

Committee Report

Item No: 7D

Reference: DC/20/01249

Case Officer: Vincent Pearce and Rose Wolton

Ward: Thurston

Ward Members: Cllr. Austin Davies and Cllr. Harry Richardson

RECOMMENDATION – APPROVE the Reserved Matters details with conditions

Description of Development

Submission of details under Outline Planning Permission 5070/16 - Appearance, Landscaping, Layout and Scale in respect of Phase 2 - Erection of 104 no. dwellings. (*Reserved Matters [RM]*)

Location

Land on The North Side of, Norton Road, Thurston, Suffolk

Expiry Date: extension of time agreed

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Linden (Thurston) LLP [part of Vistry Group]

Agent: Savills (UK) Ltd

Parish: Thurston

Site Area: 18.8

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. Informal as part of negotiations on related applications

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to The Committee because this Reserved Matters submission relates to a development whose size exceeds that which is [that figure being 15] capable of being determined by the Chief Planning Officer within the Council's formal Scheme of Delegation. [*That figure being 15*]

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. Strictly speaking, that direction is of greater relevance to the determination of applications for planning permission; however, it is considered appropriate that the development plan be the starting point in determining the appropriateness of the reserved matters detail that has been submitted and is no less relevant in that respect.

Development Plan

The Development Plan comprises the following:

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

Within the current development plan, those policies considered to be most important for the determination of this reserved matters application and its associated details are as follows:

GP1: Design and layout of development

H13: Design and layout of residential development

H14: A range of house types to meet different accommodation needs.

H15: Development to reflect local characteristics.

H16: Protecting existing residential amenity.

T9: Parking standards.

T10: Highway considerations in development.

T11: Facilities for pedestrians and cyclists.

Joint Local Plan [JLP]

The Councils are currently working with our consultants and project partners to scope and progress the outstanding matters raised by the inspectors during the examination so far - and the necessary main modifications. The inspectors have wrote to the Councils on 28 April 2022 with the latest update on the anticipated examination schedule.

In view of the present status of the JLP is carries little weight as a material planning consideration in the determination of planning applications and is not determinative in this case.

Neighbourhood Plan Status

figure 1:
**Cover of Adopted Thurston
Neighbourhood Development
Plan [October 2019] [TNDP19]**



Thurston has a 'Made' and 'Adopted' Neighbourhood Development Plan. That is the **Thurston Neighbourhood Development Plan October 2019** [hereafter referred to as *TNDP19*]

The TNDP19 attracts full weight as a material planning consideration and is part of the development plan i.e. that it is part of the starting point for decision taking.

The site of this Reserved Matters submission is within the TNDP19 Area

The most relevant policies* within the TNDP19 for the determination of these details are considered to be:

*[*It should be noted that as this is a Reserved Matters application, policies relating to the principle of development are not considered relevant as these would have been assessed at the outline stage].*

- Policy 1 - Thurston Spatial Strategy at C[c] [design, landscape and character references]
- Policy 2 - Meeting Thurston's Housing Needs
- Policy 4 - Retaining and Enhancing Thurston's Character Through Residential Design
- Policy 5 - Community Facilities *[insofar as this development may or may not trigger infrastructure Previously secured at outline stage by way of the associated S106 Agreement]*
- Policy 8 - Parking Provision
- Policy 9 - Landscaping and Environmental Features
- Policy 11 - Provision for Wildlife in New Developments
- Policy 12 - Minimising Light Pollution

National Planning Policy Framework 2021

National Design Guide 2010 [amended 2021]

National Model Design Code [2021]

SCC Adopted Parking Standards [third edition 2019]

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 [10 August 2022] [qualified support]

“The Parish Council, having considered this application once more and in light of the additional plans and documents submitted on the planning portal, would like to state that overall it is supportive of the layout as submitted on 20th July 2022 as long as the following points are addressed:

- 1. The parish council is pleased to note that the layout is now one which reflects the original concept for one hundred and ninety-one (191) houses and nine (9) self-build plots. The layout is reflective of that which was proposed and included within the made Thurston Neighbourhood Development Plan (NDP) (October 2019) which shows an allocation for this site of two hundred (200) dwellings – outline planning approval 5070/16. The Parish Councils support for this application is however contingent on planning application DC/20/01716 – in all its guises – being withdrawn.*

Officer comment:

The Parish Council’s recognition that the present details reflect the original [outline] concept is noted and welcomed.

Members will note that the Parish Council’s support is contingent on all other as yet undetermined applications on this site being withdrawn. It is easy to understand the Parish Council’s reason for adding such qualification on their support. There is obviously great concern that these details and the submission to which they relate may simply be something of a Trojan Horse designed by Linden to ensure the original outline application remains ‘live’ as a fall back, but with the real intention to try and increase the numbers on the site beyond the original up to 200 via the applications that have yet to be determined. [or others which may or may not be submitted soon after].

As is their prerogative, Linden has declined to give a commitment to withdraw the as yet undetermined applications if the current phase 2 submission is successful.

As Members will be aware every planning application/RM submission must be judged on its own planning merits.

The current submission relates to details for 104 dwellings which save for a number of specific provisos [beyond the withdrawal of other ‘live’ applications] the Parish Council has indicated its qualified support.

When in due course those other as yet undetermined applications are presented to Committee, members will at that time be expected to determine them on the merits of each case.

Whilst the Parish Council may understandably wish to resist development beyond the outline 'up to 200' dwellings on this site any party has the right to submit a planning application/s for development on a site and expect to see it determined. It is therefore unreasonable to require Linden to withdrawal its other applications on this site as a pre-requirement for the determination of the present phase 2 details.

What the present Phase 2 details present *[if Members find that detail acceptable]* is the opportunity to approve 104 dwellings which when combined with the previously approved 87 in phase 1 and the 9 self-builds yet to come delivers the mechanism for the 'up to 200 dwellings' approved at outline stage to be implemented. That in and of itself is all that the Council can do. The decision to proceed thereafter rests with the developer.

Perhaps depending upon whether 'alternative development proposals' succeed or fail and the present Phase 2 details are approved, Thurston will see the present Phase 2 details before the Committee built-out. At some point one imagines that a commercial imperative will dictate what happens but that is a matter for Linden and the passage of time.

It is fair to suggest that the Parish Council would rather see this site finished sooner rather than later *[provided that development was one of good quality]* and that overall number do not exceed 200 dwellings.

- 2. Lady Green Plantation – the Revised Management Plan Drawing LIN22275-50H dated 12/07/2022 - now shows this wood as being maintained by a Management Company. Previously this was stated as being under the management of the Parish Council. Support for this application is also contingent on the Parish Council being able to have effective representation at the Management Company to ensure communal access to this facility is held in perpetuity.*

Officer comment:

The desire of the Parish Council to have some influence in the future management of Lady Greene's Plantation is fully understood. It is an important feature in the landscape and it represents a significant ecological resource and potentially a recreational asset for local people who wish to walk through this woodland to enjoys the sights, smells and sounds of nature. A walk, through woodland, can be very contemplative and good for mental wellbeing.

The Legal Agreement that accompanies the outline planning permission, at Part 1, paragraph 1.3, requires the developer to submit an Open Space Scheme to the Council. The Scheme for Phase 1 was submitted on 17 March 2021 and approved on 15 November 2021. The Open Space Scheme means:

“ the specification for delivery of the Open Space including the specifications plans and drawings showing but not limited to the layout and design of the Open Space , the phasing and timing of the delivery of the OpenSpace including when the Open Space shall be open and available for use by members of the public, details of any proposed play areas and equipment landscaping, paths and access arrangements, street furniture and fencing together with details of the proposed future management regime for the Open Space and for the avoidance of doubt the Open Space Scheme will include an obligation on the owner to set out the Open Space to the reasonable satisfaction of the District Council and to remedy any defects in the setting out of the Open Space as requested by the District Council and for the Owner to be responsible for the maintenance of the Open Space to the reasonable satisfaction of the District Council until such time as the Open Space has been transferred to either a Management Company or a Public Body. The Open Space Scheme will include an obligation on the owner to procure that there is full and unfettered public access to the Open Space.”

It would therefore appear that the questions raised above by the Parish Council are matters for the S106 and compliance with its terms rather than matters to be agreed with the Reserved Matters details currently before Members. What is clear is that the Agreement requires open space to remain available for public use in perpetuity and that the Scheme for Phase 2 has yet to be submitted. This appears to afford an opportunity to clarify play area/s locations, equipment and woodland management arrangements.

