

Introduction and update [for 16 September 2020]

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

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

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

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

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

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

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

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

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

Cumulative Impacts

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

Thurston is currently experiencing widespread development.

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

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

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

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

AMENDED CONCLUSIONS and PLANNING BALANCE for 16 SEPTEMBER 2020

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

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

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

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

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

Proposed Fishwick Corner junction improvements

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

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

WSDC Minute records:

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

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

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

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

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

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

Pressure on GP services in Woolpit to serve Thurston Residents

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

Resumption of building in Thurston

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

New Primary School

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

Thurston Station Improvements

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

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

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

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

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

Overall context

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion and Planning Balance

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

From experience, and especially in the current wider national context, officers are particularly concerned with the notion of refusing housing for housing sake – the outcome of the SoS-determined Long Melford appeal¹ in the adjacent Babergh district (and indeed all other committee overturn appeal decisions relating to Mid Suffolk in recent years) acutely highlights this point and the significant weight placed upon the desire to significantly boost housing supply. This is especially the case given that the Council relies upon unallocated sites to make up its current housing supply; such a supply is despite its out of date housing policies, not because of them. Where the proposed development conflicts with the housing settlement policies of the Council's district development plan documents (principally through conflict with policies CS2 and H7) it does not accord with the development plan taken as a whole. In strict terms, it could be said that there is conflict with policy CS1 also – where the site falls outside of the Thurston settlement boundary – but as a development for a Key Service Centre it is nevertheless the case that the underlying spatial strategy for the District is being followed.

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

The application proposal is not, however, considered to directly conflict with the NDP which purposefully splits its housing strategy between local policies and the strategic housing policies of the District².

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

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

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

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

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

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

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

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

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

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

AMENDED RECOMMENDATION for 16 SEPTEMBER 2020

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

RECOMMENDATION

In the event of:

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

Please note:

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

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

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

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

❖ *Travel Plan monitoring sum*

❖ *Payment of the Education contributions*

New primary school land cost : £67,288

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

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

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

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

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

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

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

then,

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

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

and,

3 Appropriate informatives

HOWEVER,

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

PLEASE NOTE

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