

## **.Committee Report**

**Committee Date:** 12<sup>th</sup> July 2017

**Item No:**

**Planning Reference:** 5010/16

**Appeal Reference:** APP/W3520/W/17/3172098

**Case Officer:** DYJO

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**Description of Development:** Appeal for non-determination of a major planning application within the 13 week statutory timescale for Outline Planning Permission (with all matters other than means of access reserved) for residential development of up to 175 dwellings with associated car parking, landscaping, public open space areas, allotments, and vehicular access from Sandpit Lane (Application 2797/16 is a duplicate proposal to this one).

**Location:** Land to the south of Norton Road, Thurston IP31 3QH

**Parish:** Thurston

**Ward:** Thurston & Hessett

**Ward Member/s:** Councillors Esther Jewson & Derrick Haley

**Site Area:** 11.2

**Conservation Area:** None

**Listed Building:** Manor Farm – Grade 2\*, converted Manor Farm Barns - Grade 2, Church of St Peter Grade 2 – These are all buildings in the surrounding locality.

**Received:** 16/12/2016

**Expiry Date:** 18/03/2017

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**Application Type:** Outline (but now the subject of an appeal)

**Development Type:** Smallscale Major Dwellings

**Environmental Impact Assessment:** Schedule 2 development – EIA not required.

**Applicant:** Hopkins Homes

**Agent:** Armstrong Rigg Planning

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

The defined Red Line Plan for this application was received on the 19th December 2016. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis

of defining the application site.

### **Submitted Documents:**

Application form dated 19<sup>th</sup> December 2016  
Highway access plan ip15\_127\_11\_sk002 rev c 19th December 2016  
Highway improvement plan ip15\_127\_11\_sk04 19th December 2016  
Development framework plan thur/01 rev c 19th December 2016  
Site location plan 19th December 2016  
Arboricultural impact assessment 19<sup>th</sup> December 2016  
Archaeological desk based assessment 19<sup>th</sup> December 2016  
Combined planning & Design & Access Statement 19<sup>th</sup> December 2016  
Extended phase 1 habitat survey  
Geophysical survey report  
Hedgerow survey  
Heritage response to Historic England  
Heritage statement  
Land sensitivity study  
Sustainability assessment  
Transport assessment  
Tree survey schedule  
Tree survey plan  
Tree protection plans  
Landscape visual impact assessment  
Interim travel plan

The application plans and documents submitted by the Applicant can be viewed online via the following link:

<http://planningpages.midsuffolk.gov.uk/online-applications/simpleSearchResults.do;jsessionid=A71703B5E1290C2FA93C17E5AC35A7F1?action=firstPage>

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

### **SUMMARY**

**Hopkins Homes has decided to appeal to the Planning Inspectorate (PINS) against the Council not determining their application within the statutory 13 week period. Part of this process involves the Council advising PINS of how it intends to defend the appeal and as such, this report is before members to resolve upon a 'minded to decision' which will allow officers to present the case for the local planning authority at the appeal in an appropriate manner..**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations including having regards to other major residential development in Thurston. The scheme is contrary to the adopted Mid Suffolk Core Strategy; however, the Council cannot demonstrate a 5 year supply of housing and the scheme falls to be considered under paragraph 14 of the NPPF where the adverse impacts of the scheme have to be balanced against the benefits of the

scheme to demonstrate that it constitutes sustainable development. Officers are recommending that the Council should advise the Planning Inspectorate that it is 'minded to approve' this proposal as it is considered to be sustainable development as the significant public benefits that the scheme will deliver (contributions towards a new school, pre-school, highway improvements, health provision, affordable housing and library facilities amongst others) are considered to outweigh the negative aspects of the proposal.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

- It is a "Major" application for residential land allocation for 15 or over dwellings which is now at appeal.

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## **PART TWO – APPLICATION BACKGROUND**

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1. This section details history, policies, advice provided, other legalisation and events that forms the background in terms of both material considerations and procedural background.

### **History and other relevant proposals**

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

2797/16	Application for Outline Planning Permission (with all matters other than means of access reserved) for residential development of up to 175 dwellings with associated car parking, landscaping, public open space areas, allotments, and vehicular access from Sandpit Lane (Original and identical application to the proposal in this report)	Identical application to this one – currently undetermined.
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0337/88/OL	Residential development of 24.36 acres with new or altered vehicular accesses, including site for Primary School, open space and 0.5 acre for Parish Council housing.	Refused 05/04/1989
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0022/86/OL	Residential development with allocation of open space	Refused 24/03/1986
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3. The following applications are also considered to be relevant to the consideration of this proposal as they represent the other major applications for residential

development in Thurston that are currently with the Council for consideration:

- 4386/16 Full planning application for the erection of 138 dwellings on land on the west side of Barton Road, Thurston. The applicant is Bovis Homes.
- 4942/16 Full planning application for the erection of 64 dwellings on land at Meadow Lane, Thurston. The applicant is Laurence Homes.
- 4963/16 Outline application for the erection of up to 250 dwellings and associated infrastructure including the provision of up to 2.4ha of land for use by the Thurston Community College and the provision of land for a new primary school on land west of Ixworth Road, Thurston. The applicant is Persimmon Homes.
- 5070/16 Outline application for the erection of up to 200 homes (including 9 self-build plots), land for a new primary school together with associated access, infrastructure, landscaping and amenity space on land at Norton Road, Thurston. The applicant is Pigeon Capital Management.

**The consideration of the cumulative infrastructure issues that this group of applications present has been explored in a collaborative but without prejudice working group including County and District Council Officers with the five respective applicants and their technical advisers. This has enabled a constructive and timetabled analysis of the proposals and their cumulative impact.**

#### **Details of Previous Committee / Resolutions**

- 4. None

#### **Details of Member site visit**

- 5. Members visited Thurston on the 13<sup>th</sup> June to look at this site and the four other residential development schemes that are currently with the Council for consideration.

#### **Details of any Pre Application Advice**

- 6. The applicant engaged with the Council and received pre-application advice on the principle of the development and its acceptability having regards to the fact that the Council does not have a 5 year supply of housing.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **7. Summary of Consultations**

**Thurston Parish Council (incorporating the comments of their Neighbourhood Plan Team as requested by the parish) - Objects to the**

**scheme on the following grounds:**

- Thurston is to face an unprecedented level of growth due to the submission of 6 planning applications proposing over 800 houses between them.
- The 6 applications need to be considered on a cumulative basis as failure by the District Council to do so would result in the individual schemes having a significant impact on the local community and it wouldn't meet the requirements of the NPPF.
- Consider that the Neighbourhood Plan should be given some weight in the consideration of this proposal as it has been the subject of public consultation despite not allocating sites or proposing planning policies.
- The speed of the submission of the applications in Thurston and the amount of dwellings proposed between the five undetermined applications and the Granary site will result in Thurston losing its 'village feel' and for it to become 'a small dormitory town'.
- The cumulative impact of the scheme needs to be considered in the light of the 101 residences (92 dwellings and one block of flats incorporating 9 units) already granted at the Granary site.
- The current primary school is at capacity and it is landlocked and cannot be extended. Any additional houses would need additional primary school places. Agree with the County Council's stance that a new primary school is required and it should be provided before the dwellings are occupied. However, a new school causes its own infrastructure issues and there is nowhere in Thurston that has current adequate provision to assimilate the pedestrian and vehicle movements particularly at the beginning and at the end of the day in school term.
- Development is proposed on the best and most versatile agricultural land on the northern part of the village.
- The density of all of the schemes is too high and they reflect urban typed development rather than what you would expect in a village.
- The local community would prefer to see schemes of no greater than 50 dwellings being built with more open space around them. They would also like to see more bungalow developments which the developers are not providing. There should also be more one and two bedroom flats/apartments and houses in the schemes.
- Thurston is accessed by a network of A roads and country lanes which are not well maintained by the County Council and are not of a design or standard to accommodate increased growth in Thurston and also that planned in the surrounding villages and in Bury St Edmunds.

- Congestion of the local highway network already exists and these schemes will make the situation worse and will cause more accidents to occur at key sites which already experience accidents in the village.
- There are no plans by network rail to improve the station at Thurston and this will cause capacity, parking and safety issues.
- The number of dwellings proposed cumulatively will cause social impacts for the local community. These have been split in a pros and cons list as below:

Positive	Negative
<ul style="list-style-type: none"> <li>• New purpose built school more attuned to 21<sup>st</sup> Century needs.</li> <li>• Improved facilities and to allow more clubs and organisations to increase will increase their sustainability.</li> <li>• More residents in the locality would help to support a greater variety of leisure facilities in the village.</li> </ul>	<ul style="list-style-type: none"> <li>• A new school would potentially trigger more new houses in the future which would change the social dynamics of the village.</li> <li>• New cycle and walking routes to the new school would have to be created as they don't exist at present.</li> <li>• Newcomers to the village will put pressure on current organisations in the village will not be able to expand to meet this increased demand.</li> </ul>
<ul style="list-style-type: none"> <li>• A greater variety of shops and facilities would be supported.</li> </ul>	<ul style="list-style-type: none"> <li>• More shops and facilities will change the character of the village into a small town and local residents will resent this change and the new developments that have caused this change to happen.</li> </ul>
<ul style="list-style-type: none"> <li>• More residents will sustain bus and train services in the locality.</li> </ul>	<ul style="list-style-type: none"> <li>• More residents will increase pressure on the network which cannot be met unless improvements are made to the railway station car park.</li> </ul>
<ul style="list-style-type: none"> <li>• More pressure for a medical surgery.</li> </ul>	<ul style="list-style-type: none"> <li>• The nearest practice doesn't have capacity and all that is being asked through this and the other schemes is a contribution towards health care which will make the service unsustainable.</li> </ul>
<ul style="list-style-type: none"> <li>• Additional footpaths and cycle ways will offer a variety of routes for walkers and cyclists.</li> </ul>	<ul style="list-style-type: none"> <li>• The new residents using the paths will not be familiar with the way that local residents look after their valued paths and this could result in bad feeling against them. There may also be more dogs off</li> </ul>

	leads which could cause problems.
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Specifically in relation to the Hopkins scheme, the Neighbourhood Plans team raise the following points:

- That whilst the provision of 2 crossings is welcomed, the concern is that these are uncontrolled and will cause confusion as in the case of such a crossing located to the south of the development.
- Road safety issues with emphasis on those accessing the A14 via the pinch point at the railway bridge on Sandpit Lane – Thedwastre Road and onto Pokeridge Corner.
- Road safety with emphasis on the junctions of Norton Road and Ixworth Road for those accessing the Community College at the AM and PM peak times.
- Impact of the vehicular movements from a single point of entry.
- Development inappropriate to that of land abutting the countryside.
- Development inappropriate to that of sites abutting the proposed land – whilst the new outline plans have bungalows backing onto bungalows in existing housing areas, there is a concern that the outline plans show 2.5/3 storey dwellings which are neither in keeping or in conformity with the rest of the village nor suitable for a site in such a location on the edge of a village.
- Village infrastructure particularly education and medical provision.
- Type and density of housing mix not in accordance with the Neighbourhood Plan findings of the Ipswich Housing Market Area, Strategic Housing Market Assessment and the 2014 Suffolk Housing Needs Survey, all of which indicate that there is a high demand for smaller homes across all tenures both for younger people and for older people.
- Cost of affordable homes for local residents – the application fails to take into account the District Wide need on the housing register for 1 and 2 bedrooms with a smaller element requiring 3+ bedroom properties.