Open Space is defined in the Agreement as an area or areas of open space to be provided within the site in accordance with the planning permission [unless otherwise agreed in writing with the District Council]. There is no definition in the Agreement of Woodland and therefore both areas of woodland [Namely Lady Greene’s Plantation and the Copse] are both taken to constitute part of the OpenSpace within the scheme.

That said, it is recommended that a condition be added to any approval *[if such is forthcoming]* that requires something along the lines of “notwithstanding such landscaping detail as may have been submitted further details shall be submitted to the local planning authority showing the position of all play areas as shall have previously been agreed within the Open Space Management Scheme along with the specification of the associated equipment within those play areas. If and only when the local planning authority has agreed such details along with the timetable for provision can there be any occupation of any unit/s, subject to such restriction on occupation as may be agreed in that timetable”

- 3. The Copse to the North of Lady Greene Plantation – it is also noted from the above drawing that this area is also to be maintained by the Management Company alongside the bulk of the open space areas. As the Copse is an area of woodland listed as a Priority Habitat woodland through which the Thurston stream runs, the Parish Council still requires more details on how such a valuable wildlife habitat will be maintained.*

Office comment:

As above in respect of Lady Greene's Plantation. It is reasonable to require a specific Woodland Management Scheme to be submitted by the developer to and agreed by the Council for the purpose of understanding how it will be managed and husbanded in the interest of maximising its ecological benefit. A condition to that effect is recommended if Members are minded to approved the reserved matter detail before them.

4. The Parish Council re-iterates its request to have effective representation on the Management Company to ensure that there is a means by which this valuable asset can be preserved for perpetuity for the current and future residents of Thurston.

Officer comment:

It is considered reasonable for the Parish Council to have access to the Management Company for the purpose of information and communication. The Parish Council may itself wish to invest money in the provision of recreational facilities within the Open Space, subject to approval of the Management Company[and where necessary planning permission]

It is therefore recommended that if Members are minded to approve the details before them a condition be added requiring Linden to commit to and set up a formal once every six months formal liaison meeting between them [for as long as they have an interest in the site],the Management Company and the Parish Council]. The developer shall submit a 'Parish Council Open Space and Woodland Management Company Liaison Scheme to the local planning authority within 3 months of the date of the approval of the Reserved Matters. That Scheme shall describe the purpose and scope of such liaison with a view to affording Thurston Parish Council some influence over future management of the areas of open space and woodland within the development [and specifically those identified within the Phase 2 red line] along with the meeting date programme, representation and reporting mechanism for recording such meetings. The liaison meeting shall continue for 10 years after the date of the first formal meeting or until Thurston Parish Council indicate in writing their formal withdrawal, whichever is the soonest. With the full mutual agreement of each and all of the relevant parties the frequency of formal 'Liaison Meetings may be increased or decreased.

5. Play Provision – *the parish council reiterates its comments raised previously and specifically:*

Officer comment:

It is acknowledged that the details provided by Linden with this at this Reserved Matters submission do not include any information as to the location of play space/s nor any details as to play equipment. Comments as above at 2.

6. *The Parish Council still considers the proposals for play provision fails to provide any facilities of recreational or amenity value. It is concerned at the limited proposal for play provision noting that there are no specific details as to where each proposal is to be cited. Details are vague in location and lacking in quality and quantity given that the proposals are being located to the north of the site and not within reasonable walking distance of the facilities and services of the village.*

Officer comment:

Comments as above at 2.

7. *As has been stated previously, the Parish Council is committed to ensure that any new play provision within the village is strategically placed to ensure it complements existing provision and meets any known deficits. The Parish Council would like to see a facility offered which will be of a demonstrable recreational or amenity value and should be multi-functional and should be in conformity with Policy 5C of the NDP.*

Officer comment:

Comments as above at 2.

8. *It has been acknowledged that there is a need for ‘adventure style provision’ particularly attractive to juniors and older children but this should not be at the exclusion of the younger generation (up to 10–12-year-old children).*

Officer comment:

Noted

9. *This lack of provision will result in youth play space going into further shortfall. The Parish Council would like this development, due to the open space areas and woodland to the North and East to be considered as suitable for the provision of new youth facilities, or alternatively developer contributions should be used to improve and expand existing provision.*

Officer comment

It is noted that the relevant S106 Agreement does not require the developer of this site to here relate to an outline planning permission provide facilities such as allotment spaces or a wheel play area. As the details submitted as are consistent with the outline planning permission. Any significant uplift in the delivery of community benefits sought by the Parish Council as mitigation for this development are now likely to be unreasonable in the sense of the test of reasonableness set out in the CIL test. This would not preclude the

Parish Council from engaging in dialogue with Linden to fund additional facilities on the open space land themselves with Linden’s co-operation.

The Parish Council would like to see a commitment to ensure that all of the streets are lined with appropriate trees which will reflect and enhance their surroundings and preserve local character and identity.

The Parish Council therefore submits to the Local Planning Authority its support of this application on the proviso that all of the above conditions are satisfied.

National Consultee (Appendix 4)

National Highways

No objection, the officer states:

“National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

The amended details submitted for the approval of the outstanding Reserved Matters (Appearance, Landscaping, Layout and Scale) are considered unlikely to have a material impact on the SRN. Consequently, we offer no objection”.

Historic England

No comment.

Natural England

No objection.

NHS

No further comment from outline application.

Anglian Water

No objection, with added informative comments which are included in the informative section below and would be included on the Decision Notice if approval was granted.

Environment Agency

Objection.

“The application site lies within flood zones 2 and 3, which is land defined by the planning practice guidance as having a high/medium probability of flooding. The National Planning Policy Framework states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the proposed developments flood risk is unknown”.

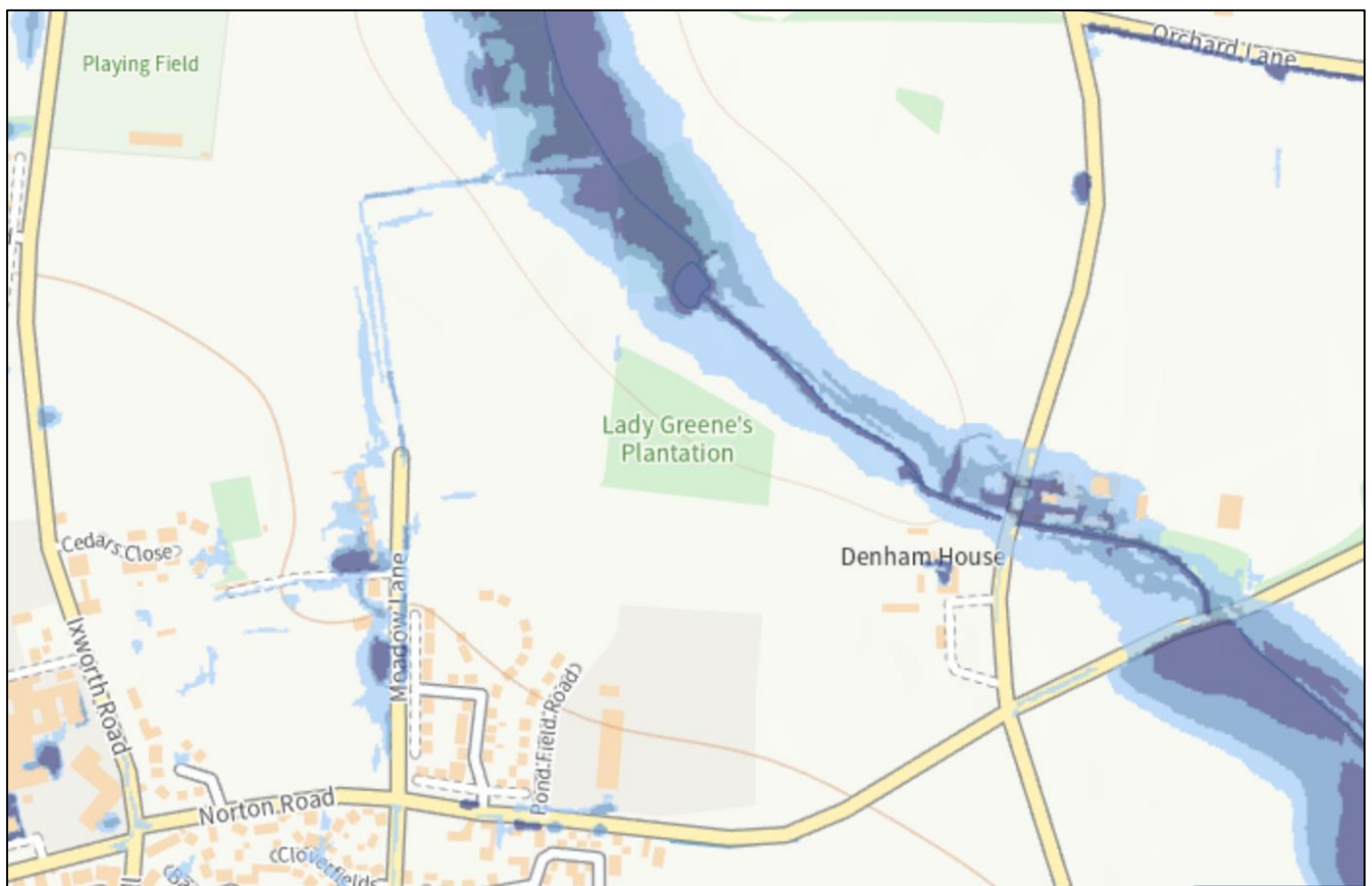
Officer comment:

