West Suffolk Council

DEV/WS/20/017

Development Control Committee
13 May 2020

Planning Application DC/19/1519/OUT – Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Date Registered:	23.07.2019	**Expiry Date:**	03.04.2020 (EOT)
Case Officer:	Julie Barrow	**Recommendation:**	Approve
Parish:	Rushbrooke with Rougham	**Ward:**	Rougham
Proposal:	Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council		
Site:	Land Adjacent to Fishwick Corner, Thurston Road, Rougham		
Applicant:	Bloor Homes and Sir George A. Agnew		

Synopsis:
Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:
It is recommended that the Committee determine the attached application and associated matters.

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Background:

This application is referred to the Development Control Committee as the development relates to a cross boundary application with Mid Suffolk Council. The development within West Suffolk relates to the realignment of the junction known as Fishwick Corner. The remainder of the development is within Mid Suffolk and relates to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

The Development Control Committee considered the application on 4 December 2019 and resolved to defer the application for the following reason:

In order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination.

Mid Suffolk District Council's Planning Committee considered the application at its meeting on 29th January 2020 and it resolved to approve the application subject to the conditions detailed in the Committee Report and the completion of a S106 Agreement.

A copy of the recommendation made to and accepted by Mid Suffolk District Council's Planning Committee is attached as Appendix 1, which sets out the planning obligations and proposed planning conditions. The full committee report can be viewed via;
file:///U:/Pre-apps%20and%20applications/2019/Applications/DC-19-1519-OUT%20-%20Fishwick%20Corner/DC1903486%20Land%20South%20West%20of%20Beyton%20Road%20Thurston%20Suffolk%20-%20Committee%20Report.pdf

Officers from West Suffolk have requested the presence of the SCC Highways Officers at the meeting of the Development Control Committee on 29th April 2020.

SCC Highways issued an updated response to both local planning authorities prior to Mid Suffolk District Council's Planning Committee meeting and a copy of this response is attached as Appendix 2.

Proposal:

1. The application as submitted to West Suffolk Council seeks consent for the realignment of New Road to create a staggered junction, where New Road meets Thurston Road at the current crossroads. The junction is known locally as Fishwick Corner.

2. The proposal involves a flared southern approach, moving the junction to the west of its current position. The proposal also includes the provision of drainage infrastructure and new landscaping.

Figure 1 below details the realignment of New Road

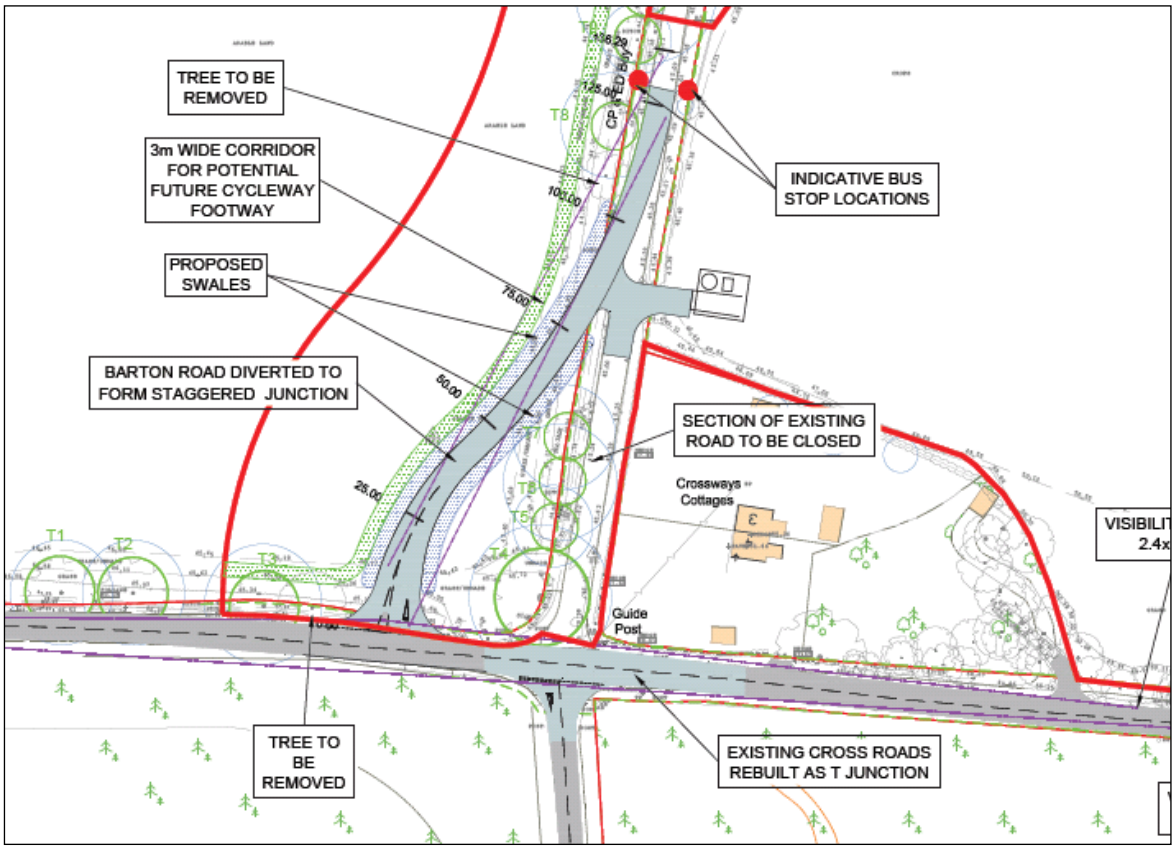
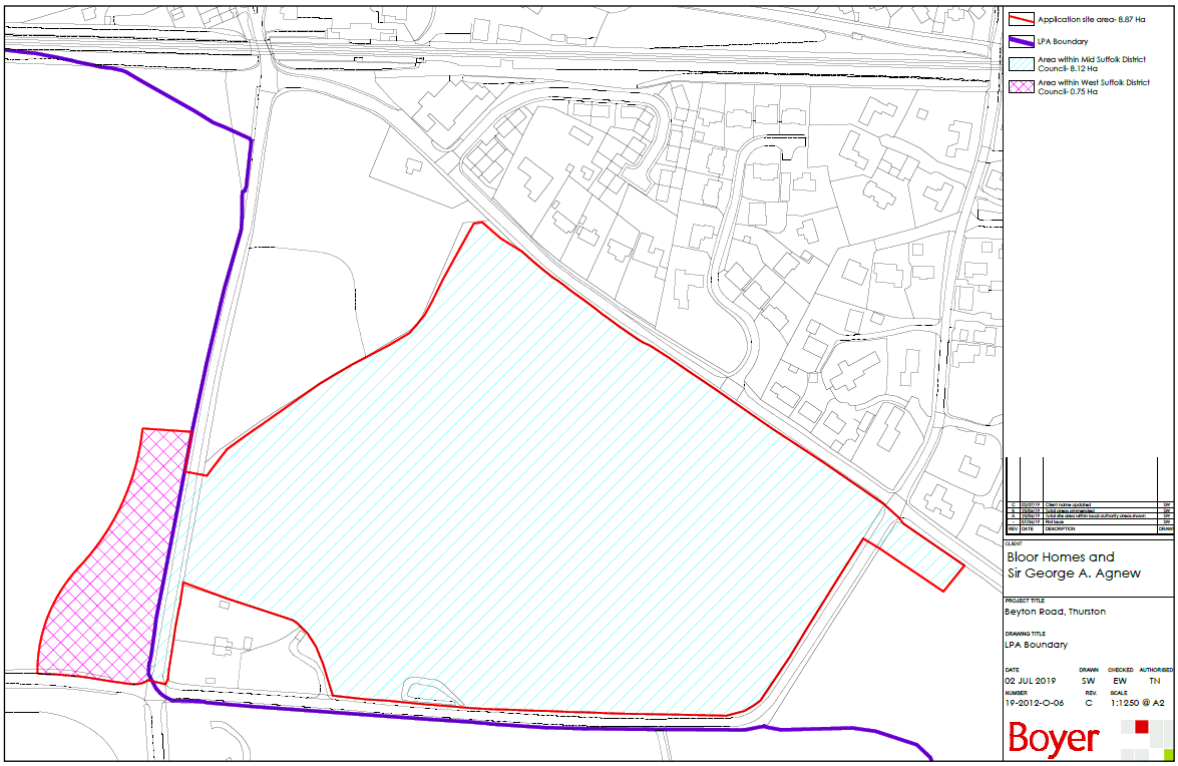