Thurston Parish Council have raised the following additional comments in relation to this scheme:

- The site and surrounding area are within the countryside and therefore outside of any settlement boundary for Thurston as defined by Mid Suffolk's Local Plan and would result in the development of new dwellings that would be visually, physically and functionally isolated from the facilities and services offered by Thurston as a Key Service Centre. The proposal is contrary to policy GP1, H13 and H16 of the local plan,

policies FC1.1 and FC2 of the Core Strategy Focused Review and policy CS5 of the Core Strategy.

- The internal layout of the scheme is not in keeping with development in the surrounding area as 2.5 and 3 storey dwellings are proposed.
- Development of this site with 175 dwellings will result in it intruding into what is currently open, undeveloped, countryside resulting in encroachment which will harm the character and appearance of this open area and is contrary to policy CS5 of the Core Strategy, Policy FC1.1 of the Core Strategy of the Mid Suffolk Core Strategy Focus Review (2012) and saved Policies H13 and H16 of the Mid Suffolk Local Plan.
- The development fails to ensure that it reflects the local character and the identity of the area and is inconsistent with paragraph 58 of the NPPF and it fails to consider the loss of permanent pastureland and fails to consider the loss of permanent pastureland and will be contrary to policy CL8 – protecting wildlife habitats.
- Considers that the application has still not considered adequately the current road infrastructure both for vehicles and pedestrians and the negative impact that will be had on road safety. It is still held that the location of the site will have a detrimental impact on the amenities enjoyed by the surrounding area vis-à-vis traffic generation (SB2 Development Appropriate to its Setting & T10 Highway Considerations in Development). The proposal is also contrary to paragraph 32 of the NPPF.

**MSDC - Environmental Health - Land Contamination** – They have not responded in relation to this proposal. However as this scheme is identical to the earlier application it is considered that their comments are still applicable. The earlier comments are as follows:

*Does not raise any objections to the original scheme or the amended plans. Request that conditions are imposed to control the impact of the scheme in terms of contamination.*

**MSDC - Environmental Health – Public Protection** – Advises that they wish to provide the same comments as they have for the duplicate planning application 2797/16. Their comments for that application are summarised as follows:

*Raise concerns that a number of the new dwellings will be in close proximity to the Victoria Public House and that noise, nuisance and disturbance from the operation of the pub, both inside and in the external beer garden could cause public protection issues. It has also been suggested that a condition should be imposed to control noise and disturbance during the construction phase of the scheme to ensure that the living conditions of the surrounding occupiers are protected.*

**MSDC Heritage Officer** – Considers that the comments made on the earlier application 2797/16 still apply. The officer advises that the site is in close

proximity to the Grade II listed Church of St Peter and also to Manor Farm which is Grade 2\* listed and also the barn to the north of it which is Grade II listed in its own right. The Historic Buildings Officer considers that the proposal would cause less than substantial harm to the designated heritage assets listed above as it would erode their rural setting but he also considers that the impact is low due to the existing landscaping between the site and the heritage assets. The Heritage Team recommends that refinement of the layout and landscaping scheme should be pursued. This can be done via a planning condition as the application is outline and the entire layout, design and landscaping can be altered and refined at reserved matters stage to meet this requirement.

As there are now 5 separate housing proposals in Thurston which together total 872 houses, with the potential for the cumulative impact of two or more of the schemes to have an impact on the heritage assets listed above, the Council's Heritage Officer has been asked for his comments. He considers that in terms of the assets listed above, only the Pigeon site (5070/16 and this proposal) will have a cumulative impact. He has assessed when considered together that 375 houses (up to 200 on the Pigeon site and up to 175 on this site) on a cumulative basis would cause harm to the grade II\* Listed farm house of no greater than medium. He has assessed that even adding the harm to the significance of the nearby church; the resulting cumulative level of harm to the affected heritage assets would be greater than low but not greater than medium.

**MSDC - Strategic Housing (Summary)** – Advises that no objections are raised to the scheme as submitted as 35% affordable housing is proposed in line with the Council's requirements. The strategic Housing Officer advises that the affordable housing provision should be provided on site as follows:

Affordable Rent Tenancy:

14 x 1b 2p flat = 50sqm

8 x 1b 2p bungalow = 50sqm

18 x 2b 4p house = 79sqm

5 x 3b 6p house = 95sqm

1 x 4b 7p house = 115sqm

Shared Ownership:

10 x 2b 4p house = 79sqm

5 x 3b 5p house = 93sqm

**MSDC - Tree Officer** – Advised that he wishes to provide the same comments as he did for the duplicate planning application 2797/16. His comments for that application are summarised as follows:

*Does not object to the proposal subject to the trees on site that are to be retained being protected during the build process in line with the details contained in the application. Whilst a number of trees are to be removed to facilitate this development, they are of poor species and their loss will be negligible on the character and appearance of the area.*

**SCC Highways** – The Local Highway Authority has considered the cumulative impact of the provision of 827 houses on all 5 sites in Thurston on the highway network. They have concluded that the impact of all 5 sites coming forward without mitigation could be severe on the local highway network (paragraph 32 of the NPPF) but under paragraph 21 of the NPPF, the County and the District Council has a duty to recognise and address potential barriers to investment, including any lack of infrastructure and identify areas for infrastructure provision. The Local Highway Authority considers that cost effective measures can be put into place to overcome the potential impacts of the scheme and to render its impact as not being severe on the local highway network.

The Local Highway Authority has advised that the following junctions are or may exceed capacity:

**A143 Bury Road / C691 Thurston Road/ C649 Brand Road**

Modelling shows that this junction is already close to theoretical capacity in the AM peak with northbound traffic waiting to turn onto the A143 queueing on Barton Road and at capacity in the PM peak with Thurston bound traffic waiting right from the A143 into Barton Road. The additional traffic from the proposed developments in Thurston will exacerbate these problems; in particular, modelling shows the queueing traffic on Barton Road will exceed capacity in the AM peak.

**C693 Thurston Road / C692 Thurston Road / C693 New Road (Fishwick Corner)**

Modelling indicates that the southbound approach to the junction is currently close to capacity in the morning peak and that its capacity will be exceeded before all five developments could be delivered. However, in the PM peak the junction has the capacity for the predicted traffic for all developments.

**C560 Beyton Road / C592 Thurston Road / U4920 Thedwastre Road**

The modelling of this junction shows some inconsistencies with one study indicating it will be close to capacity southbound on Thedwastre Road in the AM peak due to traffic from one specific development but other modelling showing it would have capacity for the traffic generated by the developments.

**Highway Infrastructure (Road Safety)**

**A143 Bury Road / C691 Thurston Road/ C649 Brand Road**

There have been three recorded crashes resulting in slight injuries and one involving serious injury at this junction in the last 5 years for which data is available (2012-2016).

**C560 Beyton Road / C592 Thurston Road / U4920 Thedwastre Road**

There have been two crashes resulting in slight injuries at this junction in the past 5 years

**C693 Thurston Road / C692 Thurston Road / C693 New Road (Fishwick Corner)**

At this junction there have been 9 crashes resulting in slight injuries and one resulting in a serious injury in the past 5 years.

The frequency of injury related crashes at the C693 Thurston Road / C692 Thurston Road / C693 New Road (Fishwick Corner) junction would, in the opinion of SCC, necessitates some work to improve road safety. Although the

frequency of crashes at the A143 Bury Road / C691 Thurston Road/ C649 Brand Road does not justify significant road safety improvements it is a factor that should be considered in any future mitigation measures.

### **Suggested Mitigation Measures**

#### **A143 Bury Road / C691 Thurston Road/ C649 Brand Road**

An assumption has been made that the junction can be signalised and that this will reduce congestion and improve road safety. Although there is a generous width of highway verge in the vicinity of the junction the geography of the site may place constraints on the design and further work is required to confirm that a solution is possible or beneficial. The proposed junction improvements would be delivered through a jointly funded S106 contribution.

#### **C693 Thurston Road / C692 Thurston Road / C693 New Road (Fishwick Corner)**

The issue of congestion on the southbound approach is difficult to mitigate as there is insufficient land within the highway boundary to provide a meaningful solution. It is noted that the road network around Thurston is relatively permeable and an option exists for traffic to avoid this by diverting onto Beyton Road and then turning right to approach this junction from the east.

Several minor traffic management features such as improved signing, marker posts and high friction surfacing have been used at this junction in the past as crash reduction measures. Despite this, crashes causing injury continue to occur. To reduce the severity of these crashes it is proposed to restrict the road to 40mph and undertake local safety improvements such as enhanced road signs and markings. This would be delivered through a jointly funded S106 contribution.

A longer term solution would be to remodel the junction or drastically remodel the road network. It is recommended these matters should be addressed in any future revisions to the Local Plan.

#### **C560 Beyton Road / C592 Thurston Road / U4920 Thedwastre Road**

The highway boundary constrains any improvements in this location and thus there does not appear to be any viable mitigation to increase capacity on the southbound Thedwastre Road approach. The relatively low number of crashes suggests that the issue of road safety is not as important as it is for the other two junctions and mitigation measures would only comprise low cost work, such as road signs and markings.

### **Speed Limits**

Based on the available details of the five proposed developments the following changes to speed limits are suggested;

- Extend the 30mph speed limit north on Ixworth Road to Thurston Rugby Club
- Extend the 30mph speed limit on Norton Road towards and beyond Church Road

- Extend of 30mph speed limit on Barton Road west of Mill Lane
- Create a new 40mph speed limit between and including the C693 Thurston Road / C692 Thurston Road / C693 New Road and the C560 Beyton Road / C592 Thurston Road / U4920 Thedwastre Road for road safety reasons.

Alterations to the speed limits cannot be done under the planning regulations and must be done under the Traffic Regulation Orders which is a separate Highway process governed by the County Council.

