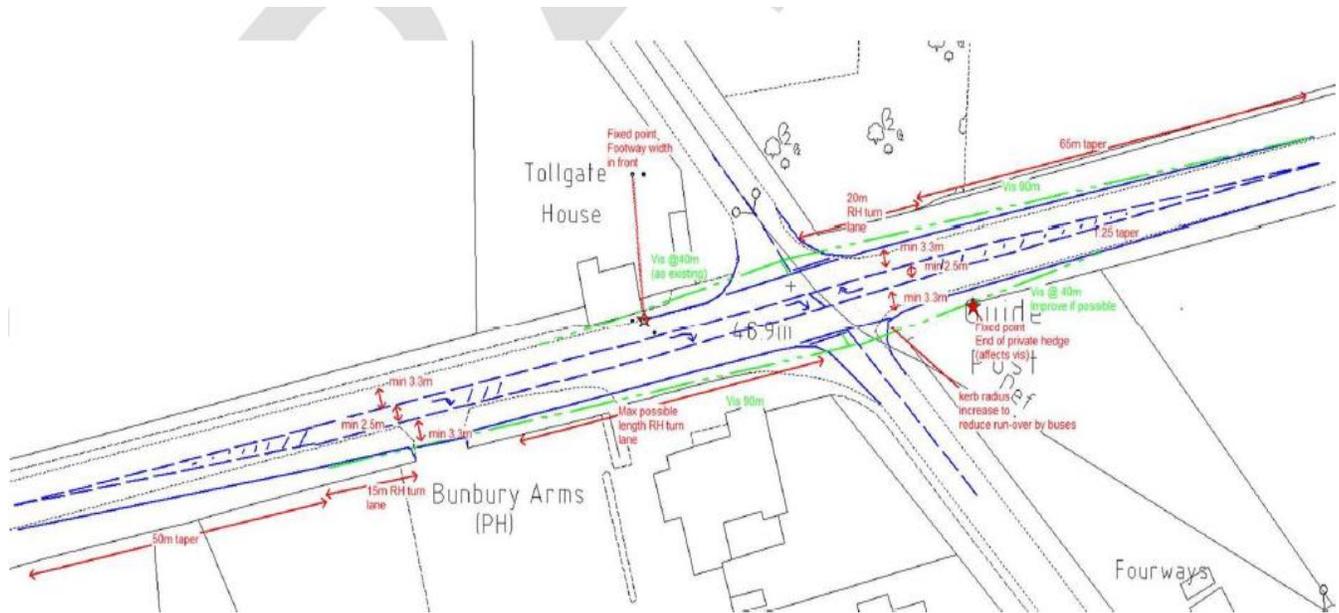
- within theoretical capacity – less than 0.85
- near capacity – between 0.85 and 1.00
- over capacity – over 1.00

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 queue 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).

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 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.

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

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 (SBD) 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

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
TOTAL			
	818		

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

PART 3 follows.....

PART THREE – ASSESSMENT OF APPLICATION

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.”² [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.

² at paragraph 4.2 on page 10 [TNP 2018-2036]

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 parish³’ or ‘figure 13: Inset map: detailed locations⁴’ 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 Strategy⁵’** 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 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

³ page 75 [THP 2018-2036]

⁴ page 76 [THP 2018-2036]

⁵ page 32 [THP 2018-2036]

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 2019⁶

As an expression of the Council's intended strategic direction the JLPP0 document was agreed by Full Council and to that extent the proposed allocations need to be seen as this Council's 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.

⁶ LA087- Allocation: Land east of Ixworth Road, Thurston. BMSJLPO 2019. page 428 approx 250 dwellings

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] maps⁷. 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

⁷ 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

- 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 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 in 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
TOTAL			
	818		

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 Ipa, 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 Ipa, 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 Lyn 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 hard⁸ 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

⁸ 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]

“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
 - 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-date⁹ development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take

⁹ 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.

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:

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 required⁹ 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 policies¹⁶.

- 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:

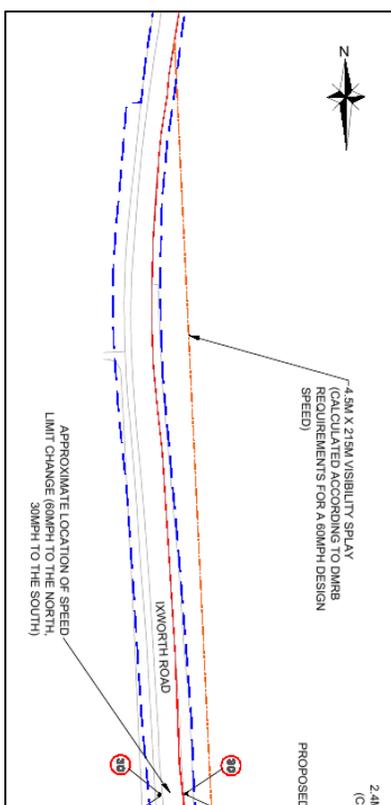


Figure 3: **Proposed main vehicular access**



Figure 4: Indicative **emergency vehicle access**

Figure 2: **Proposed main vehicular 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