Figure 2 below is the Illustrative Masterplan for the development as a whole

Figure 3 below indicates the extent of the development in West Suffolk (pink hatching) and the extent within Mid Suffolk (blue crossing)



Application Supporting Material (as it relates to the West Suffolk element of the planning application):

- Illustrative Masterplan
- Land Use Parameter Plan
- Building Densities Parameter Plan
- Existing Vegetation Parameter Plan
- Fishwick Corner Landscaping Plan
- Staggered Junction Visibility Plan
- Site Access Strategy and Local Junction Improvements Plan
- Arboricultural Impact Assessment
- Written Scheme of Investigation for an Archaeological Evaluation
- Design and Access Statement
- Flood Risk Assessment
- Ecological Site Walkover and Ground Level Tree Assessment

Site Details:

3. The application site as a whole comprises 8.87ha of land located within two local planning authorities. Within West Suffolk the area of land proposed for the road realignment extends to 0.75ha and comprises the corner of an agricultural field together with the current highway that leads to the New Road/Mount Road junction. There are a number of Oak Trees alongside the existing highway that have been made the subject of a Tree Preservation Order during the course of the application. The site as a whole lies outside any established settlement boundary, however, the north-east boundary of

the site with Mid Suffolk's jurisdiction adjoins the settlement boundary for the village of Thurston.

Planning History:

4. No relevant planning history in West Suffolk.

Consultations:

5. SCC Highways – N.B. Joint response issued to West Suffolk and Mid Suffolk Councils. The details below relate to the extent of the highway matters that relate to West Suffolk:

   Following the receipt of five major planning applications within Thurston village received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned highways consultants (AECOM) to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. Mitigation measures proposed for Fishwick Corner involved a change in priority at the junction and the introduction of a 40mph speed limit. Constraints were identified with regard to capacity and safety and SCC highlighted that future mitigation was limited by the restricted land available within the highway boundary. Any further development in Thurston would not be supported without suitable mitigation to address capacity and safety.

   Existing situation – Fishwick Corner is a junction where the primary cause for congestion is due to limited visibility at the junction with a crossroads configuration which adds delay with each vehicle making that manoeuvre. This junction is also an accident cluster site with 13 recorded injury accidents.

   Proposed mitigation – The land to the north west of the junction is within the applicants' control and the highway boundary is no longer a constraint for further improvements with regard to the safety and capacity of the junction. The dominant turning movement in the AM peak is from the north arm turning right towards Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into the north arm.

   By introducing a staggered junction delays will be reduce by approximately 3 minutes, improving capacity. The staggered junction will provide the required visibility for the speed of road (40mph) and this type of layout has been shown to reduce accidents by some 60%. The proposed layout does not affect the trees that are subject to a preservation order.