### **Pedestrian and Cycling Infrastructure**

The suggested improvements to the pedestrian and cycling infrastructure that are considered to be necessary are as follows:

- An uncontrolled pedestrian crossing on Norton Road between Meadow Lane and Station Hill / Ixworth Road.
- A footway on west side of Ixworth Road between Norton Road and the entrance to Persimmon's site
- A footway link on Ixworth Road between the entrance to the Persimmon development and the entrance to the Thurston Rugby Club.
- A controlled pedestrian crossing facility (e.g. a raised table junction with zebra crossing) if practicable at or adjacent to the Norton Road / Station Hill / Ixworth Road junction. Pooled contributions from all 5 developments are required for the County Council to deliver this.
- A footway on the north side of Norton Road from Meadow Lane east towards Church Lane as far as the site boundary allows. This could be within the development and or on the highway verge.
- An uncontrolled pedestrian on Norton Road crossing linking the Hopkins Homes and Pigeon sites
- Meadow Lane resurfaced to improve cycle / pedestrian facilities (and maintain access to properties)
- Provide a metalled footway on Church Road between Footpath 006 and the footpath link to School Lane. This will include provision of street lighting along this short section of footpath.
- Provide two uncontrolled pedestrian crossings on Sandpit Lane to link the Hopkins Homes development to the main village.

### **Public Rights of Way (PRoW)**

It is proposed that a small number of PRoW are improved to provide alternative pedestrian links between the proposed developments and current and future school sites. These are improvements to:

- Thurston Footpath 001 between Ixworth Road and Meadow Lane. It is

proposed that this is to an all-weather standard, preferably a bituminous surface.

- Thurston Footpath 018 between Ixworth Road and Mill Lane. This lies within the development site and the works can be secured by condition.
- Thurston Footpath 006 between Norton Road and Church Road. This lies within the development site and the works can be secured by condition. It is proposed that this is to an all-weather standard; preferably a bituminous surface as far as it is a safe pedestrian route to the site north of Norton Road.
- New PROW link along southern boundary of the Bovis Homes site to join Barton Road.
- New PROW link from the site west of Barton Road to Heath Road, linking with Cycle Route 51.
- Improve PROW 007 North of Meadow Lane (un metalled)

### **Public Transport**

Improvements to public transport infrastructure will be limited to any site-specific works necessary as a result of each development through S106. All other public transport improvements are included in the CIL.

The Local Highway Authority advises that the remainder of the issues that are relevant to this proposal can be covered by planning conditions and within the S106 agreement for the scheme.

The S106 heads of terms will cover the following issues:

- Highway Improvement Contribution: £3733 contribution towards a Traffic Regulation Order (TRO) and associated works to extend the existing 30mph of speed limit on Norton Road eastwards to improve road safety for road users associated with the development. Payable prior to occupation of the first dwelling.
- Highway Pedestrian Crossing Improvement Contribution: £19,108 Contribution towards provision of pedestrian crossing facilities at Norton Road / Station Hill / Ixworth Road junction to provide improved pedestrian access to the Academy and mitigate increase pedestrian and vehicle use. Payable on occupation of the first dwelling.
- Highway Capacity Improvement Contribution: £60,837 Contribution towards improvements at the A143 Bury Road / C691 Thurston Road/ C649 Brand Road, junction at Great Barton to mitigate congestion at peak periods. Payable on commencement of work on site.
- Highway Safety Improvement Contribution: £11,046 Contribution towards safety improvements at the C693 Thurston Road / C692 Thurston Road / C693 New Road including a contribution towards 40mph speed limit on the C692 Thurston Road to improve road safety

and mitigate increased use. Payable on commencement of the first dwelling.

- Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is longest. This is to cover Suffolk County Council officer time working with the Travel Plan Coordinator and agreeing new targets and objectives throughout the full duration of the travel plan. If the contribution is not paid Suffolk County Council may not be able to provide sufficient resource to assisting the ongoing implementation and monitoring of the travel plan, which may result in the failure of the Travel Plan to mitigate the highway impact of this development.
- Travel Plan Implementation Bond, or cash deposit - £118,525 (£593 per dwelling – based on the estimated cost calculated by Suffolk County Council of fully implementing the travel plan). This is to cover the cost of implementing the travel plan on behalf of the developer if they fail to deliver it themselves.

Except for the A143 Bury Road / C691 Thurston Road/ C649 Brand Road, junction at Great Barton the reasons for requesting these contributions are described above. The A143 improvements are mitigation to improve capacity at this junction reflecting the small individual but, in terms of cumulative impact, significant effect that the five developments will have at this junction. The Local Highway Authority has indicated that the cost of this will be £94,724 for the works required under S106 of the Planning Act, £72,333 for works under section 278 of the Highways Act and £30,000 under S38 of the Highways Act.

**SCC - Obligations Manager:** Comments that the 175 new houses proposed in the scheme will generate approximately 403 new people living on site. As such, the proposal will have an impact on local infrastructure. It has been advised that there is no capacity in the local Primary School which is the Thurston Church of England Primary Academy to accommodate this development and as such a contribution is requested towards a new 420 place, two forms of entry primary school to meet new pupil place needs.

As new schools cannot be provided through the Council's CIL (the 123 list only allows for extensions to schools and not new schools) a request is made for a contribution under S106 of the planning act. A contribution for £706,477 (2016/2017 costs) as broken down below is require to meet the primary age (key stage 1 and 2) education needs which will arise from this development:

School level	Minimum pupil yield:	Required:	Cost per place £ (2016/17):
Primary school age range, 5-11*:	43	43	16,429
High school age range, 11-16:	31	0	18,355

<b>Sixth school age range, 16+:</b>	<b>5</b>	<b>0</b>	<b>19,907</b>
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A contribution for a further £55,642 is also requested to contribute towards the cost of the land to provide the school. (Based on the cost of £247,100 per hectare with it costing £543,620 for the 2.2ha site proposed which works out at £1294 per pupil. It is anticipated that 43 places will arise from this scheme (£1294 x 43) which equals £55,642.

**Total primary education contributions: £762,119**

### **Temporary classroom**

The physical constraints of the existing primary school means that its permanent expansion is not possible. Therefore temporary arrangements will need to be put into place to accommodate the additional pupils arising from the homes. The Department for Education (DfE) provides minimum site area guidelines for schools and in this instance; a single entry school has to have a minimum area of 11,220m<sup>2</sup> (this figure includes all buildings and outside play areas). The existing school has a site area of 11,169m<sup>2</sup> and is already below the DfE standard and therefore no more accommodation can technically be added to the school. However, where there is an unavoidable and sudden spike in population growth (which would be the case with new housing), schools can provide temporary classrooms to meet this bulge in numbers until a suitable alternative is provided. The County has agreed with the school to provide a double mobile on the car park area at the school with this building being retained for a 2-3 year period. The double classroom will be able to facilitate 60 additional pupils as an interim measure whilst the new school is being commissioned and built. The temporary classroom will be secured via CIL payments as it is classified as an extension to an existing school as advised in the Council's CIL 123 list.

Having regards to the above, the County Council is suggesting that the district council considers a suitably worded planning condition restricting the occupancy of the proposed dwellings in all of the 6 applications submitted in Thurston (5 applications and this application which is at appeal) until works on the new primary school has commenced to make sure that the necessary infrastructure is in place to meet the needs of the new residents and to ensure that the temporary classroom does not become a permanent fixture.

The Obligations Manager has also noted that there are currently 3 pre-school establishments in the locality and that spare capacity between them is only 10 spaces. As there will be insufficient capacity in the locality, it is suggested that a contribution of £66,664 is given to provide pre-school places in conjunction with the new primary school. As is the case with school provision, the Council's CIL 123 list does not provide for new pre-schools, only extensions to existing facilities. Therefore this contribution is requested under S106 of the planning act and is broken down as follows:

	<b>Minimum number of eligible children:</b>	<b>Required:</b>	<b>Cost per place £ (2016/17):</b>

<b>Pre-School age range, 2-4:</b>	<b>18</b>	<b>8</b>	<b>8,333</b>
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**Required pre-school contributions: £66,664**

**Total contribution for permanent pre-school and primary school education provision - £828,783**

### **Secondary school provision**

The Obligations Manager has commented that secondary and 6<sup>th</sup> form provision in the area is currently sufficient to accommodate the additional pupils who will be generated from this proposal and as such, no contributions are required.

A contribution of £37,800 towards library provision will also be requested in relation to this proposal via the Council's CIL 123 list.

**SCC Flood and water management** – Advises that they wish to provide the same comments as they have for the duplicate planning application 2797/16. Their comments for that application are summarised as follows:

They initially objected to the scheme, but following the submission of additional information from the applicant, they no longer object to the application subject to the imposition of conditions dealing with flood risk matters.

The SCC Flood Management Team has been asked to comment on the cumulative impact of 827 houses being proposed in Thurston and they have commented that they would expect all of the developers to design suitable sustainable drainage systems (which they all have). All of the 5 sites are in a flood zone 1 so they comply with national policy requirements. However, surface water drainage has historically been an issue in Thurston with soil conditions not being viable for water to drain away easily. Most of the surface water from the village is drained into the foul sewer system with the east part of the village having a surface water drainage system. It is understood that Anglian Water are considering options to improve capacity in the locality to help to prevent the flood events that have happened in the centre of the village in recent years.

**SCC Landscape Officer:** The same comments as provided for the earlier application 2797/16 applies to this proposal. The applicant has submitted the amended LVIA from the earlier application with this proposal and as such the comments made of no objection by the Landscape Officer still applies.

**Anglian Water** – They have stated that the development is in the Thurston Water Recycling Centre catchment area and there is available capacity for the wastewater flows that will arise from this development. They have also confirmed that there is capacity in the sewerage system for the flows that will arise from this development. As such, they do not raise any objections to this proposal.

**Ecology (Essex Place Services)** – Does not raise any objections to this scheme as the applicant has considered the impact of the proposal on both protected and priority species and the impact of the scheme can be controlled by conditions.

**Environment Agency** – Has considered the cumulative impacts of all 6 submitted major application for residential developments in Thurston on flood risk and they have advised that none of the application sites lie within an environmental constraint that is in their remit. They have advised that according to their records, the Thurston Water Recycling Centre should have sufficient capacity to deal with foul water disposal for all of the 827 dwellings currently proposed across all 5 sites. They have advised that Anglian Water should be contacted about fresh water supply.

