

# THURSTON PARISH COUNCIL

Parish Council Office  
New Green Centre  
Thurston  
IP31 3TG



Tel: 01359 232854

e-mail: [info@thurstonparishcouncil.gov.uk](mailto:info@thurstonparishcouncil.gov.uk)

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Mr. P Isbell  
Chief Planning Officer – Sustainable Communities  
Mid Suffolk District Council  
Endeavour House, 8 Russell Road  
Ipswich IP1 2BX

4<sup>th</sup> May 2020

Dear Mr Isbell,

**DC/20/00585 – Erection of dwelling with associated works, including provision of landscaping and internal access road @ Harveys Garden Plants, Great Green, Thurston, Bury St Edmunds Suffolk IP31 3SJ**

**Case Officer: Mahsa Kavyani**

Please be advised that the Parish Council, having sought to be consistent in its approach for all applications outside of the settlement boundary as described in the made Thurston Neighbourhood Plan objects to this application and would ask that the following comments be considered in its recommendation of refusal:

1. As has been stated on the original application for this site, the proposal is outside of the adopted built-up area boundary and as such is contrary to not only policies within the Mid Suffolk Local Plan but also the made Thurston Neighbourhood Development Plan (NDP) 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 NDP.
2. As the proposed development is outside of the current defined settlement boundary allocated by Mid Suffolk District Council for Thurston, it is contrary to the spatial strategy in Policy CS1 of the Core Strategy. Being in conflict with Policy CS1 would also bring it in conflict with Policies FC1 and FC1.1 of the Core Strategy Focused Review (Adopted December 2012). The conflict with the development plan would therefore be an adverse impact of the proposed development.
3. Whilst the Parish Council is aware that there is an outstanding current legal challenge to the weighting of the Thurston NDP for another planning application in Thurston, albeit of a significantly larger scale, it should still be remembered that the Thurston Neighbourhood Plan is a statutorily made/adopted “development plan” within the meaning of s. 38(3)(c) of the Planning and Compulsory Purchase Act 2004 which provides by Policy 1: Spatial Strategy that “new development in Thurston Parish shall be focused within the settlement boundary...”, in accordance with which any planning application should be determined “unless material considerations indicate otherwise”, see s. 38(6).
4. Paragraphs 4.1-4.6 of the Neighbourhood Plan explain the reasoning behind the Spatial Strategy in the Neighbourhood Plan and the justification of why growth should be focused within the settlement boundary.

5. It is felt that the proposal, given its location would represent a detached and isolated new dwelling in a predominant rural countryside character which would have an urbanising effect on a rural area defined by informally placed dwellings.
6. The new dwelling would be incompatible with the wider rural open countryside character and visual appearance and would therefore have a negative adverse effect on the rural character of the area. The proposed development would therefore appear discordant when viewed against the established grain of development which would have a significantly detrimental effect on the character of the area. Policy 9 of the Thurston NDP requires all new development to be designed to ensure that its impact on the landscape and the high-quality rural environment of Thurston is minimised.
7. As has been stated previously, the general approach in the Thurston NDP, 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.
8. The Parish Council is concerned that the change in the use of land from agricultural to residential would see an intensification of activity on the site, which, coupled with movement from the new dwellings and customers / deliveries to and from the business and café throughout the day and any activity from the business itself will result in an intensified use of the area and will have cumulative impacts on the amenity of future occupiers of the new proposed dwelling and consequently may place unreasonable restrictions on the existing business jeopardising its viability.
9. The Parish Council contents that the proposals fails to achieve the environmental objective as outlined by the NPPF as, given its location, it can offer no measures that will contribute to the requirement to use natural resources prudently, nor will it minimise waste and pollution, and by the reliance of future residents on the use of the motor vehicle to access facilities and services, it will fail to achieve measures that will aid adapting to climate change, including moving to a low carbon economy.
10. As Thurston currently has approval for in excess of 1,000 new dwellings, it is felt that this site will offer little or no significant economic benefits either in the short term (the construction phase associated with the development will stimulate the local economy through the employment of construction workers/professionals and the sourcing of building materials) nor in the long term with future occupiers utilising local services and facilities and supporting the local economy.
11. Again, as has been previously stated elsewhere there are a significant number and range of dwellings currently being built in Thurston (four of the significant five sites have commenced work (pre-COVID19) to provide significant support to supporting strong, vibrant and healthy communities and as such the social objective to achieving sustainable development can easily be achieved without granting planning approval to further development within the countryside which will have limited or no social benefit.
12. Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas, advising; 'housing should be located where it will enhance or maintain the vitality of rural communities'. Paragraph 103 of the NPPF also states: 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. Given the location of the site, the Parish Council argues that the proposal will not be in accordance with POLICY 6: KEY MOVEMENT ROUTES as it fails to ensure that safe pedestrian and cycle access to link up with existing

pavements and cycle infrastructure is achievable and that the route to facilities and services in both Thurston and Norton will not be able to ensure that access by disabled users and users of mobility scooters is secured.