The objection of the Environment Agency is noted. This is a reserved matters submission with outline planning permission for residential development having already been granted. In 2019 and a subsequent first Phase of 87 dwellings nearing completion.

Suffolk County Council Floods and Water Service is satisfied with flood mitigation measures and surface water infrastructure.

That said it is important to consider the comments of the Environment Agency carefully.

If one studies the Gov.uk flood risk map it will be seen that flood zones 2 and 3 lie outside of the residential developable area of this site.



<https://check-long-term-flood-risk.service.gov.uk/map?easting=591660.52&northing=265351.68&map=SurfaceWater>

figure 2: **Extract from Gov.uk flood risk maps for the site**



figure 3: **Translucent Flood Map layer over aerial image**

On this basis there is not considered to be a flood risk to dwellings. It looks to follow the water course that runs through Lady Greene's Plantation.

Certainly SCC Floods and Water has taken full account of this and has not raised an objection.

County Council Responses (Appendix 5)

SCC Highways

No objection, subject to conditions. All of the recommended conditions have been imposed.

SCC Public Rights of Way

No objection. The officer has provided informatives which are listed below.

SCC Floods and Water Management

No objection. The officer recommends approval and has provided a list of informative comments, which are included in the informative section below.

SCC Development Contributions Manager

“There is a completed planning obligation dated 20 March 2018 attached to the outline permission under reference 5070/16. The planning obligations previously secured under the first planning permission must be binding upon this application if Mid Suffolk District Council resolve to approve and grant further planning permission”.

SCC Fire and Rescue

No further comments from outline application.

SCC Public Realm

No objection.

Internal Consultee Responses (Appendix 6)

Strategic Housing

No objection. The layout plan is agreed from a layout point of view that the Affordable Housing is acceptable.

Place Services – Landscape

“We have the following landscape and green infrastructure observations and recommendations:

Layout

- In terms of circulation on site we would recommend that a path is considered through the POS to the eastern side of the site, particularly between plots 165/166/154-156 and the existing woodland. This could provide a circular walking route and a traffic free link from the north of the site/play area and the PROW, footpath 7
- The play area is located to the northern POS, with access indicated off the shared/private vehicle surface. Soft landscaping plan sheet 7 references drawing LIN22834-15 for play area clarification that access to this public amenity would be feasible prior and during construction of the self-build plots.
- Some of the proposed trees to the northern POS are placed close to or over the route of PROW Footpath 7. We recommend that these are moved back to allow a clear sightline to be maintained along the route.
- The area of open space between plots 156&157 is welcome, through we would recommend that thus be POS maintained by the Manco rather than ‘domestic ownership’ as shown on the Management Plan LIN22275-50_RevH

Soft Landscape

- Prunus padus is proposed for the hedge to the play area. This plant room produces small bitter tasting fruits, which may cause concern for parents of small children, therefore, recommend that an alternative species is considered for this location.
- Miscanthus sinensis has sharp serrated leaf edges and we would not recommend this to be planted closed to dwelling access points or paths.
- We welcome the inclusion of street trees, though we would that comment is sought from SCC Highways on proximity and species where adjacent to proposed adoptable surfaces. Furthermore, location and extent of root barriers should be shown.
- We also recommend that the highway lighting columns should be shown on the softworks plan to identify any potential conflicts with street trees, including those along the secondary street and focal points (potentially agreed under phase 1).
- No details of soft landscaping to the block containing plots 154-157 or the potential POS were included on the submitted drawings.
- The landscape management plan would benefit from the inclusion of a maintenance task table which explains the duties across the site in both chronological and systematic order. Management of the SuDs basin should be included. Furthermore, we would recommend that any operations which require rotational cutting are identified on a plan showing the extent for each year.

Hard Landscape

- We would recommend that the external residential boundaries of plots 154-156 & 166 should be 1.8m high brick, alternatively substantial planting should be established on the external side to soften the visual effect of the boundary. We also recommend that the planting should contribute to the security of the properties, plants could include those with dense habits or spinney/spikey leaves or stems.
- We have previously recommended that a scheme of hard landscaping should be submitted, which is still the case. As this has not been forthcoming, we recommend that this is secured by condition. Please refer to our previous letter for suggested wording”.

Place Services – Ecology

No objection, subject to securing ecological mitigation and enhancement measures.

Heritage

“There have been several iterations of this submission of Reserved Matters, and it is somewhat surprising to find that at this stage of the application, the red line on the proposal drawings is now drawn to include land which does not fall on the red line site location plan. Please go back to the agent and ask for clarification as the drawings appear to be incompatible, surely one or both drawings need to be amended so as to avoid doubt as to whether the development proposed outside the SLP red line would benefit from grant of permission.

The land now added in the proposal drawings is also subject of the current application DC/21/01716. In respect of the overlap land, the two applications appear to make the same proposal, and my comment below draws on my responses on DC/21/01716 and on previous relevant proposals.

Following the original approval, proposals show build development encroaching closer to the east boundary of the wider site, raising concern as to potential impact on the setting of listed buildings to the east, one of which is grade II*. In particular I was concerned that the reduced space might limit the effectiveness of the landscaping buffer at this boundary.

In subsequent amendments (DC/21/01716) the buildings were withdrawn slightly from the boundary, and the landscaping improved so as to show denser tree planting. The aim of the landscaping should be to preserve the rural character of the setting of the listed buildings, but to my untrained eye the present scheme falls short of the double row of trees indicated in the outline permission 5070/16. Accordingly, while welcoming the improvement in the landscaping scheme at this part of the site, I recommend that you consider whether the landscape expert should advise whether the scheme is likely to succeed in limiting erosion of the rural character in this part of the setting of the nearby listed buildings”.

Environmental Health – Noise/Odour/Light/Smoke

No objection, subject to a condition relating to construction work operating hours, which has been imposed.

Arboricultural Officer

“The Arboricultural Method Statement accompanying this application states at Section 8.1 that no trees are to be removed as a result of this development. However, the Tree Protection Plan drawing no. LIN228424-03 sheet 1 appears to show a section of woodland W1 scheduled for removal. Clarification on this issue would be helpful”.

Other

Mid Suffolk Disability Forum

“The Mid Suffolk Disability Forum would expect to see a commitment to ensuring that all dwellings will meet Part M4 of the Building Regulations in this planning application.

Additionally, all dwellings should be visitable and meet Part M4(1) of the Building Regulations, and 50% of the dwellings should meet the ‘accessible and adaptable’ standard Part M4(2).

It is our view that in housing developments of over 10 dwellings, at least one of the dwellings should be built to wheelchair standard Part M4(3).

It is also our view that 3% of the dwellings in housing developments of over 10 dwellings should be bungalows to assist people with mobility problems and to assist people who wish to downsize from larger dwellings.

Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs are absolutely level with the road for ease of access.

Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used”.

Suffolk Police

“It would be preferred if every household has access to a garage. The proposed garages for plots 90; 93;100-102;130;131;137;140-147 and plot 167 are set too far back. Police prefer properties to each have their own garages and that these garages and/or parking spaces are not set back to allow an offender unobserved access.

Rear parking is incorporated at plots 103; 109-110; 117; 124; 147 and plot 166-167, this type of parking increases the risk of crime, as it allows an offender to go about undetected due to lack of surveillance from surrounding properties. Garaging is preferred, or vehicles parked immediately to the side or front of properties.

