

**Application Number:** 5070/16

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

**Location:** THURSTON – Land at Norton Road

**Applicant:** Pigeon Capital Management 2 Ltd and Mr Peter Hay

This item was the subject of consideration by the Planning Referrals Committee on 12<sup>th</sup> July 2017, where Members resolved that the Authority would be minded to delegate the Corporate Manager – Growth and Sustainable Planning to grant outline planning permission as recommended subject to:

- a) Highways matters and solutions
- b) Railway station safety issues
- c) Material considerations requiring further information and proposed conditions.

The report presented to the referrals committee on 12<sup>th</sup> July 2017 is attached as Appendix 1.

This report provides an update on the matters listed at a) to c) above, as well as setting out any additional representations received since the matter was considered on 12<sup>th</sup> July.

## **Representations**

The following is a summary of the additional representations received since this proposal was considered by the Committee on 12<sup>th</sup> July.

### **Anglian Water**

Our Pre Development Engineer has undertaken an assessment of the cumulative impact of all the following proposed developments in Thurston:

- 2797/16 – 175 dwellings
- 4386/16 – 138 dwellings
- 4942/16 – 64 dwellings
- 4963/16 – 250 dwellings
- 5070/16 – 200 dwellings

Whilst they will increase the flow in the network, they will not cumulatively cause an unacceptable risk of flooding as the connection points are spread over more than one specific sewer run.

### **Suffolk Police**

Suffolk police commented with regards to application 4963/16, but did not comment on this application.

### **Local Highway Authority –**

As part of the ongoing study of the cumulative impact of the proposed developments in Thurston Suffolk County Council (SCC), as a statutory consultee for Highways, wishes to record the following comments on the consultation response and supporting feasibility study relating to the crossing at Thurston Station provided by Network Rail.

SCC strongly supports improvements to the safe provision of sustainable and public transport and recognises Network Rail's concerns about the safety of the pedestrian rail crossing. However, there are several issues that affect the public highway which would require resolution to produce a scheme acceptable to SCC. We would encourage further dialog with Network Rail to resolve these issues.

The highway issues identified are:

- Widening the footway under the bridge as proposed will push vehicles using Barton Road to the west. As the bridge is an arched structure this may reduce the available headroom and the increase risk of bridge strikes. If this necessitates a lowering of the existing height this will affect the of the highway by large vehicles, possibly diverting them onto other less suitable routes. It is acknowledged that reducing the road to a single lane would have the advantage or removing the risk of high sided vehicles trying to pass each other under the bridge which it is understood already results in bridge strikes.
- Signalisation of the junctions adjacent to the rail bridge is likely to reduce road capacity increasing congestion. We would look for Network Rail to undertake a Transport Assessment to measure this. The scope of the Transport Assessment will need to be agreed with SCC in advance. Preliminary studies by SCC are that the junctions within the mitigation area have the capacity to accommodate the proposed developments but that this is based on the existing unimpeded network.
- The design indicates visibility to signal heads one step down from DMRB. A Road Safety Audit will be required to ensure that the proposed layout is safe.
- The modifications to the highway require third party land not under control of Network Rail or SCC. Clarity of how this land is to be brought into the control of Network Rail or SCC is vital to show that these proposals are deliverable.
- The pick-up area is close to the junction and SCC has concerns that these may cause safety issues such as conflicts between vehicles leaving this area and through traffic
- Details of the footway will need to be provided to conclude a S278 agreement. SCC would expect street lighting to be provided for the new footway.

It is noted by SCC that alternative methods have been used to mitigate pedestrian safety concerns elsewhere in Suffolk, for example the gated crossing at Halesworth Station. We would encourage similar innovative solutions for Thurston.

Second response received 13<sup>th</sup> October 2017 – attached to this report as Appendix 2.

**5 further letters of representation have been received, which make the following comments;**

- If approved, these houses will result in a huge increase in total houses and in the population. This will turn our rural, quiet village into a small township in one fell swoop and a large satellite of Bury St Edmunds.
- The increase in housing and thus population will overwhelm our village roads with a huge increase in motor vehicle journeys. We already have problems at certain pinch points such as at Fishwick Corner, (4 accidents in the last 2 months) and Pokeriage Corner to name just two.
- Already inadequate parking at the village railway station with rail travel increasing every year.
- Lack of schools for all age groups for this proposed new population.
- Lack of immediate health care for this new population such as doctor's surgeries and dental practices. Existing provision is already overloaded and overstretched.