**Fire Service - County Fire Officer** – Advises that they wish to provide the same comments as they have for the duplicate planning application 2797/16. Their comments for that application are summarised as follows:

*Does not object to the proposal, but advises that details of the location of sufficient fire hydrants to make the development safe must be submitted. This can be covered by a planning condition.*

**Highways England** – Do not raise any objections to this scheme.

**Historic England** – They have advised that they wish to provide the same comments as they have for the duplicate planning application 2797/16. Their comments for that application are summarised as follows:

*They initially objected to the scheme on the grounds that insufficient information had been submitted to allow the impact on the setting of the listed Manor Farm and Church of St Peter to be assessed. The applicant subsequently provided this information and Historic England consider that the proposed development in the vicinity of the grade II\* listed Manor Farm House and the parish church of St Peter could result in harm to the significance of the historic buildings in terms of paragraph 132 of the NPPF. They comment that as required by paragraph 134 the Council should weigh any public benefit delivered by the development against such harm when seeking the 'clear and convincing' justification required by the NPPF. They advise that if the area to be left undeveloped in the north eastern corner of the site could be beneficial to the setting of Manor Farm House if it is suitably planted and suggest that a similar landscaping belt along the whole northern edge of the site might also mitigate, but not wholly remove the harmful impact.*

**Natural England** – Does not have any comments to make on this application.

**Network Rail – Network Rail** – They have been consulted on the cumulative impact of building 827 new dwellings in Thurston on the railway station and the local railway network as requested by the local community. They state that the main issue is the Barrow Level Crossing at Thurston station which has historically seen a number of safety issues associated with it and the level of usage which would arise from the erection of the number of dwellings proposed would have a severe impact on safety unless mitigation measures are

introduced. They indicate that their preferred option is to close the level crossing and replace it with a new pedestrian ramp from platform 1 (upside) down the embankment leading onto Beyton Road. This design will also need to include a drop off point/layby for vehicles along Beyton Road. They have advised that the cost of the works amount to £1million and should be shared proportionally amongst the developers. They are seeking this through a S106 agreement.

When questioned, Network Rail has made it clear that the works that they propose to the crossing point at Thurston Station are directly related to the impact of the 5 planning applications and the 827 houses that would be built. They have advised that the other works that they propose to close crossing points elsewhere on the same line are minor in nature and cannot be compared to this site as the other crossing points are not facing unprecedented levels of pedestrian use which would be generated from the proposed housing in Thurston.

**NHS/Primary Care Trust** – There are two doctor’s surgeries within a 2km distance catchment area of the application site and neither practice has sufficient capacity for the additional growth coming from this development and the cumulative growth from the area. These surgeries are the Mount Farm Doctors Surgery in Moreton Hall and the Woolpit Health Centre in Woolpit. The NHS recommends that for this proposal funding should be provided towards the phase 2 extension plan for the provision of increased capacity at the Woolpit Health Centre. The amount of the required financial contribution has not been specified at this moment in time and will be secured via CIL once growth levels in the Thurston area are known.

**Ramblers Association** – States that the path will become another “manufactured path” and lose its natural appeal.

**Suffolk Constabulary - Police Architectural Liaison** – They have not responded in relation to this proposal. However as this scheme is identical to the earlier application it is considered that their comments are still applicable. The earlier comments are as follows:

*Raises concerns about the permeability of the scheme which could provide opportunities for crime. Supports the extension of the 30mph speed limit along Norton Road towards Church Road in the interest of safety.*

**Suffolk Preservation Society:** They have not responded in relation to this proposal. However as this scheme is identical to the earlier application it is considered that their comments are still applicable. The earlier comments are as follows:

*They have advised that they have carried out a desk top survey earlier on in 2016 and considered that the site was a sustainable location having regards to its proximity to transport networks and services. They also agree with the applicant’s assessment that the proposal will not result in harm to the setting of the grade II\* listed Manor Farm in that it is heavily enclosed by vegetation and that its isolation which contributes to its setting will not be harmed by this proposal. It is also noted that the part of the site closest to the listed Church will remain undeveloped and landscaped which will help to preserve its setting. They have also reviewed the amended plans and have commented that in their*

*opinion, scheme should be supported.*

## **Representations**

8. 23 letters in total have been received making comments on this scheme.
9. The objections to the scheme are as follows:

### Policy considerations

- The proposal is on the edge of the village and lies outside the settlement boundary for the village and is contrary to the adopted development plan for the district.
- Until the Council can determine the number of new houses that it needs in a new style local plan, no new development should take place in Thurston.
- No development should be determined until the Neighbourhood Plan is adopted.
- Development should be on brownfield land and not greenfield land such as that proposed.
- Alternative sites within the village should be considered first before this one. These include development at Thurston Granary which would provide the housing numbers, the development near the Community College would resolve the school situation and there are less highway issues with the Barton Road application.

### Landscape issues

- The scheme will have a negative impact on the beauty of the surrounding countryside.

### Flooding

- The impact of flood risk on the surrounding properties will be greater than stated in the applicant's report.

### Highway safety

- The local roads are inadequate and dangerous to cope with so many new dwellings and the proposal will put additional strain on the A14. The extra traffic will also degrade the poorly maintained road surface even further.
- The railway station has poor parking. Additional residents from this site using the railway station to access places such as Bury St Edmunds will increase the parking issues experienced.
- There are no pavements from the site onto Norton Road, Meadow Lane or onto Sandpit Lane which will cause pedestrian safety issues.
- Disagree with the fact that the access onto Norton Road has been deleted. It should have been retained. This will now cause a greater safety problem on Sandpit Lane where the single access to cater for the whole development is proposed.
- The applicant's travel plan is not fit for purpose.
- Thurston is already severely congested at peak times and allowing a further

175 houses will make this significantly worse.

- The highway layout of the site is torturous and will cause issues for the residents and for deliveries and refuse collections.

#### Infrastructure

- Will a new GP surgery be part of this scheme as local residents have to go out of Thurston at present to access this facility and those facilities are at capacity at the moment.
- This development will place an excessive demand on the infrastructure of the area which will need to be resolved before any of the houses could be built.
- This scheme will also impact on local infrastructure outside the village, such as the Police service, Ambulance etc.

#### Impact on the amenity of the area

- The erection of 2.5 to 3 storey houses will be out of keeping with the local environment as there are none in the locality. There needs to be a height limit imposed on the dwellings if this scheme is approved to ensure that they are no higher than the existing surrounding properties.
- The estate will not integrate well into its surroundings and there will not be a need for anybody to go through it other than the people who live there.
- The proposal will increase car ownership and hence pollution levels in the area which are already high due to its close proximity to the A14.

#### Impact on residential amenity

- The erection of new houses in close proximity to existing houses will cause loss of privacy and overlooking over gardens.
- The new dwellings will cause increased light pollution to the surrounding existing properties to the detriment of the living conditions of the occupiers.
- The new dwellings will increase noise levels to the detriment of the living conditions of the surrounding properties.
- The site is polluted and this has not been addressed by the developer and it could cause impact to the health of the new residents.

#### Impact on designated heritage assets

- The proposal will have a negative impact on the setting of listed buildings in the locality. As Historic England has objected, then surely this application should be refused.

#### Impact on wildlife in the locality

- The scheme will impact on wildlife in the locality particularly birds.

#### Other issues

- There is a footpath that runs through the site and this will be lost as part of this scheme.
- There is poor broadband in the village. Building houses there will make it worse.
- Mobile phone signals in the area are poor and the building of additional houses will make this work.
- Wants to know when the Council will announce how many houses Thurston is supposed to take as part of the new local plan.
- Why is there a second application? Is the applicant trying to play the system?

- There is a need for bungalows in the area and not 2.5 to 3 storey houses as shown in the application plan.
- If we have to have dwellings in Thurston, they should be on the southern side of the village as that is closer to the A14 and cause less traffic issues.
- The houses on the site will overlook the

#### Cumulative Impacts

- The 5 sites in Thurston should be considered cumulatively and not singularly due to their linked impacts.
- 827 houses are proposed and have concerns that there will be insufficient water supply and sewage capacity in the system to cope with them all.
- There are too many houses proposed particularly when you take into account all of those in Bury St Edmunds which is only a short distance away from Thurston.

#### **The Site and Surroundings**

10. The application site lies in the village of Thurston which has a population of approximately 3200 people (2011 census) with the site extending to an area of 11.2 hectares of Grade 3b agricultural land. The land is generally flat but falls towards the road in the northeast. The northern boundary of the site is onto Norton Road, the eastern boundary is on Church Road, the southern boundary adjoins residential properties (mixture of single and two storey) and the western boundary front onto Sandy Pit Lane.
11. The site abuts the retained settlement boundary for Thurston but still remains as countryside for planning purposes.

#### **The Proposal**

12. Please note details of the proposed development including plans, application documents and appeal documentation can be found online.
13. This proposal has been brought before the committee as the applicant Hopkins Homes has appealed to the Planning Inspectorate (PINS) on the basis of the non-determination of this planning application within the statutory 13 week period for major planning applications.
14. Part of the appeal process requires the Council to provide a statement of case to PINS and to do this on an appeal for non-determination requires officers to ask the members how they would have considered the case if they had received it to make a decision. This is a 'minded to decision' to inform how the appeal should be defended by officers.
15. In this appealed application, outline planning application is proposed for the erection of up to 175 dwellings with all matters reserved except the vehicular access into the site.
16. The applicant has submitted plans showing a suggested layout utilising a single spine road through the site with various secondary streets leading through to the dwellings. The layout shows the retention of and strengthening of the hedge boundary on southern part of the site and also on part of the northern boundary of

the site. The most eastern part of the site, which is most visible from the surrounding open countryside is to be retained as open land and will accommodate the retaining ponds for the surface water drainage for the site. However, these plans are indicative and the layout as shown may change at the reserved matters submission stage. The indicative layout gives a density of approximately 24 dwellings per hectare.

17. This application is identical to application 2797/16 which Hopkins Homes originally submitted for this site. That application is currently undetermined as is under consideration by the Council.

### **Appellant's grounds for appeal**

18. In making their appeal, the appellant must give their grounds as to why they have appealed and what their case will be. Hopkins have stated that their case should be considered on the following grounds:
  - The site can be considered on its own merits without the need to consider the other 4 major housing applications currently in with the Council at Thurston.
  - The Council does not have a 5 year supply of Housing and the proposal will contribute between 40 and 50 new dwellings per year over the next 5 years which will help to reduce the deficiency.
  - Thurston is still being promoted as a Key Service Centre by the Council where growth is encouraged and this scheme is well suited there.
  - The proposal will provide policy compliant number of affordable housing and also smaller properties and bungalows within the market housing to meet the needs identified by the local residents.
  - It will provide recreational facilities and be well linked to the rest of the village by new pedestrian links.
  - Existing trees and hedges will be retained.
  - The residents of the new scheme will help to sustain and potentially allow for the expansion of local services.
  - It will provide pre-school provision.
  - Provision of increased GP and medical capacity at the Woolpit Surgery.
  - Improvement of library services in the area.
  - The development will not increase flood risk in the locality.
  - No objections have been received from the Landscape Officer to the scheme.
  - The proposal causes less than substantial harm to the nearest listed buildings and the benefits that the scheme brings will outweigh this harm.
  - Issues relating to biodiversity can be overcome by suitable conditions as suggested by the Council's Ecology Officer.
  - The trees within the site that are to be removed are of limited value as agreed with by the Council's Tree Officer.
  - Land contamination issues have been dealt with to the satisfaction of the Council's Environmental Health Officer.
  - Will provide an extension to the local school to meet pupil needs that arise from this development.
  - All highway matters raised in terms of the site and the surrounding network have been resolved to the satisfaction of the highway Authority.
19. In conclusion they make the case that all issues have been suitably resolved with all consultees and as such, this proposal can be considered on its own merits ahead of the other developer applications for residential development in Thurston.
20. However, since the submission of the appeal and as a consequence of negotiations

with the Council over the cumulative impact of this scheme and the others currently before the Council in Thurston, the appellant has now agreed to alter their stance on the appeal and are now agreeable to the requirements of the County Highway Authority for contributions towards improvements to key junctions and highway infrastructure in Thurston. They have also changed their stance on education as they are now agreeable to contribute with the other developers in Thurston towards the provision of a new primary school rather than their original stance of only contributing towards extending the existing school which the education authority advised was not possible due to a lack of developable space at the setting.