Parking is too far to the side of plots 111; 115-116; 126 and plot 135.

Five alleys are incorporated by the perimeter of phase 1 at plot 87 to access plot 86; between plots 124-125; between plots 101 and 136; between plots 171-172 (this alley begins in the middle of six parking spaces and the properties either side have no windows) and between plots 186 and 184.

The alley entrance for plots 125 and 136 will be gated, but there are no details that the other three alleys will also be gated.

The footpath link between plots 130 and 131 is a concern as it opens up the rear of these properties to be more vulnerable to incursion. It would be preferred if either, or both these two plots could be repositioned to face towards the path and provide some formal surveillance.

Adequate security needs to be placed around the pumping station, to prevent vandalism and injury”.

B: Representations

At the time of writing this report at least 47 letters/emails/online comments have been received, the from 24 different individuals/properties. It is the officer opinion that this represents 47 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

Environment

- Trees and hedges being removed (1)
- Affects to local ecology/wildlife (15)
- Loss of woodland area (1)
- Not enough trees/impact to trees (5)

General

- Application lacks clarity and transparency by the developers and Suffolk County Council (3)
- Application is lacking information (14)

Design

- Development too high (12)
- Over development (24)
- Scale (8)
- Out of character (9)
- Inappropriate design (14)
- More open space needed (7)
- Application bears little resemblance to outline (10)
- Boundary issues (3)

Development Plans

- Conflict with Neighbourhood Plan (22)
- Conflict with NPPF (1)
- Conflict with District Plan (1)

Existing Community/Public Safety

- Cumulative impact (1)
- Loss of allotments (2)
- Loss of recreational land (1)
- Fear of crime (3)

- Increase in anti-social behaviour (3)
- Strain on existing facilities (14)
- Developing impinging on the Lane (3)
- Village being swamped with development (1)
- Health and Safety (8)
- Inadequate public transport provision (9)

Address Climate Change

- Increase in pollution (15)
- Sustainability (12)

Highways

- No crossing from footpath to other side of the road (1)
- Increased Traffic (22)
- Inadequate parking provision (15)
- Increase of track road use for cars (1)
- Inappropriate access (14)

Landscape

- Impact to landscape (16)
- Loss of open space (9)

Residential Amenity

- Dominating/overbearing (10)
- Light pollution (9)
- Building work (4)
- Loss of outlook (5)
- Noise (8)
- Loss of privacy (4)
- Overlooking (3)
- Overall impact to residential amenity (5)
- Smells/odour (1)

Flood Risk

- Drainage (4)
- Increase danger of flooding (4)

(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

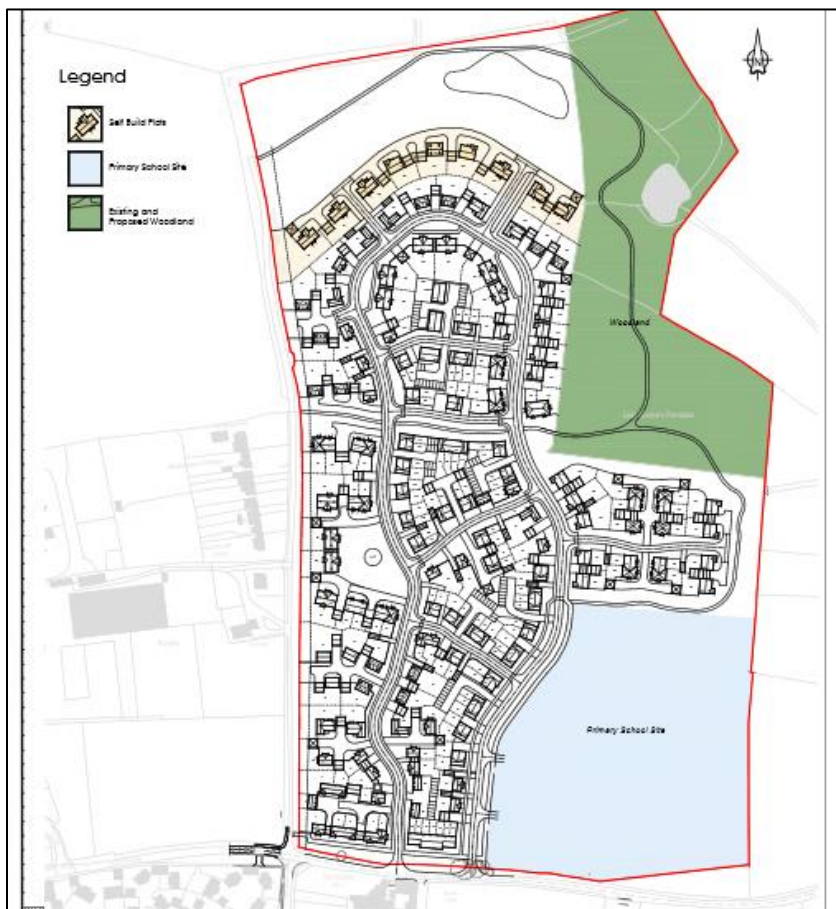
Outline planning permission for 'the erection of up to 200 homes (including 9 self-build plots), primary school site together with associated access, infrastructure, landscaping and amenity space (all matters reserved except for access)' was granted by the Council on 29 March 2019. [ref 5070/16].

The outline application was accompanied by an illustrative masterplan which suggested how up to 200 units might be laid out across the whole of the site where residential development had been approved in principle within the outline consent.

The layout plan reference '016-032-005 Rev B Parameters Plan' approved at the time is referred to in condition 1 attached to the outline planning permission 5070/16 which states:

“ 1. The development hereby permitted shall be carried out in accordance with the drawings/documents listed under section A above [reference here to above is to the decision notice] and/or such other drawings/documents as may be approved by the local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the local planning authority as a nonmaterial amendment following an application in that regard.

Reason: For the avoidance of doubt and in the interests of proper planning of the development.”



drawn SC	checked SC
scale 1:1000 @ A1	date December 2016
drawing number 016 - 032 - 005	revision B

figure 4:
Illustrative plan referred to above

masterplan layout principles/

Current PHASE 2

Ref: DC/19/01602

Now before the Committee

PHASE 1

REF: DC/19/01602 Reserved Matters Application - Appearance, Scale, Layout, and Landscaping in respect of Phase 1 - Erection of 87 No residential dwellings (30 affordable), pursuant to Outline Planning Permission 5070/16. **DECISION:** GRANTED
16.10.2019

OUTLINE

REF: 5070/16 Outline Planning Permission sought for the erection of up to 200 homes (including 9 self build plots), primary school site together with associated access, infrastructure, landscaping and amenity space (all matters reserved except for access) **DECISION:** GRANTED
29.03.2018

REF: DC/22/03583 Submission of details (Reserved Matters) under Outline Planning Permission 5070/16 - Appearance, Landscaping, Layout and Scale in respect of Phase 2 - Erection of 104 no. dwellings. **DECISION:** WITHDRAWN
19.07.2022

Ref: DC/20/01716 Hybrid Application: **Erection of 165No dwellings** (inc. 61 affordable) together with associated access, infrastructure, landscaping and amenity space (applied for in full) and 9 no. self build plots (applied for in outline with all matters reserved, access to be considered)

Ref: DC/22/00045 **YET TO BE DETERMINED**
Full Planning Application - Erection of 56 no. dwellings (inc. 20 affordable) together with associated access, infrastructure, landscaping and amenity space.