- We also feel that Mid Suffolk District has been suspiciously unhelpful in provision of essential information to the Thurston Village Neighbourhood Plan Committee, which, had it been provided in a positive timely manner may have enabled the Plan to be submitted and approved prior to this suite of housing applications.
- The enactment of our Plan may have enabled smaller and more suitable development to be realised and approved in line with villagers' wishes.
- We are aware of the fears of many Thurston residents with this planned huge expansion of our village.

### Highways Matters and Solutions

Following the previous committee resolution, continued work has been undertaken by the Local Highway Authority to consider the possible highway solutions at those junctions which were the subject of consideration previously and/or which remained of concern. The current situation in respect of each of these junctions is set out below;

#### **Cumulative Impact Assessment**

The AECOM technical note 60445024 'Thurston Cumulative Impact Assessment Part 2' summarises the traffic impact of the development in terms of

- 2017 base
- 2021 baseline traffic (ie growth but no development)
- 2021 baseline traffic (including growth) plus 689 dwellings (four minded to developments)
- 2021 baseline traffic (including growth) plus 827 dwellings (all five developments)

The C560 Beyton Road / C692 Thurston Road / U4920 Thedwastre Road (Pokeridge Corner) junction with full development is close to capacity in 2021. This results in a maximum queue length of 5 vehicles in the am peak. The LHA do not consider this to be a severe impact and it is the view of your officers that the residual cumulative impacts would not be such that would be severe in the terms supposed by paragraph 32 of the NPPF. As such, it is not considered that development should be prevented or refused on these grounds.

The C692 / C693 Thurston Road (Fishwick Corner) junction is operating close to capacity in 2017 and 2021 without any development. With either studied scale of development, the junction will be operating significantly over capacity in the morning peak with queues of 40 (689 dwellings) and 54 (829 dwellings) vehicles. This degree of congestion caused concern to the Highways Authority and further work was undertaken to identify any potential mitigation to reduce this (see below).

The C691 Barton Road under the railway bridge is operating above capacity in the 2021 am peak. No mitigation has been identified that may alleviate this. There is a degree of uncertainty in the calculation of theoretical capacity as future growth may vary from current assumptions. For example, robust travel plans may encourage modal shift away from car use thus reducing demand. The link is very short (@50m) and the duration of any congestion is likely to be short lived being restricted to the morning peak. Under these circumstances it is considered that the localised congestion does not represent a severe impact by the Highways Authority.

### **A143/Thurston Road junction**

As detailed in the recent response from the LHA, the main issue at this junction indicated by early studies was the lack of capacity. Queuing occurs on Thurston Road approaching the A143 in the morning and on the A143 in the evening due to vehicles from Bury St Edmunds turning into Thurston Road. To mitigate the effects upon this junction, it is proposed to introduce right hand turn lanes with traffic signals to control the junction and a drawing has been produced by the highway engineers appointed by the LHA which shows how these works would be constructed and how the junction would operate.

The LHA identify that, without any highway improvements and taking account of the proposed development, the junction will be operating at considerably over capacity. Junction modelling indicates that the proposed traffic signal option will increase capacity although with the proposed development the junction will be close to the theoretical capacity in 2021.

As part of the study a Road Safety Audit was undertaken. Although this has raised a number of design issues it is considered that these can be addressed during the design process.

### **Fishwick Corner**

As this junction was shown by the initial study to be operating over-capacity, the Applicants were challenged to suggest possible mitigation measures. Following these discussions, a proposed scheme to change the priorities at the junction was selected for further study. This change provides two benefits.

- An increase in capacity by prioritising those arms of the junction with the heaviest traffic
- By reducing speeds and providing stop lines rather than give way road safety can be improved.

Indicative drawings have been prepared to make sure large vehicles can use the revised junction. In addition, modelling has been undertaken to confirm that the capacity can be improved and a road safety audit has been undertaken to identify any safety concerns. Modelling of the revised junction shows that the capacity can be increased and the road safety audit identified vegetation and vehicle speeds as two potential issues. However, the designers' response considers that both can be addressed during the detailed design process.