## **NATIONAL PLANNING POLICY FRAMEWORK**

21. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

The following parts of the NPPF are considered to be applicable to this scheme:

- Para 6: Achieving sustainable development
- Para 7: Three dimensions to sustainable development
- Para 11 – 15: The presumption in favour of sustainable development
- Para 17: Core planning principles
- Para 32 and 34: Transport movements
- Para 47: Delivering a wide choice of high quality homes (including the need to have a 5 year deliverable supply of housing)
- Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 55: To promote sustainable development in rural areas.
- Para 56 & 60: Requiring good design
- Para 64: Development of poor design must not be supported.
- Para 69: Promoting healthy communities
- Para 70: Delivery of social, recreational and cultural facilities that the community needs.
- Para 72: Provision of school places.
- Para 73: Access to high quality open space.
- Para 75: Protection and enhancement of public rights of way.
- Para 100: Development and flood risk
- Para 103: Development and increasing flood risk elsewhere
- Para 109: Planning system should contribute to and enhance the natural and local environment.
- Para 112 & 117–119: Development affecting protected wildlife
- Para 123: Planning and noise.
- Para 125: Planning and darker skies.
- Para 128 & 129: Describing the significance of a designated heritage asset.
- Para 131: Determining planning applications that affect heritage assets.
- Para 132: Significance of heritage assets.
- Para 134: Development and less than substantial harm
- Para 186: Approaching decision taking in a positive way.
- Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
- Para 196: Plan led planning system.

Para 197: Assessing and determining application applying the presumption in favour of sustainable development.

P203 -206 – Planning conditions and obligations.

Para 211 - 212: Using development plans and the NPPF in decision making.

Para 214 – 215: The weight attached to development plan policies having regards to their consistency with the NPPF.

Para 216 – Weight given to policies in emerging plans

## **CORE STRATEGY**

### 22. Core Strategy Focused Review

FC1 – Presumption in favour of sustainable development.

FC1.1 – Mid Suffolk’s approach to delivering sustainable development

FC2 – Provision and distribution of housing.

### 23. Core Strategy

CS1 – Settlement hierarchy

CS2 – Development in the countryside & countryside villages

CS4 – Adapting to climate change.

CS5 – Mid Suffolk’s environment

CS6 – Services and infrastructure

CS9 – Density and mix

## **NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN**

24. In 2013 Thurston received a neighbourhood plan designation and the settlement is currently working on its new neighbourhood plan. The plan is however at an early stage and as yet does not have any policies which could be used in the assessment and consideration of this proposal.

## **SAVED POLICIES IN THE LOCAL PLAN**

GP1 – Design and layout of new developments

HB1 – Protection of historic buildings

HB13 – Protecting ancient monuments

HB14 – Ensuring that Archaeological remains are not destroyed

H3 – Housing developments in villages

H13 – Design and layout of development

H15 – Development to reflect local characteristics.

H16 – Protecting existing residential amenity

H17 – Keeping new development away from pollution

CL8 – Protecting wildlife

CL11 – Retaining high quality agricultural land

T9 – Parking standards

T10 – Highway consideration in developments

RT4 – Amenity open space and play areas within residential development

RT12 – Footpaths and bridleways

SB3 – Retaining visually important landscapes

## **Main Considerations**

25. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.
26. The following are identified as the main considerations in assessing this application:

### **The Principle Of Development**

27. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
28. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
29. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
30. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *'...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'*

31. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
32. A summary of the MSDC 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 3.9 years
  - ii. SHMA based supply for 2017 to 2022 = 3.9 years
33. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*
34. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

#### **Sustainability of the Proposal (including assessment against the development plan and the NPPF)**

35. The NPPF provides (para 187) that *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*
36. The Parish Council and some of the objectors have commented that this scheme should be refused as it is outside the development limits for Thurston in line with the policies as contained in the adopted Core Strategy and Local Plan. However, it is clear on reviewing the guidance in the NPPF as outlined above that this cannot be the case as housing delivery policies CS1 and CS2 of the core strategy should not be considered to be up-to-date along with policies such as H7 of the Local Plan as the Council does not have a 5 year supply of housing as required by the NPPF. Other

comments have been received stating that the Council should not consider this application and the others in the Thurston area until the Council determine in a new style local plan its stance on the location of new housing in the district. However, national policy as contained in the NPPF does not give the Council this option and requires all applications to be determined promptly.

37. The contents of paragraph 55 of the NPPF are also considered to be material in the making of a decision on this case. Objections have been received stating that this proposal should not be allowed as it is outside the settlement limit for Thurston and that the site should be considered as countryside. Paragraph 55 of the NPPF makes it clear that Councils can no longer consider sites that are adjacent or near to a settlement limit to be unacceptable simply because they are the wrong side of the line. It now makes it clear that 'new isolated homes in the countryside will not be supported and that Councils are encouraged to promote sustainable development in rural areas by considering housing development in locations where they could enhance or maintain the vitality of rural communities. It gives an example in paragraph 55 that new housing could provide increased facilities in one settlement which would be of benefit to it and the other surrounding settlements.
38. Having regards to the above, it is considered that the application site is not in an isolated location as it is adjacent to the built up part of the village, and the scheme will bring with it contributions towards local infrastructure which will be of benefit to the residents of Thurston and the surrounding villages. Therefore, in terms of paragraph 55 of the NPPF, this proposal could be considered to promote sustainable development in a rural area. However, having regards to the fact that the Council does not have a 5 year supply of housing and has to balance the negatives of the scheme against the positives that it brings in line with the requirements of the NPPF, consideration of whether the scheme will be supported as sustainable development or not will be given in the conclusion to this report.
39. In reaching a decision, paragraph 47 of the NPPF is a material consideration and requires Local Planning Authorities to boost significantly the supply of housing, by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. As stated above, the Council cannot demonstrate a 5 year supply of housing and as such paragraph 49 of the NPPF applies and states that in this situation, the relevant policies for the supply of housing in the Council's adopted plan should not be considered to be up to date and that the scheme remains to be considered under the requirements of paragraphs 7 and 14 of the NPPF which defines what sustainable development is and how decisions should be made.
40. Since the submission of this proposal, four other developers have also submitted application for residential development in Thurston. Bovis Homes have applied for 138 dwellings on land on the west side of Barton Road (4386/16); Persimmon have applied for 250 dwellings plus a new school on land west of Ixworth Road (4963/16); Laurence Homes have applied for 64 dwellings on land at Meadow Lane (4942/16) and Pigeon Capital have applied for 200 homes plus a school on land at Norton Road (5070/16). Including this application, 827 new homes are currently proposed in Thurston.
41. Following receipt of these applications an approach of joint working to explore cumulative infrastructure issues has been agreed between the respective applicants and the District and County Council. This has enabled the constructive exploration of significant infrastructure issues on a collaborative but without prejudice basis to a

consensual timetable. Therefore, as there are unprecedented numbers of new dwellings proposed it is considered that all schemes must be considered both on their own merits and in combination with each other to assess if they meet the tests for sustainable development as outlined in the NPPF.

42. Policy FC1 of the Mid Suffolk District Core Strategy Focused Review states that it takes a positive approach to sustainable development and like in the NPPF, the Council will work proactively with developers to resolve issues that improve the economic, social and environmental conditions in the area. Related policy FC1.1 makes it clear that for development to be considered sustainable it must be demonstrated against the principles of sustainable development. The policy goes on to say that proposals for development must conserve and enhance the local character of the different parts of the district and how it addresses the key issues of the district.
43. The settlement of Thurston is one of the two largest villages in the district of Mid Suffolk (with the other being nearby Elmswell) where a wide range of local services and local infrastructure is provided. Thurston has both a primary and a secondary school, and a number of other local facilities which act as a service to the inhabitants of the village as well as providing employment opportunities. Whilst Thurston does not have a doctor's surgery, there is one in Woolpit and another in Moreton Hall which is a reasonably short journey away either by car or via public transport.
44. Thurston is also unusual in that it has a railway station which provides access for the residents to be able to commute to Ipswich, Bury St Edmunds and further afield without having to use their cars. Thurston is also on a bus route with a number of designated stops within the village. As part of this scheme the applicant is proposing to provide bus shelters outside of the site to ensure that the future residents of the dwellings can access public transport conveniently without having to walk long distances to get to bus stops.
45. In relation to paragraph 7 of the NPPF, the proposals would contribute to building a strong, responsive and competitive economy through the creation of construction and related jobs and the on-going contribution to the local economy from the creation of up to 175 additional households in the area. The proposals would also contribute towards providing the supply of housing required to meet the needs of present and future generations and by having the potential to create a high quality built environment, as well as contributions towards affordable housing, the highway network and other social infrastructure (public open space, education, health care) through a CIL contribution, or where appropriate, a section 106 agreement.
46. It must also be remembered that paragraph 49 of the NPPF makes it clear that housing applications should be considered in the context of sustainable development. The applicant is proposing up to 175 dwellings in this instance and they have confirmed that it is their intention if they get planning permission to commence with work on site as soon as possible following the granting of their reserved matters application. To speed this up, they have agreed to have a shorter period than is usual to submit their reserved matters application (2 rather than 3 years) which helps to justify that as a developer, they are serious about delivering the houses. They have also signed an agreement with Mid Suffolk and Suffolk County Council to work as a group with the other 4 other developers in Thurston to contribute to and work together to achieve the necessary infrastructure within the area to make this and the other 4 schemes sustainable.