YET TO BE DETERMINED

PART THREE – ASSESSMENT OF APPLICATION

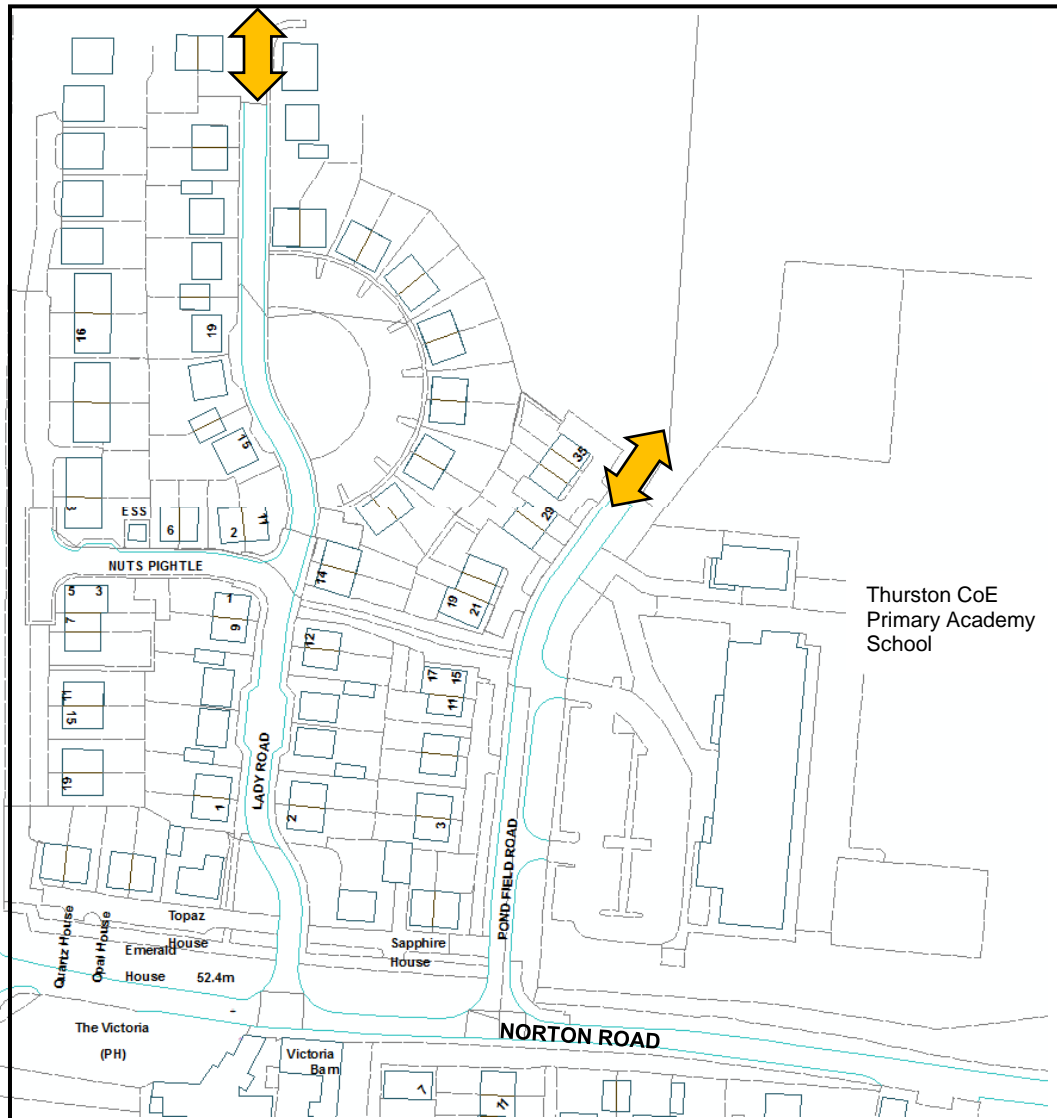
1.0 The Site and Surroundings

1.1. Figure 1 below shows the site of the Phase Two Reserved Matters submission in its immediate context.



figures 5: **the Reserved Matters site** [note part of the spine road structure for phase 2 was agreed within the phase 1 details which explains why these are now excluded from the red shading]

1.2 It sits immediately to the north of Phase One and will connect to the partly constructed spine road system with its access directly into Norton Road at two points via the new Lady Road and Pond Field Road. Phase Two will complete the planned internal spine road loop.



figures 6: **Proposed spine road connections between Phase 1 and Phase 2**

- 1.3 The site adjoins Meadow Lane immediately to the west but does not provide any vehicular connection.
- 1.4 Established woodland hugs the north-east corner of the site and Thurston's new primary school adjoins immediately to the south - south-east

2.0 The Proposal

- 2.1 This Reserved Matters submission relates to what will be Phase Two of Linden Homes' development of the overall site. *[if approved]*
- 2.2 The wider site benefits from outline planning permission for up to 200 dwellings of which 87 have been the subject of a Reserved Matters approval and comprise what is Phase 1.
- 2.3 The current submission relates to a further 104 dwellings.
- 2.4 This will [if the details are approved] bring the total number of dwellings with approved details to 191.
- 2.5 A further 9 plots within the outline planning permission are designated as self-build and to date no Reserved Matters submission/s has/have been received for these plots.
- 2.6 The overall numbers of dwellings are therefore on target with what was approved at outline stage [up to 200]. This revised Reserved Matters submission covers what remains of the developable area within the outline permission, save for the plots designated as the 9 self-build opportunities
- 2.7 The Matters for determination here are as follows:
- Appearance,
 - Layout,
 - Scale and
 - landscape
- 2.8 Access was a matter determined at outline stage.
- 2.9 Members are advised that currently two other applications /submissions remain valid for parts of the overall site. These are:

[A] DC/20/01716: Land on The North Side of Norton Road, Thurston.

Hybrid Application: **Erection of 165No dwellings** (inc. 61 affordable) together with associated access, infrastructure, landscaping and amenity space (applied for in full) and 9 no. self build plots (applied for in outline with all matters reserved, access to be considered)

[B] DC/22/00045: Land on The North Side of Norton Road, Thurston.

Full Planning Application - Erection of 56 no. dwellings (inc. 20 affordable) together with associated access, infrastructure, landscaping and amenity space.

- 2.10 Application [A] [104 dwellings] would, if approved, uplift dwelling numbers on the entire site beyond the up to 200 allowed in the outline permission and beyond the number included in the TNDP19 for this site.
- 2.11 Application [B] [56 dwellings] only applies to part of the remaining available developable land beyond that within Phase One. Additional parcels within the outline permission shown as developable could themselves be the subject of future planning applications for development that might take the overall number of dwellings beyond the up to 200 in the initial outline permission.
- 2.12 These are matters for the Committee to consider at a future undetermined date.
- 2.14 Those applications are not presently before the Committee pending the outcome of the matter before the Court of Appeal in respect of the decision of the High Court to quash a decision of the Council elsewhere in Thurston to approve *outline planning permission* for 210 dwellings.
- 2.15 This Reserved Matters submission for 104 dwellings does not concern the principle of development. This has already been fixed by the outline planning permission granted in 2019. Officers are confident that the Reserved Matters submission for 104 dwellings now before the Committee need not wait for the outcome of the Court of Appeal case because:
- The submission conforms to the limit on development contained in the description of development described on the outline planning permission reference 5070/16 to which these Reserved Matters details relate and there is therefore no exceedance; and,
 - The number of dwellings included in the Reserved Matters submission conform to the TNDP19. In particular, Inset 13 page 76, Site A which identifies the site for residential development based on the outline planning permission and therefore, setting aside the relevance of the outline planning permission for a moment, the submission does not bring into question the interpretation as to overall housing numbers within the Plan; and,
 - The details were submitted within the timescale prescribed in that outline planning permission; and,
 - The layout effectively relates to all of the remaining developable land beyond Phase One with no parcels held back for future development save the appropriately sized plot for the 9 self-build dwellings included in the outline permission which will bring the overall total to 200.
 - Consideration of the RM details here does not raise the same questions of principle and interpretation of the TNDP19 as are at the heart of the matter before the Court of Appeal
 - Members will note the generally supportive position [albeit qualified] of Thurston Parish Council in the case of this RM submission. That was not the case in respect of the application that is to be considered by the Court of Appeal

3.0 The Principle of Development

- 3.1 The principle of whether or not residential development on this site is acceptable has been established by the grant of outline planning permission for up to 200 dwellings.
- 3.2 That planning permission carried a condition that required reserved matters to be broadly in accordance with the housing mix as detailed on the illustrative masterplan [drawing number 016-032-001 Rev B.

4. Before any development is commenced within any phase of the Main Development Area, approval of the details of the appearance, scale and layout of the building(s), and the landscaping of that phase (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

The reserved matters for the Main Development Area are to be broadly in accordance with the housing mix as detailed on the Illustrative Masterplan (drawing number 016-032-001 Rev B).