   The question of a roundabout has been raised by councillors. This mitigation would not necessarily be deemed as proportionate as the proposal for a staggered junction delivers sufficient mitigation therefore, not necessary for the scale of development. Also, roundabouts are more dangerous for cyclists than to any other kind of road user and there would be a need to remove the protected trees. SCC have also requested an additional area to be secured to allow for a cycle/footway scheme that may come to fruition.

   Conditions recommended in relation to detailed designs of the mitigation measures being submitted for approval and the submission of a Construction Management Plan.

N.B. Updated response issued by SCC Highways on 7th January 2020. A copy of the response is attached as Appendix 2.

6. SCC Floods – Initially put a holding objection on the proposal subject to further preliminary infiltration testing being carried out.

   Following receipt of further information the objection is lifted. Acknowledged that infiltration is unsuitable and the new highway layout will be drained via positive discharge to existing watercourses nearby.

7. SCC Archaeology – High potential for the discovery of below-ground heritage assets of archaeological importance within this area and groundworks have the potential to damage or destroy any archaeological remains that exist. No objection to development proceeding subject to a programme of archaeological work being secured by condition.

8. SCC Growth – Make reference to response given to Babergh and Mid Suffolk Councils. CIL payments required in respect of education (secondary and sixth form), libraries and waste infrastructure. S106 contributions requested in respect of education (primary), early years provision and highways.

   Land will need to be dedicated for highway purposes and a cumulative highways impact assessment will be required on the basis of schemes already granted planning permission in Thurston and the wider locality. Consideration must be given to addressing pedestrian safety issues at Thurston Railway Station.

9. SCC Minerals – The Environmental Study and Minerals Investigation dated 4 July 2019 notes that the site contains sand deposits which may be suitable for incidental extraction. Recommend that a scheme for the prior extraction of mineral resources is secured by condition.

10. Suffolk Fire & Rescue – Recommends installation of fire hydrants and consideration given to the installation of a fire sprinkler system.

11. Suffolk Constabulary – Comments relate to residential element of scheme.

12. West Suffolk Planning Policy – The residential site is situated outside the settlement boundary of Thurston as shown in the Mid Suffolk Local Plan 1998. The site is contrary to the policy principle in relation to development in the countryside and is contrary to the settlement boundary shown in the Regulation 17 Thurston Neighbourhood Plan, which has some weight post examination.

    The site is one of a series of land parcels proposed to be allocated in the Babergh and Mid Suffolk Joint Local Plan. Since the site is allocated within a Regulation 18 Plan, proposals for its development may be given some weight, dependent on whether there are unresolved objections to the policy.

    The scale of new development proposed in Thurston, combined with existing growth planned in Bury St Edmunds is likely to place pressure on existing services and infrastructure.

The application should have regard to highway capacity issues and potential implications for Great Barton's Air Quality Management Area.

13. Landscape and Ecology Officer (September 2019) – The site is located in the *Plateau estate farmlands* character area and is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Any loss of mature oak trees and hedgerow, as a consequence of the proposals, is likely to affect landscape character.

    The assessment of the effects of the road re-alignment on existing trees is insufficient to conclude there would not be significant harm to the trees. No landscape proposals to compensate for the loss of existing trees and hedges and to mitigate potential visual effects of the new road and abandonment of the old alignment are included. Potential for the application to contribute to an existing woodland enhancement corridor. The Preliminary Ecological Appraisal does not cover the area and features that would be affected.

    Further comments received following the submission of additional landscaping details. Suggestions made to enhance the landscaping scheme and to ensure existing and future trees and hedges are protected. Disappointed that the opportunity to contribute to the existing woodland corridor has not been taken up.

    The Ecological Site Walkover and Ground Level Tree Assessment is noted. The tree which is to be removed to facilitate the works does not appear to have been assessed. The recommendations of the ecology report should be implemented in full if the application is approved.

14. Environment Team – No comments on land contamination. The development on its own is unlikely to have a significant impact on air quality in West Suffolk, however, the cumulative impacts of proposed and approved Thurston development should be considered, in particular in relation to the existing Air Quality Management Area in Great Barton.

15. Public Health & Housing – No objection subject to conditions to minimise impacts on any nearby residents.

16. Strategic Housing – No comment to make.

Representations:

17. Site notice posted and advertisement placed in the East Anglian Daily Times – No responses received.

18. Rougham Parish Council – Consider that whilst safety has to be improved at Fishwick Corner a roundabout rather than a staggered junction would be far more effective.

19. Thurston Parish Council – Comments summarised as follows:
    - The Parish Council has objected to Mid Suffolk District Council's application DC/19/03486.
    - The proposal fails to take full regard of the policies contained within the Thurston Neighbourhood Development Plan.
    - The site is outside the amended built-up boundary and as such is contrary to policies within the Mid Suffolk Local Plan and the Thurston

neighbourhood Development Plan Policy 1: Thurston Spatial Strategy, which states that all new development shall be focused within the settlement boundary of Thurston village.