13. Furthermore the proposal has failed to demonstrate that it has addressed the impact of the additional traffic movements on the safety and flow of pedestrians and cyclists. As such the proposal also fails to accord with paragraph 109 of the NPPF as there are no footways linking the proposed area with the main settlement of the village or indeed the settlement boundary and as such little opportunity to encourage other modes of transport. Access on foot would require walking along stretches of Norton Road in the roadway as there is no footway nor is there any opportunity to create a new cycle route.
14. Paragraph 108 of the NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. Given that the site is in a rural location within a rural district, and there are limited sustainable transport solutions, it cannot be argued that there will not be a reliance for travel by private car. This is not only contrary to para. 108 but also contrary to the sustainability objectives of Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (December 2012).

In summary, the Parish Council in objecting to this proposal requests that consideration be given to the following:

- The precedent for refusal has been set by MSDC on the grounds that this was development in the countryside and isolated from the main settlement;
- Outside of the curtilage of the settlement boundary – contrary to the made Thurston NDP;
- Impact on nearby heritage buildings;
- Given that future residents of the dwellings will be reliant on the private car to access facilities and services in Thurston and/or Norton, the proposal, by the very nature of its location, must be regarded as unsustainable;
- No safe means of alternative travel modes such as cycle or foot to access facilities and services in either Thurston or Norton;
- The proposal will result in an overdevelopment of a small area which will fail to enhance, protect or conserve the environmental conditions of this area nor will it enhance or protect the local character of the area;
- Concerns are also raised, at the relative ease, given the layout of the site, for a further two plots to be added back in at a later date;
- The principal to build does not change the Parish Council's position over dwellings in the countryside.

The Parish Council is most concerned at the implied suggestion by Officers in the Development Management – Sustainable Communities Department which in essence appears to hold to the premise that planning decisions are to be made on the basis that the Local Planning Authority did not want to have to defend an appeal further down the line. Concern is raised at the implied approach that it might be best to accept one dwelling as otherwise you could get three.

The Parish Council contends that made NDPs should not be ignored by claiming that the NPPF allows development to take place outside of the settlement boundary and that the made Thurston NDP is and should be used as an effective planning tool for applications within Thurston.

Yours sincerely

*Victoria S Waples*

V S Waples, BA(Hons), CiLCA  
Clerk to the Council

**From:** SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>  
**Sent:** 24 February 2020 15:36  
**To:** BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>  
**Subject:** DC/20/00585

Application ref: DC/20/00585  
Our ref: 309198

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Dawn Kinrade  
Natural England  
Operations Delivery  
Consultations Team  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire, CW1 6GJ

Tel: 0208 0268349  
Email: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

Mid Suffolk District Council  
Planning Department  
Endeavour House  
Russell Road  
Ipswich  
IP1 2BX

Fire Business Support Team  
Floor 3, Block 2  
Endeavour House  
8 Russell Road  
Ipswich, Suffolk  
IP1 2BX

Your Ref:  
Our Ref: FS/F304129  
Enquiries to: Water Officer  
Direct Line: 01473 260588  
E-mail: Fire.BusinessSupport@suffolk.gov.uk  
Web Address: <http://www.suffolk.gov.uk>

Date: 19/02/2020

Dear Sirs

**Harveys Garden Plants, Great Green, Thurston, Bury St Edmunds IP31 3SJ**  
**Planning Application No: DC/10/00585**

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 records show that the nearest fire hydrant in this location is over 111m from the proposed build site and we therefore recommend 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).

/continued

OFFICIAL

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.

Yours faithfully

*Water Officer*

Suffolk Fire and Rescue Service

Copy: [info@locusplanning.co.uk](mailto:info@locusplanning.co.uk)

Enc: Sprinkler informationj

Your Ref:DC/20/00585  
Our Ref: SCC/CON/1615/20  
Date: 12 May 2020  
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



**All planning enquiries should be sent to the Local Planning Authority.**

Email: [planning@babberghmidsuffolk.gov.uk](mailto:planning@babberghmidsuffolk.gov.uk)

The Planning Department  
MidSuffolk District Council  
Planning Section  
1st Floor, Endeavour House  
8 Russell Road  
Ipswich  
Suffolk  
IP1 2BX

For the attention of: Mahsa Kavyani

Dear Mahsa,

**TOWN AND COUNTRY PLANNING ACT 1990  
CONSULTATION RETURN: DC/20/00585**

**PROPOSAL:** Planning Application - Erection of Dwelling with Associated Works, Including Provision of Landscaping and Internal Access Road. Reason(s) for re-consultation: Amended plans and a change to the description proposal received by the Local Planning Authority on the 20th April 2020.