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

figure 7: **Condition 4 as attached to the outline planning permission**

- 3.3 As Members will appreciate, Committee discussion is therefore now confined to the consideration of matters of detail and their merits.
- 3.4 Members attention is drawn to the fact that this site is also identified in the Adopted Thurston Neighbourhood Plan October 2019 [THDP19] for residential development. The allocation reflects the outline planning permission granted under reference 5070/16. [granted 29 March 2018]

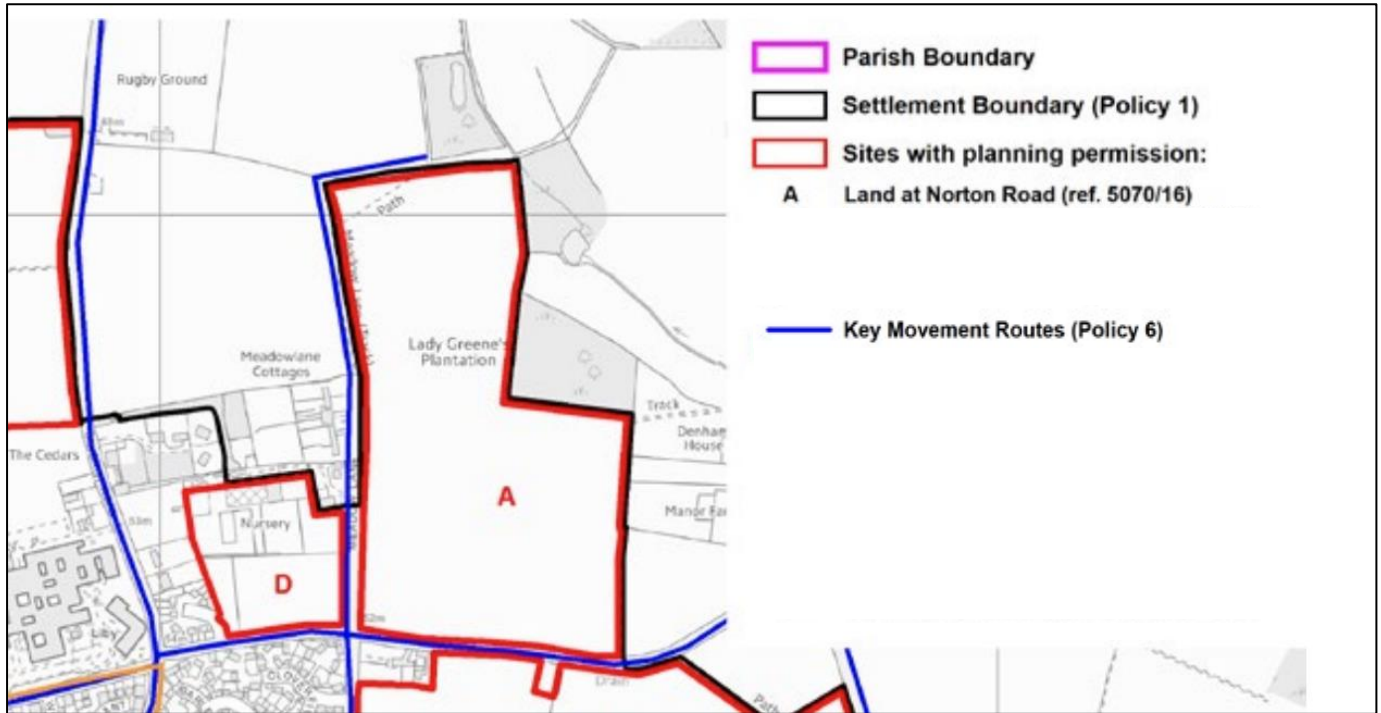


figure 8: **Extract from THDP figure 13 Inset Map, page 76.**
[legend edited to remove references not in the extract]

4.0 ASSESSMENT of the Details

4.1.0 Scale [RM]

- 4.1.1 Scale expressed as the total number of units [104] is acceptable as it will not exceed the maximum ceiling number prescribed in the relevant outline planning permission [200] when combined with previous Phase [87] and the 9 self-build units yet to come.
- 4.1.2 The first benefit arising from the accommodation of 104 dwellings across the remainder of the developable area *[save for the 9 self-build plots]* is the reduction in density that results when compared to that approved for Phase One of this development.
- 4.1.3 The net density of development within Phase One is approximately 28 dwellings per hectare [dph] whereas, that for Phase Two is 18 dph.
- 4.1.4 This is entirely consistent with a design approach that seeks to present a looser form of development adjacent to open countryside where it is important to establish a sympathetic transition in character from urban to rural. Phase One has been approved at a higher density and tighter character as it adjoins an established urban area with all the services and facilities that implies.

4.1.5 Such an approach is consistent with:

Vision E1 [Environment], [page 10] of the TNDP19, which sets out the aspiration:

'To protect and enhance the village character and its environment, together with its relationship with the surrounding countryside.'

Objective H1 [page 33] of the TNDP19, which aims:

'To ensure housing is designed that retains Thurston as a place with a village feel rather than that of a town'.

Policy 1: 'Thurston Spatial Strategy of the TNDP19, and in particular part C[c] [page 43] which states that for all new housing proposals *[developers should]*:

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

Policy 4: 'Retaining and Enhancing Thurston Character Through Residential Design' of the TNDP19, and in particular part B[c], [page 32] which encourages development proposals:

'not to lead to over-development of a site and avoid the appearance of cramming...'

4.1.4 The proposed scale of development as expressed in terms storey heights is sympathetic with that found across the Village generally and particularly within recent estate developments in the north Thurston. Overall, Phase 2, as proposed comprises:

16 x bungalows
87 x 2 storey
1 x 2 storey + dormered attic accommodation

4.1.5 The proposed mix is described below:

Market Housing

House Type	No. Beds	Storeys	No. of Units
2BB Bungalow	2	1	4
3BB Bungalow	3	1	4
Cartwright	2	2	4
Becket	2	2	5
Elmslie	3	2	8
Mylne	3	2	4
Cottingham	3	2	6
Leverton	4	2	5
Pembroke	4	2	6
Knightley	4	2	6
Fletcher	5	2.5	1
501	5	2	4
503	5	2	7
Total			64

Affordable Housing

House Type	No. Beds	Storeys	No. of Units
A10L grd floor	1	1	3
A10L 1st floor	1	2	3
A24L	2	2	15
A26W	2	2	8
A30L	3	3	11
Total			40

figures 9: **Proposed mix**

4.1.6 The scale and mix of development is acceptable and is considered to meet identified needs.

4.2.0 Layout

4.2.1 The townscape and arrangement of built-form within Phase Two is largely dictated by the estate road layout for the entire estate that was approved as part of the Phase One Reserved Matters details. That explains why the majority of the estate road infrastructure within the Phase Two is now not included within the red line site area.

4.2.2 Phase Two will extend northwards from Phase 1 with development fanning out until it meets with the approved belt of open space along the northern edge of the site



figure 10: **Proposed Phase 2 layout**

4.2.3 The layout has been carefully planned to ensure that areas of open space are well surveilled from properties fronting such spaces. [or by dual aspect corner turning properties] In townscape terms this also has the benefit of ensuring that rear garden boundaries are not presented to public faces of the development. Active frontage introduces animation and attractive enclosure as well as enhancing safety.



figure 11: **Frontage development adjacent to open space and woodland**

- 4.2.4 Development on the west side of the development is designed to face towards Meadow Lane behind a landscaping buffer thereby avoiding presenting potentially vulnerable rear boundaries to the relatively lightly used lane
- 4.2.5 The northern edge of Phase Two will in the short-term, be relatively exposed to view until the 9 self-build plots are developed [not part of this RM submission] and so boundary treatment on the exposed northern edge of Phase Two will need to be conditioned to ensure attractive brick boundary walls are provided. Ultimately houses on the self-build plots will provide the necessary townscape quality and built-form to edge the large area of open space to the north of the overall development.
- 4.2.6 The proposed layout comprises:

3 x terraces [consisting of two terraces of 4 dwellings (one in each of which is a maisonette therefore appearing to be three buildings) and one of 3 individual dwellings]

