

Application Number: 4386/16

Proposal: Erection of 138 dwellings including the construction of a new vehicular access and provision of cycle/pedestrian link to Barton Road together with the provision of road and drainage infrastructure, landscaping and open space.

Location: THURSTON –Land on the west side of Barton Road, IP31 3NT

Applicant: Bovis Homes Ltd

Introduction

This item was the subject of consideration by the Planning Referrals Committee on 12th July 2017, where Members resolved that the Authority would be minded to refuse the application as not representing good design which would not conserve and enhance the character of the locality and would moreover develop best and most versatile agricultural land contrary to the principles of the NPPF paragraphs 56, 60, and 112 and contrary to Policy Fc1.1 of the Core Strategy Focused Review.

Officers were requested to report back to committee on infrastructure issues and matters arising from the potential refusal of the application.

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

This report provides an update on the matters listed above, as well as setting out any additional representations received since the matter was considered on 12th July.

Representations

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

Pakenham Parish Council

Concerns with the application in respect of:

- Impact on sewerage works and its ability to cope with the increased volume due to large number of proposed housing
- Impact on highway infrastructure particularly on Thurston Road at the crossroads with Pakenham Road, Upper Town, Pakenham.

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.

SCC Floods and Water

No further comment to add

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 13th October 2017 – attached to this report as Appendix 2.

SCC Strategic Development

I set out below Suffolk County Council's response, which provides the infrastructure requirements associated with this planning application and this will need to be considered by Mid Suffolk District Council. This consultation response considers the cumulative impacts on education arising from existing planning applications which, when including the 137 dwellings from this proposed development, amount to a total of 847 dwellings.

The requirements being sought here would be requested through S106A contributions as they fall outside of the CIL 123 List.

The County Council will require proportionate developer contributions for land and build costs for a new school from this proposed development, which will need to be secured by way of a planning obligation. A proportionate developer contribution, based on the 33 primary age pupils forecast to arise from the proposed development is calculated as follows

- £6.9m construction cost (excluding land) for a 420 place (2 forms of entry) new primary school
- £6.9m/420places = £16,429 per pupil place
- From 137 dwellings it is forecast that 33 primary age pupils will arise
- Therefore 33 pupil's x £16,429 per place = **£542,157 (2017/18 costs)**

Assuming the cost of the site for the new primary school, based on a maximum cost of £100,000 per acre (£247,100 per hectare), is £543,620 for a 2.2-hectare site and equates to £1,294 per pupil place. For the proposed development, this equates to a proportionate land contribution of 33 places x £1,294 per place = **£42,702**.

At present two planning applications (under references 5070/16 and 4963/16) include land identified for education use but planning permission for neither site has been granted permission by Mid Suffolk District Council. It is therefore suggested that consideration be given to imposing an appropriate planning condition restricting occupation of any dwellings once the capacity of the existing primary school with additional temporary classroom are full. This condition can be discharged once construction of the new primary school has commenced. This recognises the importance that the Government attaches to education provision as set out in paragraphs 38 and 72 of the NPPF.

Secondary Schools

The catchment secondary schools are Ixworth Free School and Thurston Community College. Thurston Community College has the largest secondary school catchment area in Suffolk. At present there is forecast to be sufficient surplus places available for pupils forecast to arise from the proposed development, with any expansion projects currently falling under CIL.

Pre-school provision

At present, in the Thurston area, there are four settings that offer places (2 childminders, Thurston Preschool, and Tinkerbells Day Nursery). From a development of 138 dwellings, the County Council anticipates around 14 pre-school pupils eligible for funded early education. Currently there is

sufficient capacity for only 10 pre-school pupils from this development. Based on the scale of development currently being assessed in Thurston, the proposed legislative changes and the intention to establish a new primary school (with nursery provision), the most practical approach is to establish a new early education setting on the site of the new primary school which would be a 30 place setting, providing sufficient capacity for 60 children in total. Our latest estimates are that a 30 place early education setting costs £500,000 to construct on a site of approximately 630m² (note: this includes outdoor play and parking).