47. The Council's Sustainability officer has objected to the scheme on the grounds that detail in terms of the build, orientation and energy efficiency of the dwellings has not been submitted. However, it should be noted that this scheme is in outline form and the applicant does not have to provide this information at this stage. This information can be addressed at the more appropriate reserved matters stage where full technical details of the layout, orientation and finish of the dwellings have to be provided.
48. Consideration of whether this proposal is considered to constitute sustainable development, having regard to the contents of policies FC1 and FC1.2 of the Adopted Core Strategy Focused Review and the contents of the NPPF will be reached in the conclusion to this report.

### **Site Access, Parking And Highway Safety Considerations**

49. Policy T10 of the Mid Suffolk District Local Plan provides criteria on highway considerations when assessing planning applications. This policy requires access points into and out of the site to be safe and an assessment made as to whether the existing local roads can suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrians and cyclists have been met. This policy is considered to carry significant weight in the determination of this application as it is in compliance with paragraph 32 of the NPPF which requires all schemes to provide safe access for all.
50. A number of objections have been received to the scheme on the grounds that the use of a single access point into the site would be detrimental to highway safety and that the local road network is unsuitable for a development of up to 175 dwellings. Mention has specifically been made that some local junctions are unsafe at present (see Parish Council objection for details as well as the Local Highway Authority's consultation response), particularly those adjacent to the railway bridge to the south of the village and that this scheme on its own and when considered with the 4 other schemes currently before the Council will exacerbate this problem as more vehicles will be using these junctions to access local roads, particularly the A14 to reach other destinations further afield. Comments have also been received that this scheme cumulatively with the other 4 schemes that have been submitted in Thurston for residential development will cause a significant and severe impact on the road network in the locality.
51. The site is located to the north east of the village with Sandpit Lane bordering the site to the west and Norton Road to the north. This proposal originally showed two access points; one off Norton Road and a second off Sandpit Lane. The Local Highway Authority originally objected to this layout, on the grounds that the access off Norton Road was not safe and could not be altered to be made safe. They also commented that the proposal lacked a footpath link from the existing part off Church Road to the edge of the site and that the above was contrary to paragraph 32 of the NPPF which requires safe access for all. The applicant has subsequently amended the scheme in line with the comments made by the Local Highway Authority
52. The Local Highway Authority has considered the cumulative impact of this proposal on the highway network in Thurston and they have come to the conclusion that the

impact of the 5 scheme if they all come forwards will be severe. However, they have made it clear that the NPPF requires all public bodies to try and resolve problems and they are confident that if all 5 developers work together those suitable and cost effective alterations can be made to the highway network to ensure that the impact does not constitute a severe one. The highway officer has assessed the road network and has suggested alterations and improvements to key areas of it (see the Local Highway Authority's consultation response earlier in this report for more information) which all 5 developers have been asked to contribute towards through either a section 106 agreement or through the Highways Act. All 5 developers which include Hopkins Homes have agreed to contribute towards the works as requested by the Highway Authority. For the Hopkins proposal, the Highway Authority is requesting £94,724 via a S106 agreement (with travel plan contributions being in addition to this), a further £72,333 under section 278 of the Highway Act and a further £30,000 under section 38 of the Highway Act. As such, this proposal no longer fails the requirements of paragraph 32 of the NPPF when considered cumulatively with the other 4 residential schemes as the impact with the alterations carried out to the highway network will no longer be severe.

53. The Local Highway Authority identify that the scheme will offer sustainable travel options to local residents as additional pavements and bus shelters are proposed and these will link up to both existing facilities and those proposed on neighbouring sites by the other developers seeking at the moment to build houses in Thurston. This will help to improve accessibility on foot and via public transport and will ensure that the site is accessible to the local railway station.
54. An objection has been received to this scheme on the basis that the applicant's travel plan is not fit for purpose. They have commented that all it does is show bus and railway timetables in the locality. By their very nature, travel plans do as much as they can to encourage sustainable forms of transport to encourage the occupiers of the properties to use other options than their own cars. The travel plan has been reviewed by the Local Highway Authority and they have not objected to it or asked for it to be altered. The Local Highway Authority is also recommending that the applicant is obligated via a S106 agreement to provide the travel plan to ensure that there are sustainable transport options available to the new residents of the scheme rather than just having to rely on their private cars to access local facilities.
55. A further objection has been received on the grounds that the passenger accommodation on the local train network is inadequate for the existing number of passenger users and the approving of this and other schemes in the locality will make matters worse. The objector suggests that the applicant of this scheme should pay towards improvements to the local railway network.
56. Network Rail has been consulted on this proposal and also the 4 other sites within Thurston and their view has been sought as to the impact of the delivery of the application site and the other 4 sites (a total of 827 houses) on the local railway network. They have not asked for a contribution to improve passenger services or the railway accommodation in Thurston, but they have advised that they have assessed the railway crossing in Thurston and the impact of 827 new houses on it would be severe in terms of the safety of the railway users. Network Rail has asked for a contribution of £1million split proportionally between all 5 developers with proposals in Thurston to close the existing level crossing and to provide new and safer facilities in its place (see Network Rail consultation response for full details). Network Rail

has the ability to bid for this money under the Council's CIL scheme as the 123 list allows for improvements to passenger services to allow this work to go ahead.

57. It is of merit to also note, that a public right of way runs along the eastern end of the site and is to be incorporated into the green open part to the eastern end of the site and is not to be lost as referred to by some of the objectors to the scheme. Having consulted with the County Public Rights Of Way (PROW) Officer, it is noted that no objections have been received in relation to this aspect of the scheme.
58. Having regards to the above, it is considered that the proposal complies with the requirements of policy T10 of the local plan and paragraph 32 of the NPPF, in that safe and suitable access for all people can be achieved and that improvements can be undertaken to the local highway network to improve traffic safety and flow and to provide greater opportunities for the use of non-motorised modes of transport to access local facilities. As the application is in an outline form, the indicative layout shows that a suitable internal layout, which would be up to the County Council's highway standards, could be provided at reserved matters stage.

### **Design And Layout [Impact On Street Scene]**

59. Section 7 of the NPPF refers to design. Specifically, paragraph 56 states that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 60) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 64). In addition policy CS5 provides that "*All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area*" and echoes the provision of the NPPF.
60. Objections have been received stating that the site is currently an open field and that dwellings of the scale and density of the proposal, particularly in reference to the indicative plans to build of 2 to 3 storey dwellings on site is considered to be inappropriate and not in keeping with the locality.
61. The application is in outline form and the plans as submitted provide an indicative layout of how the scheme could potentially look should this outline planning application be approved which relates to the principle of the development of the site. The area to the west and to the south of the site is residential in character. The dwellings to the west that border Sandpit Lane are modern predominantly two storey properties with the properties that run along the southern boundary of the site being a mixture of single and two storey properties again of relatively recent design and construction. The applicant has indicatively shown a layout which is considered to be in keeping with the residential character of the area and this can be altered to take on the concerns of any consultees and local residents at the reserved matters stage.

Furthermore, the density of the scheme at approximately 24 dwellings per hectare is low and appropriate to its location and does not reflect the comments of the objectors who consider this scheme to be high density.

62. Having regards to the above, it is considered that the scheme in terms of its suggested layout constitutes good design in line with the requirements of the NPPF and local policy CS5 as it proposes a form of development that would reflect the character and appearance of the surrounding streetscape.

### **Parish Plan / Neighbourhood Plan**

63. A Neighbourhood Plan designation was confirmed in 2013 and covers the Parish of Thurston. At the time of the consideration of this proposal the parish have set up a neighbourhood Plan Committee to prepare the policies for the new Neighbourhood Plan. Both the Parish Council and their Neighbourhood Plan Committee have objected to this scheme with the latter raising objections based on some of the early work that they have carried out for the evidence base for the new plan.
64. The Planning Practice Guidance identifies that *“Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. And all representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority’s publicity period. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it”*.
65. As such, whilst it is ultimately for Members to determine the weight that should be given to the plan, whilst it is at an early stage in its development, it is the view of Officers that little material weight can be given at this time.

### **Landscape Impact**

66. Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in one of the requirements of policy H13 of the Mid Suffolk District Local Plan. It is proposed to retain and strengthen the hedging on the southern part of the site and also part of the site from the dwelling on Norton Road down to the part where the existing public footpath runs through the site. The most eastern part of the site, which is bordered by Norton Road and Church Road, is the most visible from the surrounding open countryside and which would cause most harm to the surrounding countryside if developed. The indicative plans show that this is to remain undeveloped and act as an attractive green buffer between the scheme and the surrounding open countryside.
67. Objections have been received to this proposal on the grounds that the site lies in an exposed location and that the approval of this scheme will erode the intrinsic beauty and the character of the surrounding open countryside and that the proposed

landscaping will take a considerable amount of time to mature to mitigate this impact. The County Landscape Officer has been consulted on this scheme and following the submission of the amended plans he has not raised any objections to this scheme. He acknowledges that it will change the character and appearance of the surrounding open countryside, but with suitable landscaping and the provision of the green open space on the eastern side of the site its impact will be minimised both in the medium and longer term.

68. Having regards to the requirements of policy H13 of the MSDC Local Plan and paragraph 58 of the NPPF, it is considered that the scheme provides substantial landscaping both within and on the boundaries of the site to ensure that it assimilates well into the rural edge of Thurston and provides an attractive environment both for the new residents of the site and those living in the surrounding locality.

### **Residential Amenity**

69. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement is emphasised in the NPPF Core Values in paragraph 17 where it states that all schemes should seek a good standard of amenity for all existing and future occupants of land and buildings.
70. Objections have been received to this scheme on the basis that the dwellings running along the southern part of the site will be too close and have a negative impact on the living conditions of the occupiers. It has been noted from the site visit, that many of the properties that face north into the site on Sandpit Drive, Victoria Close and Oakfield Road have a number of windows that face into the field with a number of them not having their own boundaries between the field and their gardens and relying on the hedgerow, which is sparse in places as the boundary.
71. However, the application is in outline form with the layout plan only being indicative. The indicative plan shows the dwellings along the southern buffer of the site being separated from the existing dwellings by the estate roads and the hedging along the site boundary being strengthened. It is considered that at reserved matters stage that a suitable layout can be drawn up which would not have a negative impact on the living conditions of the surrounding neighbouring occupiers in terms of loss of privacy and residential amenity.
72. Objections have also been received on the grounds that the new dwellings will increase noise levels in the locality and also impact on the darkness of the sky due to increased lighting. The proposal is for residential development and the developer will be expected at reserved matters stage to design and site the dwellings so as to minimise the impact on the surrounding existing local residents. The application site is a field at the moment and the erection of dwellings with associated private and public lighting will alter the outlook received by the existing residential occupiers. Noise from the residents living in the new properties will also differ to the noise currently experienced from the field. However, it is not considered that lighting and noise from the proposed dwellings would be so excessive to significantly affect the living conditions of the surrounding occupiers to necessitate this appeal to be dismissed on that ground.
73. It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason of noise, lighting, form, design, the distance between the dwellings and the substantial landscaping that is proposed along the periphery of

the site and as such the proposal meets the relevant NPPF core value in paragraph 17.