21 x semi-detached pairs

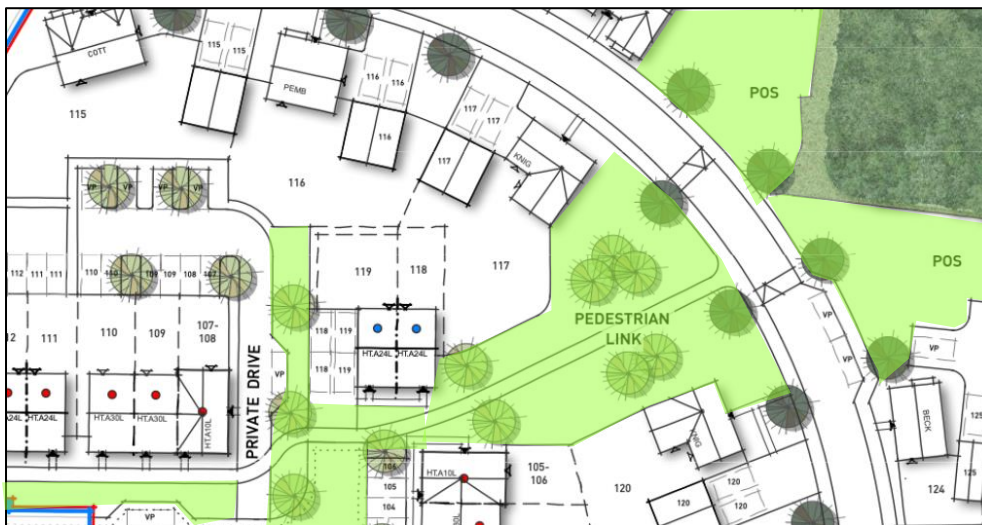
51 x detached dwellings

4.2.7 Seventeen different house types are used

4.2.8 Together this provides sufficient variety of forms to avoid the visual monotony that can arise in large residential estates from blanket uniformity.

4.2.9 The existing section of Pond Field Road will be extended in a gently sweeping arc to the left [if you are travelling northwards] to connect to the principal section of spine road that is Lady Road. Dwellings will follow the sinuous line of the road with homes set behind an avenue of trees that will line the route

4.2.10 Bisecting this arc is a pedestrian friendly green corridor that cuts through the Phase 2 to connect to open space and retained woodland [Lady Greene's Plantation] on the north-east side of the development. The road surface will be demarcated hereabouts with an appropriate surface material to emphasise that it is a part of a pedestrian corridor.



figures 12:
**Green
corridor
link**

- 4.2.11 Members who may have been on the Committee when Phase 1 RM were considered and approved might recall that there was a strong desire to see not just north-south connectivity through the development but also west-east permeability when later phases were being negotiated.
- 4.2.12 Officers are now satisfied that Phase 2 delivers a high level of safe pedestrian Permeability at a number of points across Phase 2 but the development as a whole.
- 4.2.13 This is important because the attractors on the east side of the development include:
 - new areas of open space
 - woodland and open countryside
 - the new primary school
- 4.2.14 On the west is Meadow Lane and Public Footpath with onward access to
 - Ixworth Road,
 - Thurston Rugby Club
 - the new cycle route on Ixworth Rd. provided by Persimmon to the Community College.

4.3.0 Appearance

- 4.3.1 House types are largely as approved within Phase 1 but with a reduction *[to just one]* In the use of the 2 storey + dormered attic accommodation type. Thurston Parish Council had previously expressed concern about such house types [phase 1] as not being particularly keeping with generally lower forms in the village
- 4.3.2 The single 2+attic unit is nestled in behind 1a crescent of 14 x 2+ dormered attic units approved within Phase 1 and is not in a spine road location and will be viewed across a small pocket of public open space. Its inclusion is acceptable.

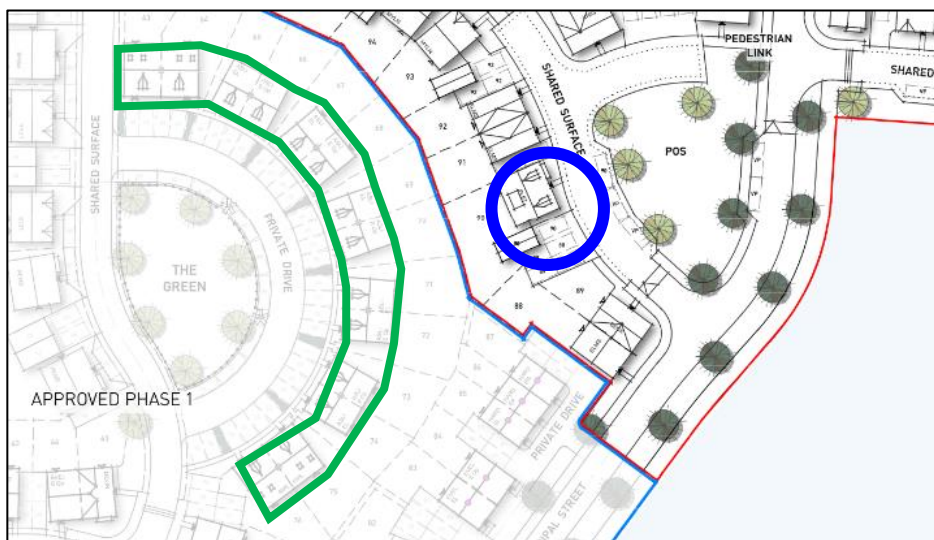
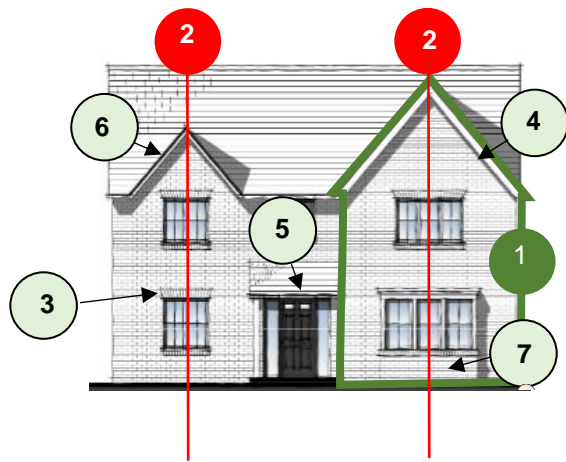


figure 13: **Juxtaposition of 2 storey + dormered attic accommodation unit in Phase 1 [green] and Phase 2 [blue]. [single unit]**

4.3.3 The house types being used are varied. Many are of attractive proportions and include interesting details which should prove pleasing to the eye and produce a rich character. An example is provided below: *[the presentation to Committee will provide more examples]*



- Cottingham
1. Nicely proportioned projecting gable
 2. Unity of composition
 3. Use of rubbed brick arch
 4. Barge board
 5. Simple porch
 6. Subservient gable
 7. Bay window

figure 14: **Example of detailing**

4.3.4 Considerable care has been taken provide ‘corner turning’ units with dual elevations to add interest to the street scene and where appropriate afford the chance of additional surveillance of open space.

4.3.5 An example of the ‘corner turning ‘Beckett’ house type is shown below [left]. The illustration below [right] shows how the Beckett might otherwise present a blank face to the street in a prominent corner location.



figure 15: **Example of ‘corner-turning’ unit**

- 4.3.5 Recent changes to the layout will necessitate some amendment to certain house types on a few corner turning plots in terms of elevations catching up with location.
- 4.3.6 Linden has already demonstrated it has the ability to modify end flank walls to achieve what is expected by the Council *[as described in 4.3.4 above]* and specific plots can now be conditioned to secure such amendments prior to construction of dwellings of those particular plots.

4.4.0 Boundary treatment

- 4.4.1 Generally Linden’s attention to detail is good in that the majority of boundaries that adjoin the public realm are proposed to be demarcated using 1.8m high brick walls.
- 4.4.2 There are a limited number of examples where garden boundaries backing on to *[or side on to]* open space *[with woodland beyond]* are shown as 1.8. high horizontal tongue and groove timber fences. Whilst it may be argued that a 1.8m timber could appear more sympathetic in such a location and perhaps less urban the reality is that timber fences need far more maintenance than a brick wall. A consistent brick wall provides a far more robust and visually pleasing backdrop to open space than an assortment of fences which over time will be stained various colours, randomly replaced by different types of fences or left in various stages of disrepair. It is therefore recommended that, if Members are minded-to-approve the Reserved Matters, then a condition by applied to require 1.8m in such locations.