In this respect, the proposed mitigation would result in residual cumulative impacts which would not be considered severe in the terms supposed by paragraph 32 of the NPPF.

### **Railway Station Safety Issues**

Members will recall that Network Rail had advised that the developments would give rise to a significant increase in pedestrian usage which would move the crossing into a high risk category. Network Rail had advised that mitigation would be required and sought a contribution of £1209.19 per dwelling in order to fund crossing closure estimated at £1m. They advised no objection subject to a legal agreement to provide that per dwelling contribution. As reported in July officers considered this would be a matter to be funded by CIL as a public transport improvement and could not be properly secured by s.106.

Following on from your meeting held 12 July 2017 officers of the County and District attended a meeting in September with representatives of Network Rail which was facilitated by the Parish

Council. At this parish meeting there was lengthy discussion of the risk issues associated with the use of the station foot crossing. Following on from that meeting your officers sought to clarify the risk information which Network Rail were basing their advice upon and in particular to establish at what point the risk profile became unacceptable. This would have enabled officers to consider whether the residual cumulative impacts of the development would be severe. In response to this request Network Rail have re-iterated the advice given at first instance. In summary this was that the modelled risk category, without definitive numbers, moves into high risk at 200 pedestrian footfall per day using the crossing.

Using the last census data for the crossing (understood to be July 2015) Network Rail had advised that 75 pedestrians used the crossing and officers sought to gain further clarification how the development of 827 dwellings would double the risk to 150 pedestrians per day. In September Network Rail provided details of a more recent survey in April/May 2017 which indicated an average usage figure of 133 pedestrians per day. Network Rail contend that the Transport Assessments accompanying the application do not detail the predicted rail usage figures and that with a conservative estimate of 10% of trips being by rail would push the crossing into the high risk category.

Officers repeated the request that Network Rail confirm the maximum number of houses which might be built without the mitigation going ahead. Network Rail responded that without predicted trips, with a breakdown of modes including rail, from each applicant they could not provide more accurate predictions. They observed that cumulative impact was relevant and that any increase in risk would not be favourable. Network Rail declined to attend the developer forum meeting which had been looking at infrastructure needs in Thurston. Network Rail's request for more information has been put to the applicants and discussed at the infrastructure group meeting. In essence the response received from that group was that Network Rail's mitigation plan of 2015 indicates that consideration has already been given to addressing risk at the station crossing and that Network Rail had not evidenced that these developments would give rise to unacceptable harm such that there was residual cumulative impact from the development which justified refusal on transport grounds.

Officers note that Network Rail did not object in May 2017 subject to securing a financial contribution. That request was not contingent upon a level of occupancies within the developments nor did it advise of any relevant trigger points. Officers are content that this is not a matter which can be secured by Section 106 but should properly be a CIL bid. It is clear that consideration has, prior to receipt of these applications, been given by Network Rail to a scheme of risk mitigation. Without evidence as to the specific point at which that harm would arise officers consider that it is for Network Rail to bring forward their risk mitigation plans with a CIL funding bid. Mindful that the expected rate of build out for these residential developments, some of which are in outline format and therefore will require reserved matters to be agreed, is likely to be circa 40-50 dwellings per annum your officers consider that the increase in crossing risk would not give rise to residual cumulative impacts which cannot be mitigated within a reasonable timeframe.

On this basis your officers consider that railway station safety issues would not be such as to warrant refusal either individually or cumulatively.

## Agricultural Land Classification – Loss of Best and Most Versatile Agricultural Land

This matter has been raised by third parties during the course of the representations made on the applications in Thurston, with particular regards to the accuracy of the grading attributed to each of the sites, whether this would affect the consideration of the applications and the extent to which the cumulative effects have been considered. These matters will be considered in turn;

In respect of this proposal, the site was identified as falling within Class 3b of the Agricultural Land Classification (ALC) within the previous report to committee on 12<sup>th</sup> July. This classification has been contested by a third party in light of their preparation of the Thurston Neighbourhood Plan “Agricultural Land Classification and Soils” document, where the author considers that the land would fall within Grade 2 and thereby constitute Best and Most Versatile (B&MV) land.