- The conflict with the development plan would be an adverse impact of the propose development.
- The Parish Council contends that the granting of planning permission on 5 significant sites in late 2017 means that Thurston should not be expected to accommodate any additional growth outside the settlement boundary.
- Additional growth such as that proposed is unsustainable, unsafe and will have a severe impact on the highway network in and around Thurston.
- Concerns that this staggered junction [at Fishwick Corner] will result in any vehicles leaving the village to access the A14 for BSE/Cambridge having to turn left and then wait in the middle of Mount Road to turn right. On-coming traffic on Mount Road will be approaching around a blond bend where accidents regularly occur.
- Concerned that this junction is only required because of the proposed development, SCC Highways having already offered an apparently acceptable s106 funded highway realignment proposal to mitigate the impact of the previous five significant developments already approved in Thurston.
- The main planning application incorporates other proposed transport improvements but concerns remain that that these proposals have not been fully tested against potential traffic growth numbers and impacts such as the new SCC Post 16 School Transport policy.
- The majority of transport improvements proposed at main junctions are likely to compromise the safety of cyclists/
- The proposal fails to consider or offer a solution to the impact on passenger safety on the Thurston Level Crossing at the railway station.
- The proposal will effectively release the adjacent field to the West of New Road/Barton Road for further development.
- Application should not be supported as it has not been clearly determined as any safer than the current crossing arrangement and it is being offered in lieu of an apparently acceptable realignment proposal funded by s106 contributions.

Policy:

20. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

21. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM20 Archaeology
- Policy DM45 Transport Assessments and Travel Plans

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS8 - Strategic Transport Improvements
- Core Strategy Policy CS13 - Rural Areas

- Vision Policy RV1 - Presumption in favour of Sustainable Development

Other Planning Policy:

22. National Planning Policy Framework (2019)

    The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

The issues to be considered in the determination of the application are:

- Principle of Development
- Highway safety
- Landscape and visual impact
- Drainage and Flood Risk
- Ecology
- Archaeology
- Other planning considerations

<u>Principle of development and background to the proposal</u>

23. The extent of the application due to be determined by West Suffolk Council relates solely to the highway works associated with the realignment of the Fishwick Corner Junction. The remainder of the development, including the residential element and associated infrastructure together with other off-

site highway works, falls within the jurisdiction of Mid-Suffolk District Council. As such West Suffolk is not tasked with considering the merits of the residential development, rather whether the proposed works at Fishwick Corner are acceptable in planning terms. It should be noted that the main access to the residential development is off Beyton Road and the works to Fishwick Corner do not facilitate access to the residential development.

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

25. Policy CS2 of the Core Strategy 2010 seeks to ensure that a high quality sustainable environment is achieved by designing and incorporating measures appropriate to the nature and scale or development. The policy goes onto set out the criteria that will achieve a high quality sustainable environment, including the conservation, and where possible, enhancement of the character and quality of local landscapes and the wider countryside.

26. Policy CS7 states that the Council will develop and promote a high quality and sustainable transport system across the borough. Policy CS8 relates to strategic transport improvements.

27. Policy CS13 relates to development in rural areas and states that development outside defined settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity or the countryside while promoting sustainable diversification of the rural economy.

28. Policy DM5 relates to development in the countryside and states that areas designated as countryside will be protected from unsustainable development. New or extended buildings will be permitted in the countryside where they meet the specific exceptions set out in Policy DM5.

29. Policy RV1 of the Rural Vision 2031 reaffirms the principle of the presumption in favour of sustainable development, stating that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making a decision planning permission will be granted unless material considerations indicate otherwise, taking into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole or specific policies in the NPPF indicate that development should be restricted.

30. The Rural Vision 2031 sets out a number of aspirations for the area, with Aspiration 8 stating 'safety of all road users is improved'. The text that accompanies the aspiration acknowledges that there needs to be a balance between the safety of road users and the rural environment. One of the actions identified to achieve this aspiration is to encourage the County Council, as highways authority, to implement safety measures on rural roads.

31. The Rural Vision 2031 acknowledges that the car remains the main mode of transport for people who live in rural areas due to lack of alternatives. The

application site of the highway works is situated within the parish of Rougham. The Rural Vision 2031 states that Rougham is a Local Service Centre with the main settlement spread across two main areas – Blackthorpe and Kingshall Street. Both areas lie to the south of the application site, beyond the A14. There are various routes that can be taken to access the A14 and the main settlement of Bury St Edmunds but any traffic heading north from the Kingshall area may be required to cross the Fishwick Corner junction. Such trips may include those accessing Thurston railway station.

32. The Rural Vision 2031 goes on to state that as the local roads are rural in nature any new development in Rougham could lead to upgrade requirements to both the roads and junctions.

33. The proposal to realign the Fishwick Corner junction has been put forward as a direct result of planned development in the village of Thurston. Planning permission for up to 827 dwellings has been granted since 2017. The current draft Babergh Mid-Suffolk Joint Local Plan allocates seven sites for development in Thurston, including those that already have planning permission and the site that is the subject of the current cross boundary application, with provision for up to 978 dwellings. The draft Local Plan is still at an early stage therefore any weight afforded to its policies is limited.

34. A detailed study commissioned by Suffolk County Council in 2017 of the cumulative impacts of the approved schemes on the local highway network demonstrated that the majority of traffic leaving Thurston travels through Fishwick Corner and that the junction is operating close to its capacity. The accidents data also confirmed that there is a road safety issue at the junction. The implementation of mitigation measures was considered necessary at this junction and a number of proposals, including a change in priority, a reduction in the speed limit and enhanced road signs and markings were put forward. These measures were secured through a number of s106 planning obligation agreements attached to the consented schemes.

35. The study went onto consider that the junction could not be improved further in terms of either road safety or capacity due to the highway boundary constraints. It was envisaged that in order to deliver a focused and extensive improvement to the junction additional land beyond the site and highway boundary would need to be secured. The current cross boundary application offers the additional land needed to further improve the Fishwick Corner junction, in the manner suggested by the detailed study.

