

Town and Country Planning Act 1990 – Section 78
Town and Country Planning Appeals (Determination by Inspectors)
(Inquiries Procedure) (England) Rules 2000

Appeal by Gladman Developments Ltd

Land at Ixworth Road, Thurston

Against the non-determination of a planning application by Mid Suffolk
District Council for:

“Outline planning application for up to 210 dwellings, introduction of structural planting and landscaping, natural and semi-natural green space including community growing space(s), children's play area, sustainable drainage system (SuDS) and vehicular access from Ixworth Road IP31 3QE. All matters to be reserved except for access.”

Statement of Common Ground between the Appellant and Mid

Suffolk District Council

LPA Ref: DC/19/02090

PINS Ref: APP/W3520/W/23/3317494



May 2023

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CONTENTS

1	INTRODUCTION	5
1.1	Background.....	5
1.2	Purpose and Structure.....	5
1.3	Parties.....	5
2	PLANNING POLICY AND HOUSING LAND SUPPLY	6
2.1	The Adopted Development Plan.....	6
	Saved policies from the Mid Suffolk Local Plan 1998	6
	Core Strategy 2008	6
	Core Strategy Focused Review 2012.....	6
	Thurston Neighbourhood Plan 2019	7
	Allocation Status in Adopted Development Plan	8
2.2	Emerging Policy.....	8
2.3	Housing Land Supply and Delivery	10
2.4	National Planning Policy Framework and the Tilted Balance	10
3	MATTERS ON WHICH THE PARTIES AGREE.....	11
3.1	Background to the Appeal.....	11
3.2	Drawings sought for Approval	11
3.3	The Appeal Site and its Surroundings.....	12
	Site Description	12
	Site History	12
3.4	Affordable Housing	12
3.5	Arboriculture	13
3.6	Biodiversity/Ecology	13
3.7	Delivery of the Site.....	14
3.8	Economic and Social Benefits.....	14
3.9	Flood Risk and Drainage.....	14
3.10	Footpaths and Public Rights of Way.....	15
3.11	Heritage and Archaeology.....	15
3.12	Highways.....	16
3.13	Landscape and Visual Impact	16
3.14	Locational Sustainability, Public Transport and Active Travel Links	16
	Active Travel Links and Sustainable Travel Opportunities Provided by the Site	17
3.15	National Planning Policy Framework and Planning Practice Guidance	18

3.16	Neighbourhood Plan.....	18
3.17	Public Open Space	19
3.18	Design, Layout and Residential Amenity (including Noise/Odour/Light/Smoke)	19
3.19	Site Status and Designations	20
3.20	Social Infrastructure.....	20
4	MATTERS NOT AGREED BETWEEN THE PARTIES	22
4.1	Introduction	22
4.2	The Neighbourhood Plan.....	22
5	PLANNING OBLIGATIONS AND CONDITIONS	23
5.1	Section 106/CIL Obligations.....	23
5.2	Planning Conditions	23

1 INTRODUCTION

1.1 Background

- 1.1.1 This Statement of Common Ground (SoCG) relates to an appeal by Gladman Developments Limited (herein after referred to as 'the Appellant') relating to an application (DC/19/02090) within the administrative area of Mid Suffolk District Council ('MSDC' or 'the Council') for:

“Outline planning application for up to 210 dwellings, introduction of structural planting and landscaping, natural and semi-natural green space including community growing space(s), children’s play area, sustainable drainage system (SuDS) and vehicular access from Ixworth Road IP31 3QE. All matters to be reserved except for access.”

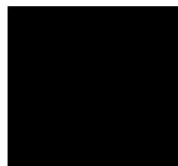
1.2 Purpose and Structure

- 1.2.1 This Statement of Common Ground has been drafted by the Appellant with its appeal submission and has subsequently been agreed between the Appellant and the Council.
- 1.2.2 This document has been prepared in accordance with Annexe R to the PINS Procedural Guide, Planning Appeals – England (21 Dec 2022).

1.3 Parties

- 1.3.1 The SoCG is jointly agreed by:

Signed:

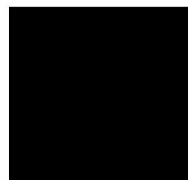


Date: 15th May 2023

Name: Stuart Carvel

On behalf of Gladman Developments Limited

Signed:



Date: 15th May 2023

Name: Steven Stroud

On behalf of Mid Suffolk District Council

2 PLANNING POLICY AND HOUSING LAND SUPPLY

2.1 The Adopted Development Plan

2.1.1 It is agreed that the relevant parts of the statutory development plan comprise the following documents and relevant policies therein:

Saved policies from the Mid Suffolk Local Plan 1998

- H04 – Proportion of Affordable Housing
- GP01 – Design and layout of development
- H7 – Restricting housing development unrelated to the needs of the countryside
- H13 – Design and Layout of Housing Development
- H17 – Keeping residential development away from pollution
- T10 – Highway Considerations in Development
- T11 – Facilities for pedestrians and cyclists
- T12 – Designing for people with disabilities
- RT12 - Footpaths and Bridleways

Core Strategy 2008

- FC1 – Presumption in Favour of Sustainable Development
- FC1.1 – Mid Suffolk Approach to Delivering Sustainable Development
- FC2 – Focus and distribution of Housing

Core Strategy Focused Review 2012

- CS1 – Settlement Hierarchy
- CS2 – Development in the Countryside & Countryside Villages
- CS4 – Adapting to Climate Change
- CS5 – Mid Suffolk’s Environment
- CS6 - Services and Infrastructure
- CS9 - Density and Mix

2.1.2 The parties agree that the most important policies for the determination of this appeal are:

- CS1
- CS2
- H7

2.1.3 The Development is contrary to Policies CS1, CS2 and H7 and is contrary to the Development Plan when taken as a whole. It is agreed that the most important policies for determining the appeal are out-of-date.

