

Committee Report

Item 7B

Reference: DC/20/00585

Case Officer: Mahsa Kavyani

Ward: Thurston

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

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Erection of dwelling with associated works, including provision of landscaping and internal access road

Location

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

Expiry Date: 17/07/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr R Harvey

Agent: Locus Planning Ltd

Parish: Thurston

Site Area: .45ha

Density of Development:

Gross Density (Total Site): N/A

Net Density (Developed Site, excluding open space and SuDs): N/A

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): 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:

The application was 'called-in' by an elected member.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF National Planning Policy Framework 2019

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

Core Strategy 2008:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment

Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development
HB1 – Protection of historic buildings
H7 – Restricting housing in 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
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats

Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2019)
Suffolk Design Guide

Neighbourhood Plan Status

This application site is within the adopted Thurston Neighbourhood Plan (2019) area. The Thurston Neighbourhood Plan (TNP) has significant weight, forming part of the local development plan.

Consultations and Representations

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 (Appendix 3)

Thurston Parish Council

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.

National Consultee (Appendix 4)

Natural England

No comments.

County Council Responses (Appendix 5)

SCC - Fire & Rescue

No comments.

SCC - Highways

No objections subject to conditions.

Internal Consultee Responses (Appendix 6)

Heritage

No comments.

Public Realm

No comments.

Planning Policy

No comments.

Environmental Health - Land Contamination

No comments.

B: Representations

At the time of writing this report at least seven comments have been received. It is the officer opinion that this represents five objections and two supporting comments. A verbal update shall be provided as necessary.

Grounds of objection summarised below:

Contrary to Thurston NP
Outside settlement boundary
Rural character/landscape harm
Insufficient supporting infrastructure
Precedent for further dwellings

All issues raised, where relevant have been addressed within Officer's report.

(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

REF: DC/18/03993	Prior Approval Application under Part 6, Class A of Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 6 - Erection of agricultural building.	DECISION: WDN 17.10.2018
REF: DC/18/04714	Planning Application. Erection of an agricultural building and hardstanding.	DECISION: GTD 17.12.2018

REF: DC/19/05037	Discharge of Conditions Application for 4471/16- Condition 3 (Visibility Splays), Condition 4 (Parking and Turning), Condition 5 (Surface Water Discharge Prevention) and Condition 6 (Refuse Bins and Collection Areas)	DECISION: WDN 12.11.2019
REF: DC/20/00585	Planning Application - Erection of Dwelling with Associated Works, Including Provision of Landscaping and Internal Access Road	DECISION: PDE
REF: 3438/10	Continued use of building without compliance with condition 5 (purposes for which building may be used) including use as a cafe/restaurant, condition 4 (sale of items unrelated to horticulture) and condition 3 (hours of operation) of planning permission 1043/06 (Erection of dual purpose farm admin & information display building).	DECISION: GTD 09.02.2011
REF: 0051/06	Permanent agricultural dwelling.	DECISION: GTD 21.06.2006
REF: 0822/05	Proposed agricultural dwelling	DECISION: WDN 07.07.2005
REF: DC/18/00143	Outline Planning Application. (Access to be considered) - Erection of up to 4 dwellings	DECISION: REF 06.03.2018
REF: DC/18/02262	Outline Planning Application (some matters reserved) - Erection of 2 single storey dwellings and creation of access (re-submission of refused application DC/18/00143).	DECISION: REF 20.07.2018
REF: DC/18/04714	Planning Application. Erection of an agricultural building and hardstanding.	DECISION: GTD 17.12.2018
REF: DC/19/05392	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 2no Dwellinghouses (Class C3) and for Associated Operational Development. Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q	DECISION: AFDR 14.01.2020

REF: DC/20/00585	Planning Application - Erection of Dwelling with Associated Works, Including Provision of Landscaping and Internal Access Road	DECISION: PDE
REF: 4471/16	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development. Conversion of existing barn to form two dwellings.	DECISION: GTD 23.12.2016
REF: 0017/08	Erection of agricultural dwelling (submission of details pursuant to Outline Planning Permission 0051/06)	DECISION: GTD 26.02.2008
REF: 1043/06	Erection of dual purpose farm administration and information display building (revised scheme to that previously permitted under Planning Permission reference 0790/05).	DECISION: GTD 06.11.2006
REF: 1044/04/	CREATION OF NEW VEHICULAR ACCESS WITH 25 METRE LINKING ROADWAY.	DECISION: GTD 12.01.2005