36. As stated earlier in this report the site lies outside of any settlement boundary, in an area designated as countryside for planning purposes. The proposal to realign New Road and divert it through the corner of an agricultural field does not meet any of the exceptions for development set out in Policies DM5 and CS13 and is therefore contrary to the development plan in this regard. However, it has already been identified that the junction is operating close to capacity and that it has a poor safety record. The extent of committed development in Thurston is such that there will be additional traffic using the junction regardless of whether the residential development that forms part of the cross boundary application goes ahead. As detailed below, Suffolk County Council as Highway Authority, supports

the principle of development and had the land been available at the time, it is likely that the works would have been secured as part of the five consented schemes in Thurston.

37. The Rural Vision clearly identifies the need to ensure that the safety of all road users is improved and acknowledges the importance of the private motor vehicle for rural communities. The proposal to realign Fishwick Corner meets the aspirations of the Rural Vision in this regard. Of note is the fact that the Thurston Neighbourhood Plan identifies Fishwick Corner as being 'the most dangerous junction within the village'

38. Whilst it is accepted that the proposals for Fishwick Corner do not meet any of the exceptions to development in the countryside, it is considered that there are other material considerations that indicate that the development should be approved. In particular the improvements to highway safety, as discussed in detail below, are one such material consideration that weighs heavily in favour of the proposal.

Highway safety

39. Policy DM2 relates to the creation of places and sets out the criteria that proposals for development should meet, including the production of designs that maintain or enhance the safety of the highway network.

40. Policy DM45 states that for major development or where a proposals is likely to have significant transport implications, the applicant is required to submit a Transport Assessment with the planning application. The policy places a requirement on developers to negate the transport impacts of development. This may be in the form of the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport.

41. The Transport Assessment submitted with the application details the background work that has taken place over the past two years in respect of the assessment of highway capacity in and around Thurston and the works required to mitigate for the planned development in the village.

42. As stated above, the changes being proposed to Fishwick Corner are considered by the applicant to represent an improvement to highway safety, a view shared by Suffolk County Council as the Highway Authority. As already detailed, had the land at Fishwick Corner been available at the time the consented schemes were approved, it is likely that the improvements would have been secured at that time.

43. It should also be noted that the Site Access Strategy and Local Junction Improvements plan submitted with the application details the full extent of on and off-site highway works proposed in connection with the development as a whole, including the residential element. A mini roundabout is proposed at the Barton Road/Beyton Road junction and Barton Road will be realigned where it passes under the railway bridge to allow for a 1.5m footway on the eastern side of the road. The existing Station Road mini roundabout will be adjusted to suit the changes made to the south of it. Traffic calming measures are proposed along Beyton Road and the main access into the residential development will be off Beyton Road. Improvements are also proposed to the Pokeriage Corner junction, including

the provision of a zebra crossing. These works are in addition to the changes proposed to the Fishwick Corner Junction.

44. During the course of the application a number of amended plans have been submitted as a result of discussions with various consultees. Two indicative bus stop locations are detailed on the amended plans, north of Crossways Cottages. At the request of SCC Highways the amended plans also show a 3m wide corridor that could form a future cycleway and footway, improving connections towards Rougham and Bury St Edmunds.

45. The Transport Assessment demonstrates that the works will significantly improve capacity at the junction, with all arms operating within capacity. The creation of a staggered junction as opposed to a traditional crossroads improves visibility, the lack of which at the current junction is a significant contributory factor towards the number and frequency of accidents that have occurred at the junction.

46. Suffolk County Council, as Highway Authority, has provided its advice to West Suffolk Council as the determining authority in respect of the proposed works to Fishwick Corner. The Highway Authority supports the realignment of the highway, stating that it will result in increased capacity and improve the safety of the junction.

47. The Highway Authority's consultation response states that the dominant turning movement in the AM peak is from Thurston Road (north arm) turning right to Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into Thurston Road (north arm). The introduction of a staggered junction is considered to reduce delays by approximately 3 minutes, therefore improving capacity. The Highway Authority further advises that the staggered junction will provide the required visibility for the speed of the road (40mph) and this type of layout has been shown to reduce accidents by some 60% compared to a crossroads.

48. The Highway Authority has also given consideration to provision for cyclists using the junction and has suggested that the section of carriageway that will be stopped up is stopped up only in respect of vehicles, with access retained for cyclists and pedestrians. This area would need to be the subject of detailed design to ensure that drivers approaching from Rougham do not mistake it for a continuation of the road. The submission of such details could be secured by planning condition.

49. In response to comments made by Rougham Parish Council that a roundabout would be preferable in this location, the Highway Authority has stated that the construction of a roundabout would not be proportionate as the proposal for a staggered junction delivers sufficient mitigation. The Highway Authority also states that roundabouts are more dangerous to cyclists than any other kind of road user and a roundabout in this location is likely to result in the loss of the protected trees due to the land take that would be required.

50. The Highway Authority has advised that any further growth in Thurston, over and above that already consented, would not be supported without further mitigation measures being put in place at a number of key locations/junctions. The current proposal for additional residential development in Thurston facilitates the delivery of much needed highway

improvements although it is acknowledged that should the residential element of the scheme be refused then the highway improvements are unlikely to be delivered. Notwithstanding this point it is considered that the proposal to realign the Fishwick Corner junction will result in improvements to capacity and safety and that the proposal complies with Policies DM2 and DM45 in this regard.

51. The National Planning Policy Framework states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The Highway Authority has advised that it has examined the application and the supporting information in detail. It acknowledges that the additional development will lead to more vehicles, pedestrians and cyclists using the highway network around Thurston in addition to that from the permitted developments. Without mitigation the Highway Authority considers that the cumulative impacts are severe in highway terms. However, with the proposed mitigation the Highway Authority considers that while some significant negative factors remain the overall impact, when balanced, is no longer severe nor is there an unacceptable impact on road safety.