### **Environmental Impacts - Ecology And Land Contamination**

74. The application site is a grade 3b agricultural parcel of land which is adjacent to the built up part of Thurston. As the site is in an agricultural use, there is limited tree cover within the site with the majority of the trees and hedging being along the field boundaries.
75. Objections have been received to this scheme on the basis that the loss of the field to create residential development will have a negative impact on animal species, particularly protected species in the locality.
76. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive.
77. The content of paragraph 118 of the NPPF is also applicable to the consideration of this proposal, as it states that when determining planning applications, consideration must be given to 6 principles. Two of those principles are particularly relevant to the consideration of this proposal, being;
  - If significant harm is caused which cannot be avoided or mitigated by conditions then planning permission should be refused.
  - Opportunities to integrate biodiversity in and around developments should be supported.
78. The County Ecologist has been consulted on this application and they have commented that as the majority of the site is in agricultural use, it will offer limited habitat for protected species. However, bats have been noted in the locality and she considers that in line with the requirements of the directive above and the contents of paragraph 118 of the NPPF that the scheme can be made acceptable by the imposition of conditions to control aspects such as the impact of street and residential lighting and to ensure that natural features such as the hedgerows around the site are protected during the construction of the scheme to protect habitat. It was also noted that new habitat is proposed as part of the scheme and that a large part of the site to the east is to be retained as open space.
79. An objection has been received to this scheme on the grounds that the land is contaminated and that this has not been considered as part of this application. Paragraph 121 of the NPPF makes it clear that planning decisions should make sure that the site is suitable for its new use taking account the hazards of any previous use. As the site is currently a field, subject to agricultural practices which could have included the spraying of crops with chemicals in the past, and part of the site appears to have been subject to historical landfill waste, a contaminated land report has been submitted to the council for consideration. The Council's Contaminated Land Officer in the Environmental Health team has reviewed the report and has advised that subject to the imposition of conditions, he does not object to the scheme. Therefore, it is considered that it is in compliance with paragraph 121 of the NPPF.

## **Heritage Issues (The Setting of Neighbouring Listed Buildings)**

80. Both the NPPF and Core Strategy place significant emphasis on safeguarding heritage as an important component of sustainable development.
81. With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general duties under sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have “*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*”.
82. Recent case law on the application of the statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the Local Planning Authority is required to give any such harm considerable importance and weight. However, where special regard to the desirability of preserving heritage assets has been paid and no harm is considered to be posed, the ‘balancing’ of harm (which should be given considerable weight as above) against public benefits as required by the NPPF, is not engaged.
83. Policy HB1 (Protection of Historic Buildings) places a high priority on the protection of the character and appearance of historic buildings, particularly the setting of Listed Buildings.

In paragraph 17 of the NPPF it makes it clear that development should “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”. Para 131 goes on to state that “*In determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.*” Furthermore Para 132 states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*”

84. Objections have been received to this scheme on the basis that the proposal is harmful to the setting of three listed buildings. These being the Church of St Peter which is grade II listed, Manor Farm Barn which is grade II\* listed and the converted barns to the north of this building which are grade II listed. Manor Farm lies to the north of the eastern field which forms part of this application and is screened from the site by existing trees to its south which separates it from the field adjacent to Norton Road. The listed converted buildings are further north and are also screened from the field which adjoins them and the site by substantial tree screening. The Church of St

Peter lies to the east of Church Road and is screened from the site by a group of dwellings to the west. However, due to the height of the church, it is visible from the site and from Norton Road.

85. Historic England and the Council's Heritage Officer have been consulted on the application and they both consider that the proposal will cause harm to the setting of these three listed buildings as they are rural based buildings in an open countryside location. Both have identified that the harm will potentially be limited with the result that the proposal must be considered to be less than substantial harm and assessed in line with the requirement of paragraph 134 of the NPPF where the harm needs to be considered and weighed against the wider public benefits that the scheme will bring forwards. It is also worth noting that the Suffolk Preservation Society supports this scheme and considers the impact on the adjacent listed buildings to be minimal if even there is any harm to their settings generated at all.
86. As there are 5 different applications for major housing development in the northern part of Thurston, the Council's Heritage Officer has been asked to consider the cumulative impact of this scheme in relation to the others. Of the 5 applications, the application by Pigeon Capital for 200 homes plus a school on land at Norton Road (5070/16) lies to the north of the Hopkins site and in combination with each other both schemes will have a cumulative impact on the setting of the listed buildings. It is considered that the other 3 sites are too far removed from the listed buildings to cause impact and as such, the Heritage Officer has been asked to consider the cumulative impact of the Hopkins and Pigeon scheme together on the three listed building previously referred to. He has stated that in his opinion the cumulative harm to the Grade II\* Listed farm house would not be greater than medium and the harm to the church would be somewhere between low and medium and as such it is up to officers in line with the NPPF to assess if the harm to the listed buildings is outweighed by the public benefits that the scheme brings as outlined in paragraph 134 of the NPPF.
87. In accordance with NPPF paragraphs 129, 132 and 134 in determining this proposal the Council needs to consider whether the identified harm can be avoided or minimised, and whether that harm is outweighed by the public benefits arising from the proposal. It is considered that as the Council does not have a 5 year supply of housing as required by paragraph 47 of the NPPF (the current supply is 3.9 years) and the proposal will help to contribute towards this deficit by providing up to 175 new dwellings. The scheme will also deliver 35% of the dwellings as affordable houses to help to meet the need in the locality and further contributions which cover matters such a new primary school and pre-school facility as well as providing CIL money to facilitate improvements to the doctor's surgery in Woolpit, to the local library and safety improvements at the Thurston Railway Station. The scheme will also contribute towards improvements to the infrastructure of the local area by installing a new pavement and bus shelter on Sandpit Lane and the creation of a new pavement on Church Road to link the site up to the existing pavement within the village. On a more strategic level, the scheme will also contribute towards improvements to the highway network in and around Thurston to ensure that the road network remains safe for its users. The scheme will bring with it public benefits also in the form of construction related jobs and also additional residents to help sustain and grow local services and businesses.
88. The public benefit of this proposal when considered on its own is highlighted above, but when the above is considered cumulatively with the adjacent Pigeon site, which will also deliver additional houses, provide land for a new primary school and

contributions towards the cost of building it, which also including a pre-school and highway infrastructure contributions and also provides CIL money to facilitate bids for library, doctor's surgery and railway station improvements, it is considered that the cumulative benefits of both schemes outweigh the low to medium harm that the proposals will have on the heritage assets identified in this report.

### **Environment And Flood Risk**

89. Paragraph 100 of the NPPF makes it clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of highest risk. The contents of policy CS4 of the Mid Suffolk Core Strategy is in line with the requirements of the NPPF in terms of flood risk and carries significant weight in the determination of this application. In terms of flooding from rivers, the site complies with local and national policy as it lies in a flood zone 1 area which is land at least risk of flooding. To deal with surface water, the applicant is proposing a pond filled with reed within the north east corner of the site with the surface water flow from the site channelled into it.
90. Objections have been received stating that the site floods to a considerably worse extent than that identified in the Flood risk assessment and that the building of dwellings here will make matters worse for the adjacent existing properties. Anglian Water and the County Flood and Water team have been consulted on this proposal and both organisations have advised that they do not object to the scheme subject to the imposition of a condition requiring additional technical details relating to the submitted drainage strategy.
91. Objections have also been received in relation to this scheme when considered cumulatively with the 4 other sites as currently proposed for residential development in Thurston on the grounds that together they will increase flood risk in the area, there is a lack of water supply to serve the new dwellings, and the sewage system locally has no capacity within it to cope with the extra demand. The Environment Agency, County Flood and Water team and Anglian Water have been specifically asked to consider the cumulative impact of this proposal. They have advised the Council that in terms of flood risk, an increase of 827 dwellings with the mitigation measures proposed by the applicants will not increase flood risk in the locality. Confirmation has also been received that there is capacity in the local pumping station to serve 827 new dwellings in terms of sewage needs. Thurston lies in an area where water supply can be an issue, however Anglian Water has a duty by law to supply new houses with a water supply and this is a matter for them to resolve under their legislation.
92. Having regards to the above, it is considered in terms of flood risk, drainage, water supply and drainage that the scheme when either considered singularly or cumulatively can be made acceptable subject to the imposition of a suitably worded condition to meet the requirements of paragraph 100 of the NPPF and policy CS4 of the Mid Suffolk Core Strategy.

### **Infrastructure - Planning Obligations / CIL contributions**

93. Objections have been received to this scheme on the grounds that the local infrastructure, which includes the local schools and health care, is insufficient to meet the need of the residents of this proposal. Comment has been made that if the scheme is approved without suitable provision, then it will cause significant impact on the existing community of Thurston.

94. The Council has now implemented CIL which accordingly takes on board requirements such as open space contribution, NHS and education contributions.
95. As part of this proposal the following contributions will be sought under the Council's CIL Scheme:
- Towards the phase 2 expansion of the doctor's surgery in Woolpit which the residents of this scheme would use.
  - For improvements to the local library provision.
  - Safety improvements to the Thurston Railway station.
96. Objections have been received to this scheme on the grounds that a new doctor's surgery will not be provided and that the scheme will only provide 'contributions' rather than actual facilities. It should be noted that the Primary Care Trust (PCT) has made it clear that due to the existing situation with doctors, their salaries and contracts and the government's policy in terms of the NHS that a new doctor's surgery will not happen in Thurston as part of any of the 5 schemes. The PCT will be requesting contributions through CIL in relation to all 5 schemes and the monies will be used to improve the service offered and/or improve the facilities at the Woolpit Surgery and at the Park Farm Surgery in Moreton Hall to meet the expected needs of the additional residents of the new dwellings in Thurston.
97. It has been identified following discussion with the County Infrastructure Officer that as suggested by the objectors and the Parish Council, there is no capacity in the local primary school to expand and as such a contribution of £706,477 is required towards the building of a new 420 place two form primary school in the locality. It has also been suggested that a further £66,664 is required for the provision of new pre-school in the locality to help meet the demand generated by this development. As the CIL 123 list does not include the provision of new pre-school or primary school facilities (it only covers extensions to existing establishments) these contributions will have to be sought under S106 of the Planning Act. In the applicant's statement of case, they initially indicated that they would not agree to the payment of this contribution as they considered that the matter could be resolved via a CIL contribution to extend the existing school. However, the appellant has indicated to the Council that they have now reassessed the situation as the County Council has made it clear that due to a deficit of land at the school it cannot be extended as it would fail the Department for Education standards for minimum school sizes (both buildings and land) and an extension would not be allowed.
98. Whilst the new school is being built, it has been suggested that the existing school will be provided with two temporary classrooms funded via CIL to cope on a 2 to 3 year period with the increase in pupils generated from the first phase of new housebuilding in Thurston (from any of the 5 sites currently under consideration) until the new school is built. Once that happens, the existing school will be closed and the existing pupils moved over to the new school and the new school will be extended as appropriate up to a capacity of 420 pupils to accommodate the primary school age children arising from any of the proposed housing sites in Thurston. It is understood that the Diocese who own the primary school have committed to ploughing the capital receipt that they receive for the development of the existing school site into the new school which is also to be funded by a joint contribution by all 5 of the developers proposing major housing schemes currently in Thurston.
99. Following further dialogue with the County Obligations Manager it is understood that progress is being made to secure options on the potential school sites proposed in

other applications. The delivery of a new primary school is a necessary pre-requisite to mitigate the potential pressure on education infrastructure from the development and it has been agreed that a restrictive phasing condition is not necessary given the progress that has been made on options. Nevertheless the securing of a primary school site is a material consideration upon which the delivery of this development is predicated.