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site comprises approximately 0.45 hectares of agricultural land situated on the southern side of Norton Road, Great Green, Thurston. The site forms part of the 'Harveys Garden Plants' nursery, a horticultural business (defined as agriculture for the purposes of the Town and Country Planning Act 1990) operating from a series of growing tunnels, buildings and land distributed to the east of Oak Road and to the south of Norton Road. The application site itself relates to a parcel of land subject to an existing building (occupied as a café) and areas of hardstanding, providing car parking and the previous location of display areas/tunnels.
- 1.2. An existing agricultural building lies to the east, subject to a recent grant of permission for conversion to two dwellings (DC/19/05392). To the north and west lies Norton Road and beyond that a residential property 'Navarac', where a number of recent permissions will collectively provide four dwellings.
- 1.3. The site is not located or near to any designated heritage assets (either buildings or Conservation areas), or areas designated for local or national environmental/landscape significance. The site is in Flood Zone 1.
- 1.4. The site is located outside any settlement boundary defined in the development plan.

2. The Proposal

- 2.1 The application seeks full planning permission for the erection of a single storey, four bedroom dwelling. The development includes a detached double garage sited adjacent the northwestern side of the dwelling. External materiality includes black weatherboards over a red brick plinth with clay pantile pitched roofs.
- 2.2 The existing vegetation at the road frontage, including hedgerow and mature trees, is to be retained. No vegetation is proposed to be removed.
- 2.3 Vehicle access will be via the existing access arrangement from Norton Road.

3. Policy Context

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. One such material consideration is the NPPF. The NPPF can override development plan policy if it is not consistent with the provisions of the NPPF.
- 3.2 Paragraph 11 of the NPPF explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole; or unless specific policies in the NPPF indicate that development should be restricted.
- 3.3 In view of advice in paragraph 11(d) of the NPPF, it is necessary to consider how consistent the most important policies in the development plan are with the NPPF, to assess what weight should be attached to them. Paragraph 213 explains that due weight should be given to relevant policies according to their degree of consistency with the NPPF, the closer the policies in the plan to those in the NPPF, the greater the weight that may be given.
- 3.4 The development plan for the area comprises a combination of the Core Strategy 2008, the Core Strategy Focused Review 2012, and 'saved' policies of the Local Plan 1998. The Joint Local Plan is emerging, currently in Regulation 18 phase with the consultation period recently completed. In accordance with the requirements of Paragraph 48 of the NPPF, very limited weight is attached to the emerging Joint Local Plan in consideration of the merits of the proposal, given the preparatory stage of the document.
- 3.5 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
 - National Planning Policy Framework (2019)
 - Mid Suffolk Core Strategy Focussed Review (2012)
 - Mid Suffolk Core Strategy (2008)
 - Mid Suffolk Local Plan (1998)
 - Thurston Neighbourhood Plan (2019)
- 3.6 The application is made in full. Local policies concerned with detailed design and residential amenity, including saved Policy GP1 and H16 respectively, are deemed 'most important', noting their consistency with national policy.
- 3.7 Policy CS1 and CS2 of the Core Strategy, saved Policy H7 of the Local Plan are policies most important for determining the application. Policy CS1 identifies a settlement hierarchy as to

sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. Policy CS2 restricts development in the countryside to defined categories. Local Plan Policy H7 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.

- 3.8 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is inconsistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. The definition of isolation in the context of this policy has been shown within court judgements to relate to *physical* isolation only. The subject land is not physically isolated and it must follow that paragraph 79 does not engage.
- 3.9 Having regard to the advanced age of the Mid Suffolk settlement boundaries of the settlement hierarchy set out at Policy CS1, and the absence of a balanced approach as favoured by the NPPF, the policies most important for determining the application are deemed out-of-date, a position well established by the Inspectorate in recent Mid-Suffolk appeals. This conclusion is reached irrespective of Council's five year housing supply position. As a result, the weight to be attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF is engaged, that is, granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.10 Turning first to (i) above, footnote 6 at NPPF paragraph 11d states that the policies referred to at 11d are those in the NPPF relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change. None of these areas/assets are relevant to the site or scheme.
- 3.11 This leaves the second limb of the paragraph 11d test, requiring an assessment of the adverse impacts and benefits of the proposal, and the associated balancing exercise. This assessment is set out at sections 4 to 10 of this report.
- 3.12 The Thurston Neighbourhood Plan (TNP) was adopted in October 2019, forms part of the development plan and therefore forms a material consideration in the determination of planning applications within Thurston Parish. As emphasised by the Parish Council, the overriding thrust of the TNP is to focus residential growth within the settlement boundary of Thurston village. Policy 1 does however not prevent or impose a restriction on development in the countryside outside of the settlement boundary. Applying such a restriction would conflict with the balanced decision making approach which underpins the NPPF. Therefore simply because a development proposal is located outside the settlement boundary does not necessarily mean that it is an unacceptable planning outcome in local (TNP) terms. Consideration must be given to all relevant matters, including competing policy aspirations, and a balanced judgement made.