52. The timing of the delivery of the highway improvements will be secured by the S106 Agreement, with the developer required to submit a highway phasing plan to Mid Suffolk District Council for approval. It is envisaged that the works to Fishwick Corner will be complete prior to any part of the wider development being occupied.

Landscape and visual impact

53. Policy DM13 seeks to ensure that development will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. All proposals for development should be informed by and be sympathetic to the character of the landscape. In addition, proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape.

54. The site is located in the *Plateau estate farmlands.* This landscape typology is characterised by large regular fields with small woodlands on light loamy soils. This locality south-west of Thurston village is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Mature Oak trees are a typical occurrence in the area, typically but not exclusively within hedgerows, and which make a significant contribution to the landscape character. Any loss of mature Oak trees, and hedgerow as a consequence of the proposals is likely to affect landscape character including the character of Thurston Road and New Road and potentially visual amenity as views towards the new dwellings would be opened up.

55. During the course of the application West Suffolk Council served a Tree Preservation Order in respect of 11 Oak trees located on New Road and Thurston Road. The Order cites the fact that the trees are a visually prominent feature along Thurston Road, providing a notable degree of landscape value, both collectively and as individuals.

56. An Arboricultural Impact Assessment submitted with the application identifies one Oak tree as requiring removal due to extensive decay at its base. The Tree Officer and Landscape Officer do not contest the removal of this, however, further information in respect of the effects of the road realignment on existing trees was requested together with landscape proposals to compensate for the loss of the tree and sections of hedgerow alongside the site of the realignment.

57. A landscaping plan has been submitted during the course of the application, with mitigation proposed in the form of the planting of a new native hedgerow and hedgerow trees, alongside native cover crops within the adjoining arable field. To either side of the road areas will be planted with wild bird seed mix with amenity grass margin/verges. At the southern extent of the road swales are proposed alongside the carriageway for drainage purposes. The applicant proposes to plant a number of trees on the western side of the road, which will define the boundary between the new piece of carriageway and the adjacent arable field.

58. The Landscape and Ecology Officer has assessed the planting proposals and is broadly accepting of the scheme. Further details in respect of the placement of trees will be required together with details of the proposals for the re-instatement of the existing section of carriageway that will become disused.

59. The extent of the road realignment works will result in a marked change in the landscape character of the immediate area with the addition of hard surface carriageway, adjacent footpaths and drainage swales and the loss of sections of hedgerow. At present the site forms the edge of an arable field with tree and hedgerow cover on the peripheries. By necessity parts of the site will be opened up to achieve the required visibility splays and the addition of street lighting and other such paraphernalia, the development will appear conspicuous in its immediate surroundings. This brings the application into conflict with Policy DM13 as the scheme is likely to result in some adverse effects on landscape character. The mitigation proposed goes some way to assimilating the development into its surroundings and the harm caused must be weighed against the benefits of the proposal, which in this case principally relate to highway safety and capacity.

60. The Arboricultural Impact Assessment submitted with the proposal also refers to the proposed net gain in tree numbers as a result of the scheme as a whole. Policy DM13 is clear that where any harm will not significantly and demonstrably outweigh the benefits of the proposal, development will be permitted subject to other planning considerations. In respect of the trees protected by Order it is considered that the road realignment is generally sensitive to tree retention and that there is no direct conflict with the Order.

<u>Drainage and flood risk</u>

61. Policy DM6 states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.

62. A Flood Risk Assessment (FRA) accompanies the application. This states that the site is located in Flood Zone 1, where the majority of development should be directed. The FRA considers the fact that the highway works proposed at Fishwick Corner are in West Suffolk with the remainder of the development in Mid Suffolk. Cross border flow paths have therefore been considered.

63. Consideration has been given to extreme flood events and the interaction between the parts of the sites. The ditch on the west side of New Road will intercept any flows from West Suffolk and the existing highway acts as a barrier from flows from Mid Suffolk. However, as an additional measure, levels to the east of New Road will be designed to fall back towards the infiltration basin proposed on the residential development, preventing surface run-off crossing the border and containing any extreme event in close vicinity of the basin whilst it infiltrates the ground.

64. The FRA advises that the geology of much of the site is such that infiltration devices such as crate soakaways, infiltration basins, swales, filter traps and permeable pavements are likely to form a solution to surface water drainage. However, infiltration is not a viable option at the Fishwick Corner junction. Here, roadside swales are proposed to collect highway run-off by the use of periodic repeating flush kerbing and check dams to attenuate, subsequently discharging to the existing ditch alongside New Road. The applicant envisages that the swales will be put forward for adoption by the highway authority.

65. The Lead Local Flood Authority has confirmed that the drainage strategy for both parts of the development is acceptable and subject to a condition requiring the detailed design of the system to be submitted it is considered that the proposal complies with Policy DM6.

Ecology

66. Policies DM11 and DM12 relate to protected species and the mitigation, enhancement, management and monitoring of biodiversity.

67. At the request of the Landscape and Ecology Officer further ecological investigative work has been carried out by the applicant and an Ecological Site Walkover and Ground Level Tree Assessment has been submitted to supplement the investigative work undertaken on the residential development site. The Ground Level Tree Assessment was undertaken in order to establish if the trees within the site of the highway works held potential roosting features for bats and assess the need for any subsequent survey.