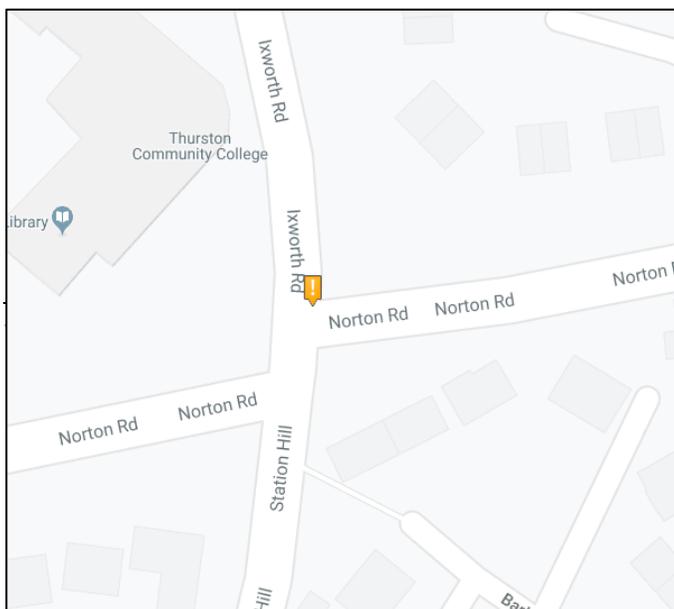
development in late 2017 will move the cumulative passenger risk into a higher category and the Parish Council is of the view that mitigation measures should be in place prior to any further development, above that already permitted, being allowed. However, in recognising that the crossing needs improvement 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.

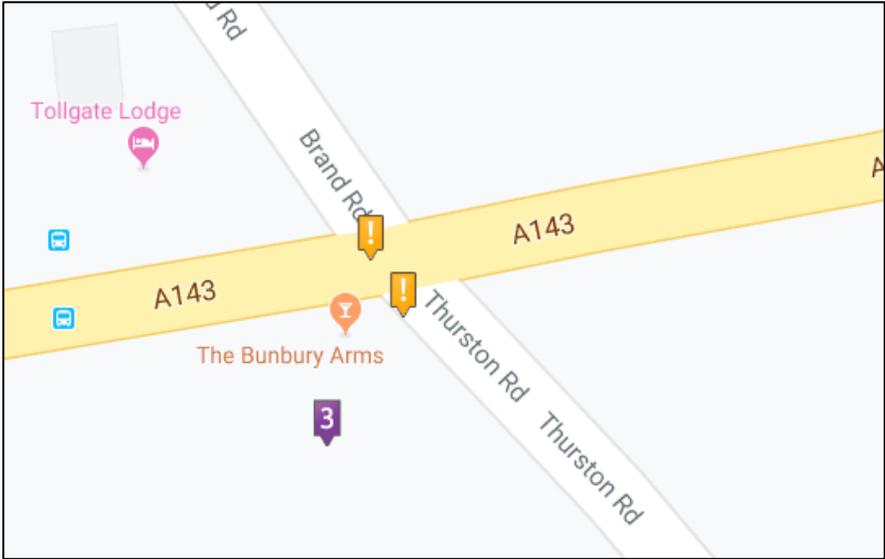
Paragraphs 7.29, 7.30 and 7.31 of the Plan provide background justification for Policy 7 and underpinning it are concerns about the impact that 'pinch points' associated with these 'problem junctions' have on safety. The supportive text refers to accident records and dangers associated with a number of the junctions.

3.76 Reference to 'Crash Map'¹⁰ data [2014/15/16/17 &18, incl] supports this concern.



1. Ixworth Road/Norton Road

-  fatal [f]
-  serious [se]
-  Slight [s]
-  2 Multiple [number refers to frequency]



2. Bunbury Arms

Figures 5: Relevant Crash Map data

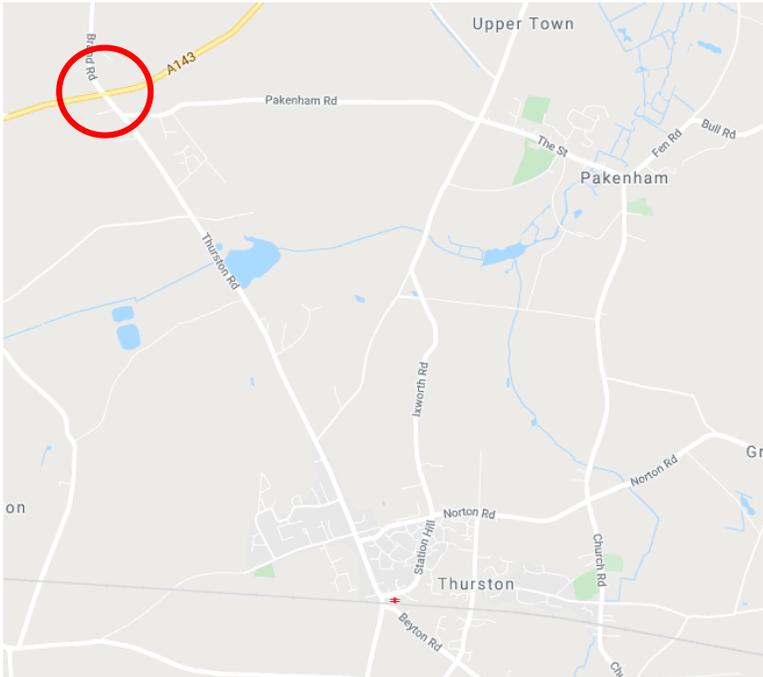




Figure 6: **Bunbury Arms location**

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	09.10	09.10	no service
07.51	07.51		10.44	10.44	
09.53	09.53		11.56	11.56	
10.50	10.50		13.29	13.29	
12.33	12.33		14.47	14.47	
13.50	13.50		16.30	16.30	
15.20	15.20		17.59	17.59	
16.50	16.50		19.02	19.02	
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 £1,332,277.**
- 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 required¹¹ 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]

¹¹ 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

- ❖ 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 [or such other sum as shall have been agreed with SCC]

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.
- 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.

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 for all impacted junctions [which for the avoidance of doubt includes Fishwick Corner] 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 required¹² 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
- ❖ Payment of the Education contributions

New primary school land cost : £67,288

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

¹² 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

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.**