4. Sustainability of Location

- 4.1 The Inspectorate considered the sustainability of an appeal site adjacent the subject site (the appeal site shared the same access that is relied upon in the current application) in May 2019 (DC/18/02262; APP/W3520/W/18/3216944). The Inspector determined that site not be isolated, observing:

'...some travel by private vehicle is likely in rural areas such as this. However, in this case there is also some opportunity to use public transport given the available bus service that is not so distant from the appeal site to be inaccessible. Moreover, Thurston is not so distant that long car journeys would occur to gain access to services necessary for day-to-day living. In addition, due to the existing dwellings in Great Green, the addition of two dwellings would not significantly add to the journeys that already occur from this location...I conclude that the location would not be unsuitable for the proposed development with regard to whether occupants of the proposed dwellings would have adequate access to services and facilities without undue reliance on private vehicle use.'

- 4.2 Having regard to the Inspector's findings, and noting the application proposes a single dwelling rather than two as considered on appeal, it is concluded that the site represents a sustainable location for the housing density sought.

5. Character and Appearance

- 5.1. The character of the area is appropriately described in the supporting Planning Statement:

'The area is of a typically rural character, attributed to the predominance of agriculture and the extent of mature trees and hedgerows. Despite this however, the presence of residential development is nonetheless apparent and contributes to the area. To the west of the site, existing dwellings extend along the northern side of Norton Road, the most easterly of which is formed by 'Navarac'. As noted, permission has been granted for the erection of four dwellings on land adjacent to the property, effectively extending housing to Poplar Farm Lane, directly opposite and past the proposal site. To the east of the site, consent has been granted for the conversion of an agricultural building to two dwellings, providing a significant two storey residential development immediately adjacent to the proposal site. As a whole, the appearance, scale and form of dwellings in the area is not altogether uniform; however, the general spaciousness and verdant nature of properties remains a prevailing characteristic.'

- 5.2 The site is developed with the café building that is proposed for removal. To the front of the café building and dominating the site is a large hardstand used for vehicle parking. To the rear of the café building is a building approved for residential conversion, visible in the backdrop to the site. The appearance of the site is informal. Officers agree with the applicant, the site in its current form is of limited landscape value.
- 5.3 The proposed dwelling will be set well back from the road, essentially in the same location as the café building (sited slightly forward of the existing building). The dominant hardstand will be removed, replaced with a domestic curtilage with driveway and garden. The dwelling is of limited (single storey) height, is low slung in appearance, and incorporates pitched roofs, a traditional building form. The garaging is set to the side of the dwelling in an obtrusive location. Unlike the café building it will replace, the material finishing comprises muted earthy tones, with visually recessive black weatherboarding and traditional clay pantiles to the roofs. A domestic curtilage featuring a visual unobtrusive traditional styled dwelling, set well back from the street, offers a respectful character outcome. The generous front setback is consistent with the setbacks of the dwellings within the two distinct groupings nearby, helping to maintain the open character and appearance of the area. Any urbanising effect is very limited given the proposal essentially comprises a replacement building and the development will present in the context of existing and approved development, most notably the converted dwellings to the rear.
- 5.4 In addition to a generous front setback, the dwelling is sited such that the setbacks from side boundaries are also sufficiently generous to accommodate landscape planting. This ensures the development retains a sense of spaciousness, rather than appearing cramped or overdeveloped, while planting will offer a verdant quality enhancing the wider setting.

- 5.5 The new site boundaries must be carefully treated to ensure the open character of the area is further enhanced, for example by the adoption of a treatment like traditional post and rails. Such a treatment will offer a 'soft feel' to the boundary, as required by Policy 4 of the TNP. Hard and soft landscaping can be adequately managed by planning condition.
- 5.6 The proposal has been carefully considered, designed and sited in a manner that minimises the impact on the landscape and rural environment, responding positively and in support of Policy 4 and Policy 9 of the TNP. For the same reasons the scheme accords with Policy H13 and Policy H15.
- 5.7 The Parish Council notes a concern in respect to the impact on nearby heritage buildings. The separation distance, intervening vegetation, buildings and road between the site and the nearest heritage building (northwest at Elm Green Farmhouse) is such that it gives no cause for concern regarding heritage character harm. Noteworthy is an absence of objection from Council's Heritage Team. There are no heritage grounds to justify withholding planning permission.

6. Residential Amenity

- 6.1 Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 6.2 There is nothing in the application that suggests the residential amenity of neighbouring residents, including future occupants of the adjacent building approved for residential conversion, would not be appropriately safeguarded. The application does not conflict with the above policies. No harm is identified in this respect and is therefore neutral in the planning balance.