**LOCATION:** Harveys Garden Plants, Great Green, Thurston, Bury St Edmunds Suffolk IP31 3SJ

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 206 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Condition: The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 206 shall be provided 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.

Condition: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any means of frontage enclosure shall be set back 2.4 metres from the edge of the carriageway of the adjacent highway.

Reason: In the interests of highway safety, to avoid obstruction of the highway and provide a refuge for pedestrians.

Yours sincerely,

**Kyle Porter**  
**Development Management Technician**  
Growth, Highways and Infrastructure



-----Original Message-----

From: BMSDC Public Realm Consultation Mailbox <consultpublicrealm@baberghmidsuffolk.gov.uk>

Sent: 22 April 2020 09:00

To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>

Subject: RE: MSDC Planning Re-consultation Request - DC/20/00585

Public Realm do not wish to offer any comments on this application

Regards

Dave Hughes

Public Realm Officer

## **BMSDC Planning Area Team Yellow**

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**From:** BMSDC Local Plan  
**Sent:** 14 February 2020 15:44  
**To:** BMSDC Planning Area Team Yellow  
**Subject:** RE: MSDC Planning Consultation Request - DC/20/00585

Good afternoon

Strategic Planning Policy will not be making comment on this application.

Kind Regards  
Marilyn King

Strategic Planning Policy  
Email: [localplan@baberghmidsuffolk.gov.uk](mailto:localplan@baberghmidsuffolk.gov.uk)  
Council Services: 0300 123 4000 option 5 then 4  
Web: [www.babergh.gov.uk](http://www.babergh.gov.uk) & [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)

-----Original Message-----

From: [planningyellow@baberghmidsuffolk.gov.uk](mailto:planningyellow@baberghmidsuffolk.gov.uk) <[planningyellow@baberghmidsuffolk.gov.uk](mailto:planningyellow@baberghmidsuffolk.gov.uk)>  
Sent: 14 February 2020 14:30  
To: BMSDC Local Plan <[localplan@baberghmidsuffolk.gov.uk](mailto:localplan@baberghmidsuffolk.gov.uk)>  
Subject: MSDC Planning Consultation Request - DC/20/00585

Please find attached planning consultation request letter relating to planning application - DC/20/00585 - Harveys Garden Plants, Great Green, Thurston, Bury St Edmunds Suffolk IP31 3SJ

Kind Regards

Planning Support Team

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For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.

**From:** Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>  
**Sent:** 25 February 2020 09:00  
**To:** Mahsa Kavyani <Mahsa.Kavyani@babberghmidsuffolk.gov.uk>  
**Cc:** BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>  
**Subject:** DC/20/00585. Land Contamination

Dear Mahsa

**EP Reference : 272943**  
**DC/20/00585. Land Contamination**  
**Harveys Garden Plants, Great Green, Thurston, BURY ST EDMUNDS, Suffolk,**  
**IP31 3SJ.**  
**Erection of 3no Dwellings with Associated Works, Including Provision of**  
**Landscaping and Internal Access Road.**

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Kind regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD  
Senior Environmental Management Officer

**Babergh and Mid Suffolk District Councils – Working Together**

Email: [Nathan.pittam@babberghmidsuffolk.gov.uk](mailto:Nathan.pittam@babberghmidsuffolk.gov.uk)  
Work: 07769 566988 / 01449 724715  
websites: [www.babergh.gov.uk](http://www.babergh.gov.uk) [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	DC/20/00585
Parish	Thurston
Member making request	Cllr Wendy Turner
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	<p>The planning application for three houses fall outside the NP.</p> <p>The land is currently used as a garden centre.</p> <p>The road is unsuitable for more development as there is no public transport available.</p>
Please detail the clear and substantial planning reasons for requesting a referral	The PC rejected this application wholeheartedly and have rejected previous applications, because it falls outside of the NP boundary.
Please detail the wider District and public interest in the application	Other parishes will be interested to see if NPs are taken seriously and actually hold any weight when it comes to planning applications.
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	

<p>Please confirm what steps you have taken to discuss a referral to committee with the case officer</p>	<p>I spoke to the case officer about 6 weeks ago who assured me that the plan would be rejected as it doesn't fit with the Thurston NDP and other valid reasons. Since then I've had another conversation with the CO who has taken advice from her line manager and it now looks like there will be a compromise offered to the owner as he has had previous applications approved (one actually DC/18/04714) although it looks like he has had 3 applications refused including a lost appeal (DC/18/00143, DC/18/02262 and lost appeal for AP/18/00250).</p> <p>Most importantly the site is in direct opposition to the Thurston NDP – of which there is an outstanding JR for the failure to take account of the Thurston NP.</p>
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