68. Habitats within the site include arable, poor semi-improved grassland, scattered trees, amenity grassland and species poor hedgerow with trees, with arable land being dominant. The trees on or close to the site were assessed as having low roost value for bats and as these are being retained (with the exception of one Oak tree), the potential roosting features will not be directly affected and as such no further surveys are recommended in respect of roosting bats.

69. The existing hedgerows provide suitable foraging habitat for bats and the loss of sections of hedgerow on the peripheries of the site in order to achieve

satisfactory visibility will have an adverse effect on biodiversity. Further indirect effects from lighting may also arise, although a number of strategies to minimise impacts can be employed.

70. Subject to the development being carried out in accordance with the recommendations of the ecological reports submitted with the application it is considered that the proposal will not result in adverse effects on biodiversity and ecology and the proposal complies with policies DM11 and DM12 in this regard.

Cultural heritage

71. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.

72. Policy DM15 relates to proposals to alter, extend or change the use of a listed building, or development affecting its setting and sets out the criteria to be met in order for development to be permitted.

73. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)… …shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

74. Suffolk County Council Archaeological Service has advised that the whole development site is in an area of archaeological potential as recorded on the County Historic Environment Record. It is in close proximity to a Roman Road and in a general landscape of later prehistoric activity. As a result there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

75. The Archaeological Service raises no objection to development proceeding subject to a programme of archaeological investigation being undertaken. A Written Scheme of Investigation (WSI) for an Archaeological Evaluation has been submitted with the application and details the extent of evaluation works that will be carried out across the whole site. The Archaeological Service has confirmed that the WSI is acceptable and its implementation can be secured by condition. The proposal therefore accords with Policy DM20.

76. The Round House is Grade II listed and is located to the west of the application site. It is described as a former lodge building in its listing and it has some distinctive features, however, it does not feature prominently in the streetscene and is surrounded by dense woodland to the west, south and east. The application site forms a part of the wider setting of the building given its location on the Rougham Estates, however there is no intervisibility between the site and the building and the arable field where the road realignment works are proposed makes no particular contribution

to the significance of the heritage asset. The proposal is not therefore considered to result in any harm to the setting of The Round House.

77. Crossway Cottages are a pair of semi-detached late C19 cottages located to the east of New Road and within the district of Mid Suffolk. Mid Suffolk Council has identified these cottages as non-designated heritage assets due to their architectural and aesthetic quality. The setting of these cottages is predominantly rural with the site of the residential development providing separation from the cottages from the village. This area therefore makes a positive contribution to the setting of the cottages, and would be affected by the residential development. Mid Suffolk Council has identified that the Mid Suffolk element of the development would cause a low to medium level of less than substantial harm to the significance of the non-designated heritage assets as it would detract from their historically isolated rural setting.

78. The road realignment works will change the character of the area immediately to the west of the cottages, however, they are already bound by the highway leading to Fishwick Corner and this forms part of the setting for the cottages. The proposed highway works will move the carriageway away from the cottages and allow the area of existing highway to be stopped up and returned to the landowner. The proposals therefore offer an opportunity to enhance rather than harm the setting of the cottages and as such there is no requirement to weigh any harm against the public benefits of the proposal as required by the NPPF. The proposal is considered to meet the requirements of Policy DM15 and the LPA has had regard to its duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

79. Policy DM2 makes reference to the need for all development proposals to ensure that they do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated. The avoidance of development that adversely affects residential amenity is also a requirement of the policy, however, it accepts that mitigation measures may be taken into account.

80. The site of the road realignment is rural in nature with the closest residential dwellings being Crossway Cottages, located to the east of the existing carriageway. The cottages are set back some distance from the highway and although the development is likely to result in some noise and disturbance during construction, any adverse effects can be minimised through the employment of a construction management plan. Given that the cottages are already located adjacent to a highway it is considered that the movement of the carriageway away from their curtilages will improve living conditions with less traffic noise and light being omitted from vehicle headlights. On balance therefore it is considered that the proposal will not result in any long term adverse effects on the residential amenity of nearby residents and the proposal accords with Policy DM2 in this regard.

Other matters

Cumulative impact of growth in Thurston

81. As discussed earlier in this report a number of sites within Thurston have the benefit of planning permission with a further application on land to the north of the village pending consideration with Mid Suffolk Council. Mid Suffolk Council are proposing to allocate the area for residential development under this cross-boundary application in addition to the committed development in the village. As detailed above, the weight that can be afforded to this allocation is limited given the stage of preparation that the plan is at and the outstanding objections to it.

82. West Suffolk Council has made representations to Mid Suffolk Council in respect of the draft joint local plan and in respect of Mid Suffolk's element of this planning application. West Suffolk Council considers that the scale of new development proposed in Thurston, combined with existing growth planned within Bury St Edmunds is likely to place pressure on existing services and infrastructure. It is also concerned that no mitigation is proposed to address these factors.

83. It should be noted that all five of the consented schemes in Thurston are committed to either delivering improvements to the highway network or to making a financial contribution to the County Council to enable such works to be carried out. In addition all the developments are making significant financial contributions towards all levels of education provision.

84. Mid Suffolk Council has advised that its Leisure Service is actively discussing improved sport and leisure facilities for the village with Thurston Parish Council and a number of projects have been identified in response to the level of growth that is anticipated.

85. Mid Suffolk Council is a CIL (Community Infrastructure Levy) charging authority and a CIL contribution towards health care will be generated by the residential development. The Clinical Commissioning Group has advised that these funds will be used to increase capacity at the Woolpit Health Centre.

86. The Highway Authority has been asked to consider the cumulative impact of all proposed development in Thurston on the local highway network and it raises no objection to the proposal on this basis. The applicants have also indicated that a robust travel plan will be put in place for the site, which includes the establishment of a car club.