7. Highway Safety

- 7.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 7.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.3 The development proposes to utilise the existing access arrangement, a perfectly legitimate approach. The Highways Authority does not object to the proposed access. The access arrangements are safe and suitable for all users, consistent with paragraph 108 of the NPPF.
- 7.4 Sufficient parking and manoeuvring space is provided, compliant with the Suffolk Guidance for Parking 2019 and therefore in support of Policy 8 of the TNP.
- 7.5 In respect to traffic generation, the proposal is for a single dwelling, a scale of development which does not require a Transport Assessment or Transport Statement. Policy 7 of the TNP does not engage.

- 7.6 Policy 6 of the TNP confirms development immediately adjacent to Key Movement Routes will be expected to contribute towards the enhancement of the Key Movement Route in accordance with the statutory tests in the Community Infrastructure Levy Regulations 2012. Although Norton Road is a Key Movement Route, the traffic generated by the proposal is such that a planning contribution toward the enhancement of Norton Road would not meet the statutory tests contained within the CIL Regulations. The scheme does not conflict with Policy 6.

8. Contamination

- 8.1 Paragraph 178 of the NPPF suggests planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 180 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. Council's Land Contamination Officer raises no objection to the change of the land to domestic use. This element of the scheme is neutral in the planning balance.

9. Biodiversity

- 9.1 Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to '*have regard to the Habitats Directive in the exercise of its functions.*' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 9.2 Officers agree with the applicant's contention that the site exhibits limited ecological value, attributed to the position of existing development and physical characteristics of the site. For this reason an ecology report is not deemed necessary. This said, it is appropriate that ecological enhancements are secured, consistent with Policy 11 of the TNP, and these are best managed by planning condition.
- 9.3 Policy 12 of the TNP seeks to minimise light pollution. The residential use and scale of the development is such that lighting will be limited and of a typically domestic nature. There are no grounds to withhold planning permission in respect to Policy 12 of the TNP.

10. Social and Economic Benefits

- 10.1 Mid Suffolk benefits from a deliverable supply of housing land. A single dwelling will increase the local housing supply, however the increase would be limited having regard to the current supply. This said, the scheme contributes specifically toward housing need in Thurston noting that four bedroom bungalows are identified as one of the housing need types listed at paragraph 5.22 of the supporting policy text in the TNP.
- 10.2 The proposal would help sustain the nearby rural community and services albeit in only a modest way, nonetheless this represents a positive effect.
- 10.3 As with any construction project, a housing development brings with it short term construction jobs and therefore economic benefits. These will be limited and do not weigh heavily in the planning balance.

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

- 11.1 With the exception of relevant TNP policies, the development plan policies most important for determining the application are deemed out-of-date. Irrespective of Council's five year housing supply position, the weight to be attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF engages.
- 11.2 The TNP focuses future development to within the Thurston settlement boundary. The proposal does not expressly support this policy because the site is outside the settlement boundary. However, for the reasons set out in this report, the policy departure is not fatal to the application when all matters are considered in the planning round. The scheme responds positively to the majority of all other relevant TNP policies.
- 11.3 The area has been confirmed by the Inspectorate as a sustainable location for housing (in-principle). The proposal offers some social and economic positives. The scheme contributes toward housing need in Thurston by way of providing a four bedroom bungalow, an expressly identified housing type needed in Thurston, as set out in the TNP.
- 11.4 The site does not play an important landscape role, rather, its landscape value is considered low. It is developed, is of commercial appearance and is well related to neighbouring built form. The removal of less desirable landscape elements like the visually dominant vehicle parking area is a positive landscape response. So too is the retention of frontage vegetation, which will help frame views of the development from Norton Road. The unobtrusive siting and scale of the domestic dwelling constitutes a more respectful character response than the existing commercial building. The site is visually well contained and generously proportioned such that the open character is maintained. The front setback is reflective of the general dwelling setbacks prevalent in the area. There are no overdevelopment symptoms arising from the scheme. The proposal offers an improved local character outcome, a not insignificant public benefit.
- 11.5 A number of the scheme aspects will not result in any harm and these are neutral in the planning balance, including residential amenity, highway safety and land contamination outcomes.
- 11.6 The adverse effects of granting planning permission are insignificant, outweighed by the scheme benefits, most notably the improved landscape character outcome. Accordingly, the proposal would deliver sustainable development. Planning permission should be granted.

RECOMMENDATION

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

Time limit
Approved plans
Highways – parking areas to be retained.
Highways – refuse/recycling
Highways – frontage enclosure restriction
Landscaping to be agreed
Landscaping timescale
Ecological enhancements as per consultee recommendation
PD Removal for outbuildings
Sustainability Measures to be agreed