The Mid Suffolk Regulation 123 List indicates that new early years settings are not identified for funding through CIL. A proportionate contribution, based on 14 children of the total 60 who would be accommodated within the new setting, could be calculated as follows (revised costs from a similar scheme in Suffolk):

- £500,000 construction cost (including land as collocated with the new primary school) for a new 60 place setting
- £500,000/60 early years pupils = £8,333 per place
- From 137 dwellings there is the need for 14 additional places
- Therefore 14 pupils x £8,333 per place = **£116,662 (2017/18 costs)**

Environmental Health – Land Contamination

No additional comments to those made previously.

Environmental Health – Air Quality

No objection to the proposed development from the perspective of air quality owing to the low background concentrations at the location of the development meaning that it would be highly unlikely for air quality to be compromised.

Heritage

The Heritage Team considers that the proposal would cause

- no harm to a designated heritage asset because it will not erode the rural character of nearby listed buildings.

The amendments to the proposal do not result in any change to the proposal's impact on heritage assets. There is accordingly no reason to vary from my colleague's appraisal.

10 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 Pokeridge 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.
- At Planning Committee this was given a minded to refuse verdict on the grounds of the use of good agricultural land, the high density of the plan and that the houses did not harmonise with the area
- 5 year housing land supply for 12 areas of Mid Suffolk is 720, why has Thurston been targeted to build upwards of 827 houses.
- Revised plan remains unsympathetic to the surrounding properties and is of high density
- No screening for privacy of residents and the new properties and inadequate distance from existing properties
- No benefit to the village in respect of amenities
- Proposal is largely un-changed from the one that MSDC were minded to refuse at their meeting in July. All the previous objections raised in our previous communication stand.
- Issues associated with ground water flooding is still on going without satisfactory conclusions and how it is going to be dealt with

The 'Minded To' Resolution of the Planning Referrals Committee – 12th July 2017

The minutes of the meeting on 12th July identify that;

“Members generally felt that the design and layout proposed were not suitable for a rural village development, particularly the three storey element. It did not enhance or improve the area and was therefore against the NPPF. The density was considered too high and the plots small and did not fit with neighbouring properties. The site was also Grade 3 agricultural land”.

Members will recall that Committee was minded to refuse planning permission for two reasons as detailed below.

The first reason would pick up well established planning principles set out in the NPPF at paragraphs 56, 60 and 112 and in Policy FC1.1 of the Core Strategy Focused Review amongst other development plan policies. At your meeting Officers noted that debate included concern at the inclusion of three storey flats within the scheme which were not keeping with the surrounding development and the rural nature of the village.

In considering the character of the locality and local distinctiveness, Officers note that Heather Close and Furze Close largely enclose two sides of the site and broadly modern residential estates in character without particular heritage or local features. In design terms, the proposed development could be seen as an extension of these existing urbanised areas with broadly consistent density and layout for a village location, but these areas are in the main single or 1 ½ storey design development with a narrow design character. It is notable that two or three storey development is not a characteristic feature within most views around this part of the village. Two or three storey developments can credibly be argued to be out of keeping with the prevailing characteristics of this

part of the village and can credibly be argued not to reflect local distinctiveness. In summary Officers consider that whilst Heather Close and Furze Close are predominantly areas of modern housing, they will not be seen in close context with the site, except in proximity to residential boundaries and private gardens sharing boundaries with the site.

The back to back relationship between dwellings in the area of Heather Close and Furze Close is up to around 23.8 metres.

The north boundary of the application is an open field so appropriate interface/transition style design that softens the edge of a large village should ideally drive the design approach in such a location. The proposed design in this part of the application site places a road along this boundary and places large detached two storey developments behind it. The landscaping belt proposed is a reasonable element of the scheme but a consideration must be given as to whether the scale of the development and a "hard edged" urban appearance would be acceptable. On this basis the character of this part of the site there is a judgement to be made as to whether the design as proposed successfully achieves a transition from village to countryside in a way that is also consistent with the less dense, well spaced and landscaped scattering of low level dwellings that currently appears as the Barton Road approach to the village.

Turning then to this area north east and fronting Barton Road is where the character of the area is split between large bungalow development along Barton Road and a smaller housing in a cul de sac style. Both area types represent relatively spacious and green areas of a very low density which is commonplace for modern village edge development.