In this case, whilst the views expressed by the third party are based on opinion rather than factual soil analysis, the absence of definitive evidence one way or the other leads your Officers to conclude that the authority should take account of the potential for the land to be B&MV land when reaching their decision. In this regard, this should be a material consideration in reaching a decision on this proposal.

In respect of the cumulative impacts, Officers have made enquiries of Natural England, who were consulted on each of the individual applications, as to how this should be treated given the comments made by third parties. The Council has met its statutory obligations set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 with regards to consultations on the individual applications, where consultation with Natural England was not required on the matter of the Loss of Best and Most Versatile Agricultural Land as none of the sites, individually, were in excess of the 20ha consultation threshold. In any event, Natural England were consulted on each of the applications but did not comment on this point.

The cumulative effect of the developments in Thurston would see the loss of in excess of 50ha of agricultural land (it is a matter of contention as to whether the classifications attributed to each site are being challenged by third parties or not, and that is addressed individually in each report). Taking account of the views expressed above with regards to the grading of this land and whether it falls within the classifications of Best and Most Versatile, a request was made to Natural England for clarification as to the cumulative impacts. At the time of speaking to Natural England, they were not able to advise on how the cumulative impacts of the loss of best and most versatile agricultural land should be considered where related to multiple applications made on separate parcels of land by differing applicants. They advised that they would research the matter and respond further but, at the time of preparing these reports, no further response had been forthcoming.

Given this, Officers consider that the most appropriate way to approach this, in light of the absence of clarification on this point, is to consider that, cumulatively, the developments would result in a significant loss of such land, and thereby assess the developments as such. However, that consideration must be taken in the context that each of the applications, in its own right, would not result in a significant loss of B&MV agricultural land. The local planning authority is considering individual planning applications made to them and must have due regard to making a decision in accordance with the development plan and other relevant material considerations. Differing considerations could, perhaps, be said to be applicable in the instance that the authority was looking at the allocation of sites in the village, where it may be possible to look at sequentially testing those sites against areas of poorer quality land. However, taking the case made by the third party representative, they contest that each and every one of the applications made falls within the B&MV category and, therefore, even if we were to sequentially test them, they would score similarly.

Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*.

With regards to the report prepared for the Thurston Neighbourhood Plan entitled “Agricultural Land Classification and Soils”, this identifies that within the Mid Suffolk area the following percentages exist within each classification;

Grade	Hectares	%
1	0	0
2	15947	18.3
3	67931	78.0
4	2404	2.8
5	0	0
Non-agricultural	510	0.6
Urban	316	0.4

Whilst this report identifies that B&MV agricultural land is *“a scarce non-renewable resource and this is especially the case within the Mid Suffolk area”*, Officers do not consider that this evidence supports the latter part of this claim. The extent of land within grade 1 and 2 extends to 18.3% of the Mid Suffolk area, whereas land in Grade 4 and 5 extends to only 2.8%. In the absence of clarity as to the amount of land in Class 3a compared to Class 3b, and in respect that the analysis of the Suffolk-wide percentages show 26.3% in the upper two categories compared to 12.7% in the lower two, it is not possible to reach the same conclusion as the author of the report. However, it is accepted that the point can be made that the majority of the land being in Class 3a or 3b means that it is of lesser quality than those in Grade 1 or 2.

While, paragraph 112 of the NPPF indicates that account should be taken of the economic and other benefits of B&MV land, it does not impose a bar on the development of such land and does not define what might comprise ‘significant’.

A number of recent appeal decisions have considered this point, all of which like the situation here were determined against the background of a deficient 5YHLS. Two of the decisions relate to sites of around 5ha, while a further SoS decision is considerably larger at 10.4ha. Whilst none were considered ‘significant’ for the purposes of the NPPF, some negative weight was applied to the localised harm arising from the loss of some B&MV land in these cases, though it was not considered sufficient to significantly and demonstrably outweigh the benefits of securing new housing in authorities unable to demonstrate a 5YHLS.

In this respect, taking account of all of the above, the loss of this land which falls within the B&MV category should be attributed some weight in the consideration of this application (as set out within the Planning Balance below) and should also be weighed in the context of its contribution to the loss of 50ha+ of such land.

## **Planning Balance**

In recognition of the 'minded to' decision made by the Planning Referrals Committee on 12<sup>th</sup> July 2017, Officers have sought to consider those matters that the Committee recognised as being those where further information/solutions were required.