Minerals

87. SCC Minerals and Waste has commented on the application and recommends a condition requiring the submission of a minerals management plan, detailing the incidental extraction of mineral resources, with the first reserved matters application. The works to be undertaken in West Suffolk are on a relatively small area of land in comparison to the remainder of the development site and the area is distinctly separate from the main parcel of land. On this basis it is not considered to be practicable

or reasonable for the extraction of mineral resources on the West Suffolk area and such a condition is not proposed by officers.

Loss of agricultural land

88. The proposal will result in a loss of agricultural land. An Agricultural Land Classification submitted with the application relates to the residential development and identifies the area as being grade 2 and 3a, i.e. best and most versatile land. Given the proximity of the site of the road realignment to the remainder of the development it is considered likely that the land within West Suffolk is a similar grade. The area of land proposed for the road realignment extends to approximately 0.75 ha and not all of the land is actively farmed. It is therefore considered that any loss of agricultural land is minor and the refusal of the application on these grounds could not be justified when balanced against the benefits of the scheme.

Contaminated land

89. A Geoenvironmental and Geotechnical Site Investigation has been submitted with the application, although it excludes land required for the road realignment. However, given that the construction of a highway is not a sensitive end use no further action is required in this regard.

Mid Suffolk District Council Planning Committee

90. As stated above, Mid Suffolk District Council considered its element of the planning application at its committee meeting on 29th January 2020. Members carefully considered the application in relation to both its adopted and emerging development plan and the Thurston Neighbourhood Plan. The Committee was satisfied that the proposal as a whole did not conflict with the Thurston Neighbourhood Plan and, given that the presumption in favour of sustainable development as set out in the NPPF was engaged, that the benefits of the scheme outweighed any adverse effects.

91. The Committee was supportive of the package of highway improvements being put forward, including those proposed at Fishwick Corner. The Committee resolved to approve the application subject to the completion of a S106 Agreement and the imposition of appropriate planning conditions. Details of the planning obligations, including affordable housing, provision of open space and financial contributions towards education together with the conditions proposed by Mid Suffolk District Council are set out in Appendix 1.

Planning balance & Conclusion

92. This is a cross boundary application with the extent of development within West Suffolk restricted to the realignment of the Fishwick Corner junction. The application site lies outside of any established settlement boundaries, in an area designated as countryside for planning purposes. The development does not meet any of the exceptions to development in the countryside as set out in Policy DM5 and therefore conflicts with the adopted development plan in this regard. This conflict attracts significant weight against the proposal. However, the Rural Vision 2031 recognises the importance of the motor vehicle and the local highway network in rural areas

and advocates the need to improve highway safety. The proposed highway improvement works seek to deliver on these aspirations.

93. The Highway Authority has set out the fact that the junction is operating close to or at capacity and that it has a poor safety record. It highlights that a number of mitigation measures are due to be delivered as part of the permitted development in Thurston, however, further mitigation measures will be required to accommodate any further growth and had the land been available at the time the consented schemes were considered the works would have been delivered in connection with those developments. The improvements to highway safety and capacity are considered to attract very significant weight in favour of the proposal.

94. The proposal will result in some adverse effects on the landscape character of the area, contrary to Policy DM13. This attracts some weight against the proposal, although mitigation in the form of new planting reduces the weight attributed to this policy conflict. The proposal accords with development plan policies in relation to drainage and flood risk and subject to the implementation of the recommended ecological enhancements the proposal is not considered to result in adverse effects on ecology and biodiversity.

95. Subject to the imposition of conditions in relation to the carrying out of archaeological investigation, the proposal accords with relevant development plan policies in relation to cultural heritage. Similarly, the imposition of conditions relating to construction, the proposal will not result in any significant adverse effects on the residential amenity of nearby occupiers. Any loss of best and most versatile agricultural is considered to be minor and would attract very limited weight against the proposal.

96. The road realignment is intrinsically connected to the residential development on the remainder of the application site given that there is one landowner and developer involved and any further growth in the village of Thurston may result in increased pressure on facilities and infrastructure in the district of West Suffolk. However, it is considered that the benefits of the scheme in relation to highway safety and increased capacity on the local highway network would outweigh any adverse effects of the scheme and on this basis the application is recommended for approval.

Recommendation:

97. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 agreement between the applicants and Mid Suffolk District Council in respect of the planning obligations considered necessary by Mid Suffolk Council.

    Planning conditions are recommended in respect of the planning matters listed below in so far as they relate to the works within West Suffolk. The final detail of the conditions required in respect of the whole development to be agreed with Mid Suffolk Council, with authority delegated to the Assistant Director (Planning and Regulatory Services) in consultation with the Chair of the Development Control Committee to agree the conditions.

Suggested planning conditions in respect of the development within West Suffolk:

- Approved plans

- Time limit
- Reserved matters for the construction of access in the WS administrative area
- Surface water drainage details
- Detailed design of road realignment (including section of carriageway to be stopped up)
- HGV construction management plan
- Provision of fire hydrants
- Archaeological investigation and evaluation
- Landscaping scheme
- Ecological mitigation and enhancement measures
- Arboricultural method statement
- Tree Protection details
- Scheme for the reinstatement of the stopped up highway
- All conditions imposed by MSDC for the parts of the development situated in its administrative area

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online DC/19/1519/OUT

- Appendix 1 – copy of the recommendation made to and accepted by Mid Suffolk District Council's Planning Committee
- Appendix 2 – SCC Highways updated response to both local planning authorities prior to Mid Suffolk District Council's Planning Committee meeting