In conclusion the overall character of the part of the village is a mix of post-war modern estate and spacious bungalow plots leading into open countryside. Three storey development is not present in the locality and there is a credible design judgement to be made as to whether that is or is not out of keeping. Whilst two storey development does exist in the immediate area there is a predominance of single or 1 ½ storey development when compared to two storey housing and the proposed development should perhaps reflect this character more, especially on the edges of the development on all sides. In this respect, there is a design judgement to be made as to whether the application proposal would safeguard local distinctiveness and enhances the character of the locality sufficiently to conform with good design principles.

In reaching a final decision on the application, the decision maker should acknowledge the "tilted balance" in paragraph 14 of the NPPF and the public benefits which may arise from, amongst other things, delivering new homes in the context of less than 5 years housing land supply. Insofar as a decision is concerned, this balancing exercise does not fetter the planning authorities discretion provided that due consideration is given to the policies of the NPPF. If Committee considers that the adverse impacts of the design issues would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the NPPF as a whole then it may proceed to refuse the application. In doing so it would be prudent to make clear reference to the harmful design elements which Committee regards as leading to this conclusion together with the NPPF and local policies which are relevant to their assessment.

Turning then to the second issue which Committee considered warranted refusal, 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 the subject of a survey which identified the land as Grade 3A, thereby falling in the Best and Most Versatile (B&MV) category. In this regard, the comments made in respect of the consideration of this land in the report that was presented to the Planning Referrals Committee on 12th July remain relevant and correct. Furthermore, the representations made by a third party who has completed a report into the Agricultural Land Classification for the Thurston Neighbourhood Plan group confirms that this has been correctly graded in this case. It is, therefore, only the cumulative impacts that require further consideration.

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.

In this respect, 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 and should also be weighed in the context of its contribution to the loss of 50ha+ of such land.

It should be noted that whilst Members previously considered that the loss of best and most versatile agricultural land was a reason to be minded to refuse permission previously in this case, Officers have been offered an opinion by an experienced third party that all of the sites under consideration fall in this category. Members would, therefore, need to be clear why the loss of B&MV agricultural land on this site, which in itself is the fourth largest of the sites under consideration, would be sufficient to justify refusal of permission. Your Officers consider that such grounds cannot be justified and that this would be unlikely to withstand challenge at appeal.

Other Matters

In respect of other changes in circumstance since this matter was previously considered, 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 (Pokeriage 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 Rails 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 Rails 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.

Conclusions

Following the resolution of the Planning Referrals Committee on 12th July, Officers were tasked with considering the minded to refuse resolution and reporting this back to the Committee. This report sets out your Officers views on the grounds of design and loss of B&MV agricultural land.

It finds that, in reaching a final decision on the application, the decision maker should acknowledge the “tilted balance” in paragraph 14 of the NPPF and the public benefits which may arise from, amongst other things, delivering new homes in the context of less than 5 years housing land supply. As detailed, this balancing exercise does not fetter the planning authorities discretion provided that due consideration is given to the policies of the NPPF. If Committee considers that the adverse impacts of the design issues would significantly and demonstrably outweigh the benefits of granting planning permission when assessed against the NPPF as a whole then it may proceed to refuse the application. In doing so it would be prudent to make clear reference to the harmful design elements which Committee regards as leading to this conclusion together with the NPPF and local policies which are relevant to their assessment.

In respect of the loss of B&MV agricultural land, recent appeal decisions have demonstrated that, in the absence of a five year supply of housing land, the loss of land on a scale such as this (5.3ha) would be unlikely to be justified. This does not constitute a significant loss as defined in the NPPF, and the limited localised harm that would occur would be outweighed by the benefits of the scheme as set out in this report. In light of this, Officers recommend that this ground of refusal is not advanced.

Recommendation

1. That Committee give consideration to the content of the abovementioned report and further weigh their initial evaluation of the application in relation to [a] design and [b] agricultural land quality issues having regard to the “minded to refuse” resolution of 12 July 2017.
2. That Committee proceed to determine the application as appropriate.