The LHA have carried out further investigation/modelling of the cumulative impacts of those junctions which were recognised as requiring further attention following the previous committee meeting. It has been found that, in respect of Fishwicks Corner and the A143/Thurston Road junctions, these have been redesigned such that suitable mitigation can be provided to satisfy the LHA and your Officers that a severe impact would not occur and, therefore, it is considered that there are not grounds to prevent or refuse the development in respect of the cumulative impacts on these junctions.

In respect of the Pokeriage Corner junction and the C691 Barton Road under the railway bridge, the impacts on these junctions do not result in severe impacts as supposed by paragraph 32 of the NPPF and, therefore, it is not considered that there are grounds to prevent or refuse the development in respect of the residual cumulative impacts on these parts of the highway.

In respect of the railway safety issue raised previously by Members, without evidence as to the specific point at which that harm would arise officers consider that it is for Network Rail to bring forward their risk mitigation plans with a CIL funding bid. Mindful that the expected rate of build out for these residential developments, some of which are in outline format and therefore will require reserved matters to be agreed, is likely to be circa 40-50 dwellings per annum your officers consider that the increase in crossing risk would not give rise to residual cumulative impacts which cannot be mitigated within a reasonable timeframe.

As such, your officers consider that railway station safety issues would not be such as to warrant refusal either individually or cumulatively.

In respect of the loss of agricultural land, Officers consider that in the absence of definitive evidence that the land is not poorer quality land, it should be considered to fall within the B&MV category and, therefore, there would be adverse economic and environmental impacts resulting from this development. With most of the land within the district being classified as 2, 3a and 3b, and with very little land in the lower categories, it is not considered that the loss of this parcel of land either on its own, or considered cumulatively with the 4 other sites that have been put forwards for development in Thurston, will have a significantly negative impact on agriculture and specifically food production, or on the local economy. This needs to be balanced against the benefits brought by the development, which includes the delivery of a mix of housing (including affordable housing and self-build plots), open space and the provision of land for a new Primary School site.

It is considered, therefore, that the benefits of the scheme outweigh the harm and, therefore, that there is a presumption in favour of this development.

## Recommendation

That the Corporate Manager - Growth and Sustainable Planning be authorised to grant outline planning permission subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- £821,450 is required towards the building of a new primary school in Thurston.
- £64,700 towards the cost of the land to provide the new primary school.
- £166,660 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
- Up to £172,588 to secure off site highway improvement works as listed below (dependent on the decision reached on other applications in the village):
  - Improvements to PRow Thurston 001 between Meadow Lane and Ixworth Road. A contribution of £7111 on commencement of the 100th dwelling.
  - Improve PROW 007 (un metalled) north of Meadow Lane. A contribution of £16500 in commencement of the 100th dwelling.
  - Contribution towards extension of speed limit on Norton Road. A contribution of £4267 on commencement of any construction work on site.
  - Contribution towards provision of pedestrian crossing facilities at Norton Road / Station Hill / Ixworth Road junction. A contribution of up to £26212 on occupation of the first dwelling.
  - Contribution towards improvements at the A143 Bury Road / C691 Thurston Road/ C649 Brand Road, junction at Great Barton. A contribution of upto £103,346 on commencement of any construction works on site.
  - Contribution towards safety improvements at the C693 Thurston Road / C692 Thurston Road / C693 New Road. A contribution of upto £15,152 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 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
  - Travel Plan Implementation Bond – To be confirmed when a detailed application/Travel Plan is submitted. This will be used to cover the cost of implementing the travel plan on behalf of the developer if they fail to deliver it themselves
  - Full Implementation of the Travel Plan and its monitoring.
  - Provision of an approved welcome pack to each dwelling after first occupation.
  - Securing remedial travel plan measures if the agreed travel plan targets are not achieved
- Provision of Skylark Mitigation
- Setting up of a management company to look after the open space and Sustainable Drainage parts of the scheme.

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

- 1) Two year time limit for submission of reserved matters (as opposed to the usual 3 years)
- 2) Reserved matters (outline)
- 3) Construction management agreement
- 4) Archaeology
- 5) Highway Conditions
- 6) Surface water drainage
- 7) Housing mix to be secured.