100. As is the case for new education buildings, affordable Housing is not part of CIL and members should note that policy to seek up to a 35% provision remains in effect. The applicant has confirmed that he is agreeable to provide a policy compliant scheme for affordable housing and that this will be achieved via a Section 106 contribution.
101. Network Rail has been consulted on this scheme and has asked for a contribution of £1million through a S106 agreement between all five developers to close the existing level crossing and to provide safer and improved facilities at Thurston Railway Station having regards to the increased use of the facilities that will occur from the residents of the proposed 827 dwellings. The Council's CIL 123 list includes provision for improvements to transport infrastructure. As such it is considered that it would be appropriate for Network Rail to bid for the specified amount to make the improvements they have requested to improve pedestrian safety at the station under the CIL scheme.
102. The Local Highway Authority has, as stated earlier in the report, has asked for £94,724 under section 106 of the Planning act to pay for Hopkins Homes contribution for works to the highway infrastructure to ensure that the impact of approving all 5 housing schemes totalling 872 houses in Thurston is not severe on the highway network as referred to in paragraph 32 of the NPPF.
103. It is noted that the applicant has stated in his supporting statement that it is his intention to gift land adjacent to the church for use as an extension site to the existing graveyard. It must be noted that this land is outside the red line site boundary for this application and the provision of this land for an extension to the graveyard is not necessary to make this application acceptable in planning term and as such fails the CIL tests outlined above. However, as stated in the applicant's supporting documents, this land can be gifted to the church regardless of the outcome of this application through other non-planning means.
104. Having regards to the above, in accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured above by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

### **Other Issues**

105. Objections have been made to this scheme on the basis that there are a number of other planning applications with the Council at present and some of those should be approved before, or instead of this one and that they should all be considered cumulatively in terms of their impact. It must be remembered that each planning application must be considered on its own individual planning merits. However, the Council is actively considering the cumulative impact of all of the planning applications that have been submitted for residential development in Thurston to ensure that the right quantum of development will be provided and that the necessary infrastructure to accommodate the dwellings is provided.

106. An objection has been made on the ground that the mobile phone signal in the area is poor as is the broadband in the area and that it will get worse with the development of this site. The mobile telephone operators are constantly reviewing their networks and it is likely that when additional dwellings are approved in the locality, they will in the future plan for an improvement to their local mobile network.
107. Comment has been made that the erection of dwellings in close proximity to the graveyard extension that is planned to the west of Church Road will not provide the tranquillity that the families of those buried in the graveyard will expect. The graveyard extension is to be sited adjacent to the landscaping belt for the site and is not adjacent to any proposed residential development. As such, the peace and tranquillity that the objector would expect within the graveyard will be maintained if the proposed scheme is approved and built.

### **Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

- Council Tax payments from the dwellings when built
- Planning Delivery Grant from Central Government for delivering the dwellings
- S106 Agreement:
  - £706,447 is required towards the building of a new primary school in Thurston.
  - £55,642 towards the cost of the land to provide the new primary school.
  - £66,664 is required for the provision of new pre-school facility in Thurston
  - £94,724 is required for highway infrastructure works
  - Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is longer.
  - Travel Plan Implementation Bond, or cash deposit - £104,631 (£598 per dwelling – based on the estimated cost calculated by Suffolk County Council of fully implementing the travel plan). This is to cover the cost of implementing the travel plan on behalf of the developer if they fail to deliver it themselves.
- CIL payments per dwelling built on site.

## **108. PART FOUR – CONCLUSION**

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### **Planning Balance**

109. In order to provide context this scheme is the subject of a non-determination appeal and the substantive decision now rests with The Planning Inspectorate with a date for Public Inquiry now anticipated in October 2017. In order to present the Councils case appropriately it is necessary to agree the approach that the local planning authority would have been minded to take had the decision remained before them. The recommendation is therefore framed in that manner and the Councils statement of case is required to be presented to a timetable agreed with the appellant. This precludes the opportunity to further explore highways issues at the A143 Thurston Road junction as recommended in relation to those other cases presented contemporaneously.

110. The proposal for residential development on land at Sandpit Lane/Norton Road in Thurston is considered to be contrary to the adopted Mid Suffolk Core Strategy as the application site lies within the countryside outside the built framework of the settlement of Thurston on what is open agricultural land. However, as the housing policies in the Core Strategy are out of date due to the Council not having a deliverable five year supply of housing, this scheme falls to be considered in relation to paragraph 14 and 49 of the NPPF which relate to residential development and sustainable development.
111. Paragraph 14 states that where the development plan for the area is out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or specific policies in the NPPF which indicate that the development should be restricted. Whilst it has been identified that the proposal will have an adverse impact on the quality of the landscape character of the area, and that it will result in the irreplaceable loss of countryside and has an impact on the setting of three listed buildings in the locality, it is considered that the benefits that the scheme brings such as the provision of new housing of which 35% of them will be affordable, contributions towards local infrastructure such as the highways improvements, provision of open space and the new school that the appellant has agreed to contribute towards outweighs the negative issues.
112. Significant weight must also be given to the fact that there are no unresolved objections from the Council's consultees to the scheme. There are no objections in terms of design; crime prevention; amenity; pollution; contamination; ecology; landscape; flood risk and drainage. The proposal will also help to deliver construction jobs and will also provide more residents who will help to sustain and potentially grow the local economy.
113. In relation to highways impacts there are road safety impacts which can be addressed through mitigation at Fishwick Corner and other highways infrastructure improvements which weigh in favour of the scheme by providing enhanced sustainable links.
114. As noted above there remains a road safety and capacity issue at the A143 Thurston Road junction (adjacent to The Bunbury Arms). A number of solutions have been investigated and the current preferred solution is traffic signals. The highway authority consider that the effects of the development can be mitigated but further detailed work needs to be undertaken to obtain the most practicable and viable solution to address the risks. For this reason the attention of the Committee is drawn to the Section 106 package of obligations (third bullet) which would have been expected and which includes an expected contribution towards highway mitigation but which in the circumstances is itself subject to a caveat that further detailed survey and design investigation is required.
115. Therefore, it is considered having regards to paragraph 14 of the NPPF that the benefit the proposal brings outweighs the negatives. Furthermore, when assessing the proposal against the NPPF it is not contrary to its requirements as a whole and there are no specific policies within it that would restrict this development and as such it is considered that it constitutes sustainable development which should be approved planning permission without delay in line with the requirements of paragraph 14.

### **Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.**

116. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
117. In this case the planning authority has worked with the applicant to overcome highway objections to the scheme and to clarify issues relating to drainage and impact on listed buildings.

### **Identification of any Legal Implications of the decision**

118. There are no known legal implications derived from the determination of this application.
119. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following has been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2012
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

### **RECOMMENDATION**

That Mid Suffolk District Council is minded to advise the Planning Inspectorate in relation to the non-determination appeal that it would have recommended the grant planning permission subject to the completion of a Section 106 or Undertaking to secure the following heads of terms:

- £706,447 is required towards the building of a new primary school in Thurston.
- £55,642 towards the cost of the land to provide the new primary school.
- £66,664 is required for the provision of new pre-school facility in Thurston
- 35% Affordable Housing to be transferred over to a Registered Provider
- To secure the provision of public open space to be managed by a dedicated management company
- £94,724 to secure off site highway improvement works as listed below:
  - Highway Improvement Contribution: £2333 contribution towards a Traffic Regulation Order (TRO) and associated works to extend the existing 30mph of speed limit on Norton Road eastwards to improve road safety for road users associated with the development. Payable prior to occupation of the first dwelling.

- Highway Pedestrian Crossing Improvement Contribution: £10,000 Contribution towards provision of pedestrian crossing facilities at Norton Road / Station Hill / Ixworth Road junction to provide improved pedestrian access to the Academy and mitigate increase pedestrian and vehicle use. Payable on occupation of the first dwelling.
  - **Subject to the appropriate further investigation and resolution of a satisfactory scheme to address highway safety issues at the A143 Thurston Road junction** a Highway Capacity Improvement Contribution: £10,000 Contribution towards improvements at the A143 Bury Road / C691 Thurston Road/ C649 Brand Road, junction at Great Barton to mitigate congestion at peak periods. Payable on commencement of work on site.
  - Highway Safety Improvement Contribution: £50,000 Contribution towards safety improvements at the C693 Thurston Road / C692 Thurston Road / C693 New Road including a contribution towards 40mph speed limit on the C692 Thurston Road to improve road safety and mitigate increased use. Payable on commencement of the first dwelling.
- To secure a travel plan in connection with the scheme detailed as follows:
    - Travel Plan Travel Plan Evaluation and Support Contribution - £1,000 per annum from occupation of the 100th dwelling for a minimum of five years, or one year after occupation of the final dwelling, whichever is longer.
    - Travel Plan Implementation Bond, or cash deposit - £104,631 (£598 per dwelling – based on the estimated cost calculated by Suffolk County Council of fully implementing the travel plan). This is to cover the cost of implementing the travel plan on behalf of the developer if they fail to deliver it themselves.

and that such permission be subject to the conditions as set out below:

- 1) Two year time limit for submission of reserved matters (agreed with applicant)
- 2) Reserved matters (outline)
- 3) Existing tree protection
- 4) Contaminated land
- 5) Construction management agreement
- 6) External lighting
- 7) Commencement period for landscaping
- 8) Protection of birds during construction period
- 9) Works to be carried out in line with the ecological report.
- 10) Archaeology
- 11) Highway Conditions (covering site access, Internal layout, Construction management plan, highway drainage, footway and cycle connectivity)
- 12) Surface water drainage