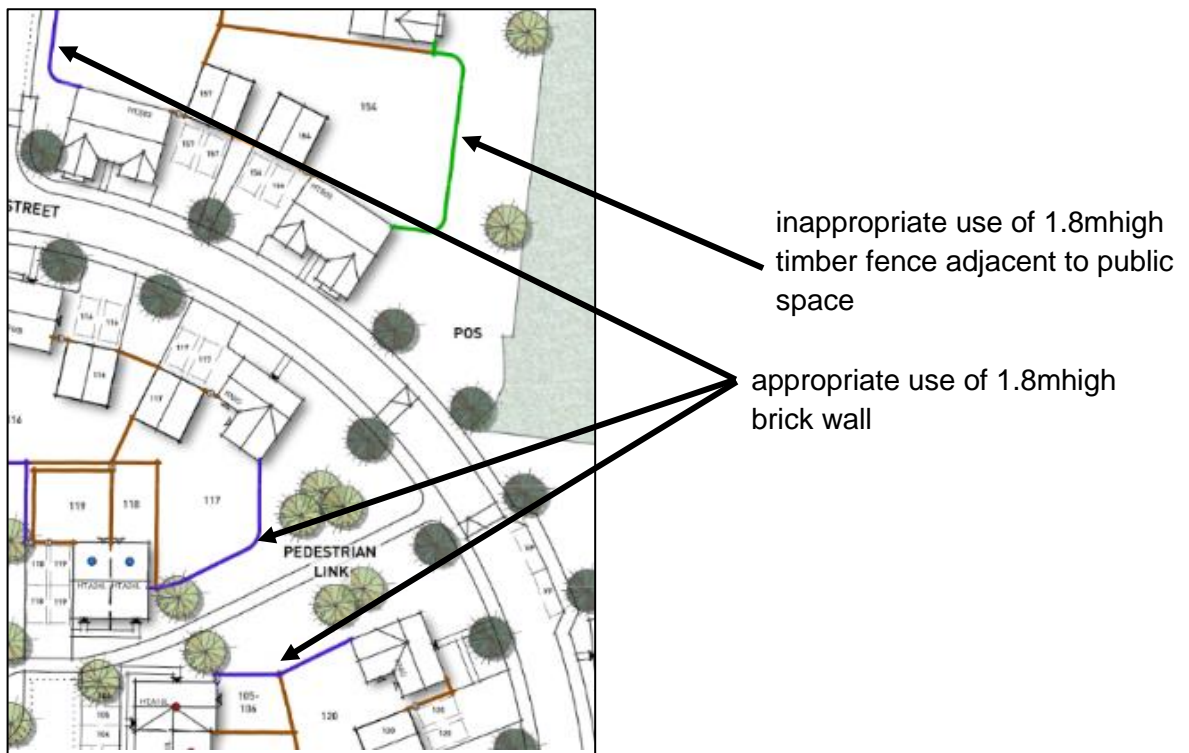


figure 16: **Example of boundary treatment**

4.5.0 Materials

- 4.5.1 Generally Linden has followed advice and is proposing traditional materials such as clay plain tiles and Marley Eternit slates from the Suffolk vernacular palette in prominent locations and at important focal points.
- 4.5.2 Whilst this is welcomed there are 6 plots where it is considered important to use the clay plain tiles or Marley slates where presently concrete equivalents are being shown. This is on plots 88 and 89 overlooking a new area of public open space beside buildings shown as being roofed with traditional materials, and plots 155, 156, 165 and 166 on the exposed eastern edge of the site adjacent to the retained woodland. It is therefore recommended that, if Members are minded to approve the Reserved Matters, then a condition be applied to require the use of clay plain tiles or Marley slates on those plots in the interest of producing a character and quality of development appropriate such visually prominent locations and adjacent where adjacent to the countryside. *[harmonising the synergy with the rural area at an interface by using traditional materials from the Suffolk palette]*
- 4.5.3 The use of concrete equivalents elsewhere is acceptable.

4.6.0 Amenity within the development

- 4.6.1 Good levels of amenity are provided across phase 2 in terms of back-to-back distances and garden sizes.
- 4.6.2 100% of the 104 dwellings meet or exceed NDSS.
- 4.6.3 All but 3 of the affordable units will meet Part M4(2) of the Building Regulations and the affordable bungalows [8 dwellings] will meet Part M4(3).
- 4.6.7 It is considered appropriate to condition that 100% of the dwellings will be provided with operational ev charging apparatus where there is a garage and elsewhere ev ready connectivity.

4.7.0 Residential amenity [adjacent properties]

- 4.7.1 The layout has been designed to avoid unacceptable impacts upon the amenity enjoyed by neighbouring residents. These being homes on the west side of Meadow Lane and those on the northern edge of Phase 1 to which Phase 1 will abut.
- 4.7.2 This is achieved by appropriate back-to-back distancing, orientation and storey heights.
- 4.7.3 So for example dwellings on the westside of phase 2 immediately adjacent to Meadow Lane will be bungalows continuing the pattern established within Phase 1.

4.8.0 Affordable housing

4.8.1 The 40 affordable dwellings are distributed across the site and this is welcomed.

4.8.2 The Council's Strategic Housing Team has formally advised that it has no objection to affordable housing element of the RM submission which is assuring and will mean delivery of 40 needed dwellings at an appropriate mix, design and distribution.

House Type	No. Beds	Storeys	No. of Units
A10L grd floor	1	1	3
A10L 1st floor	1	2	3
A24L	2	2	8
A26W	2	2	15
A30L	3	3	11
Total			40

figure 17: **Affordable mix**

4.9.0 Parking and highway matters

4.9.1 Suffolk County Council, as local highway authority, has indicated that it has no objection to the details.

4.10.0 Drainage

4.10.1 Whilst drainage is not a Reserved Matter members will have noted that Suffolk County Council as Lead Local Flood Authority [LLFA] and Sustainable Drainage System [SuDS] Authority has raised no objection to the submitted drainage details. The drainage basin agreed for Phase 1 was designed to accommodate all the flow from Phase 2.

4.11.0 Landscape, ecology, open space and trees

4.11.1 Place Services Ecology is satisfied with the details and raises no objection.

4.11.2 Place Services Landscape have made a number of detailed suggestions that can be picked up via a condition/s [eg The timber boundary fence issue adjacent to the woodland identified earlier in this report, suggestion that prunus padus be substituted for a species that does not have bitter berries.]

4.11.4 The Council's Arboricultural Officer is satisfied with proposed tree protection measures. *[for trees to be retained].*

4.12.0 Heritage

4.12.1 Whilst the Heritage Officer welcomes the changes to the layout to draw development back from the eastern edge of the site he suggests that proposed landscaping in the intervening open space could potentially be reinforced to assist in retaining a rural outlook from and setting of the nearby listed building. This is considered an appropriate step and if Members are minded to approve the Reserved Matters details it is recommended that a further condition be added requiring submission of further specific landscaping detail on this boundary to secure that outcome.



figure 18: **Landscape buffer on eastern edge of site and relationship with nearby listed buildings**

PART FOUR – CONCLUSION

5.0. Planning Balance and Conclusion

- 5.1 The details, as amended, make provision for 104 dwellings which as Phase 2 of a larger Development will sit comfortably on the site.
- 5.2 The character of the development is considered appropriate and the lower density used compared to the previous phase will allow for a looser pattern of development that is suitable on the edge of an urban area where there is an interface that requires sensitive treatment to allow for a harmonious transition between built and natural form.
- 5.3 The layout is well considered and house designs are chosen from the range used in the previous phase and so they are considered of an acceptable quality.
- 5.4 A good level of amenity is achieved and the residential amenity enjoyed by nearby properties is suitably safeguarded.
- 5.5 With the strengthening of landscaping on the eastern edge of the site [*recommended condition*] the public benefits arising from this development will outweigh the less than substantial harm that may arise to the setting of listed buildings to the east.
- 5.6 In conclusion the details are considered acceptable and any need for subsequent minor amendments of those elements identified can be reasonably secured by way of condition.
- 5.7 The submitted reserved matters details are considered to accord with the development plan including the TNDP19. National policies reinforce that direction. The impacts of the development remain as anticipated at the outline stage. The submitted details are therefore acceptable.

6.0 RECOMMENDATION

APPROVE THE RESERVED MATTERS DETAILS with appropriate conditions that include:

CONDITIONS to include:

- **Linking reference to outline planning permission and timescales therein**
- **Submission of further details of precise external materials to be used [manufacturer name, colour composition texture etc]**
- **Notwithstanding submitted detail further landscaping detail to also include play area locations and equipment detail along with reinforced planting to eastern edge of site**

- **Submission of Woodland Management Scheme**
- **Submission of Parish Council liaison Scheme**
- **Notwithstanding.... Further details of specific corner-turning plots**
- **Notwithstanding... altered boundary treatment details to specific plots**
- **Notwithstanding... further ecological information as required by Place Service ecology**
- **100% ev provision within Phase 2**