2.1.4 These policies apply across the District and are not settlement specific policies.

2.1.5 The Core Strategy identifies Thurston as a Key Service Centre. The Core Strategy in its Vision states (by 2025):

... the Towns and Key Service Centres with strategic growth of high quality employment within towns and key services centres located along the A14 and A140 (road and rail) corridor(s) with a particular focus on Stowmarket.

...

The main residential growth will be focused at Stowmarket, Needham Market and Eye, with the Key Service Centres also accommodating appropriate levels of residential growth.

2.1.6 The Core Strategy also confirms:

2.22 The large villages closest to Bury are Thurston and Elmswell, which are the two largest villages in the District with multiple services. Both have railway stations, good bus links and are therefore well Core Strategy served by public transport to higher order settlements. They have good access to primary health care facilities in either Bury or in the nearby village of Woolpit, which is the third largest village in Mid Suffolk. It also has a high level of facilities including an industrial estate. All three are therefore key service centres.

Thurston Neighbourhood Plan 2019

Policy 1 Thurston Spatial Strategy

Policy 2 Meeting Thurston's Housing Needs

Policy 4 Retaining and Enhancing Thurston Character Through Residential Design

Policy 5 Community Facilities

Policy 6 Key Movement Routes

Policy 7 Highway Capacity at Key Road Junctions

Policy 8 Parking Provision

Policy 9 Landscaping and Environmental Features

Policy 11 Provision for Wildlife in New Development

2.1.7 Policies of the Thurston Neighbourhood Plan (TNP) remain of relevance and are part of the development plan.

2.1.8 It is agreed there is no conflict with any policy of the TNP.

Allocation Status in Adopted Development Plan

2.1.9 The site is not identified as an allocation for any purposes in these documents and is designated as 'Open Countryside'.

2.2 Emerging Policy

2.2.1 Mid Suffolk District Council is currently working with Babergh District Council on a new Joint Local Plan (JLP) to cover the period up to 2037.

2.2.2 The Council(s) submitted the plan for examination in early 2021.

2.2.3 Inspectors Malcolm Rivett BA(Hons) MSc MRTPI and Alison Partington BA(Hons) MA MRTPI were appointed to hold an independent examination of JLP in April 2021.

2.2.4 The Regulation 19 Submission Version of the plan identified the site as a proposed allocation:
LA089 – Allocation:

Land east of Ixworth Road, Thurston Site Size - 8.7ha Approximately 200 dwellings (with associated infrastructure)

The development shall be expected to comply with the following:

- I. The relevant policies of the Plan and Thurston Neighbourhood Plan;
- II. Development is designed to conserve and where appropriate enhance Manor Farmhouse (Grade II*), Range of Farm Buildings Immediately North of Manor Farm (Grade II), Church of St Peter (Grade II) and their settings;
- III. An archaeological assessment and measures for managing impacts on archaeological remains are provided;
- IV. Rights of Way within the site and within the vicinity of the site should be retained and enhanced to enable access to the countryside and active transport;
- V. Contributions, to the satisfaction of the LPA, towards highway improvements, including footways and cycle ways;
- VI. An ecological survey, and any necessary mitigation measures are provided;

-
- VII. Protected trees within the site are retained and protected together with retention and enhancement of hedgerows;
- VIII. Contributions to the satisfaction of the LPA, towards secondary school provision, a new pre-school and primary school; and;
- IX. Contributions to the satisfaction of the LPA, towards healthcare provision.
- 2.2.5 The Council submitted a plan it considered to be 'sound' with the site identified as a proposed allocation.
- 2.2.6 At hearing sessions held in the week of 18th October 2021 in respect of Matter 4 – Settlement Hierarchy, Spatial Distribution of Housing and Housing Site Selection Process, the Examination Inspectors raised a number of concerns about those aspects of the JLP.
- 2.2.7 In a letter dated 18th November 2021, the Council responded to the Inspectors' concerns, proposing that further work be undertaken in support of the JLP. [Document G08 of the JLP Examination Core Document Library]
- 2.2.8 On 9 December 2021, the Inspectors wrote to the Council to make clear that, in their view, a more fundamental review of the approach to the abovementioned aspects of the JLP was likely to be necessary. At paragraph 7 of their letter, the Inspectors noted that:
- “[...] across the two districts, around 90% of the housing requirement figure detailed in policy SP01 is already provided for by existing completions, sites under construction, sites with full or outline planning permission, sites with a resolution to grant planning permission subject to s106 agreement, allocations in made Neighbourhood Plans and the, reasonable, allowance for 1,000 windfall dwellings. This unusual situation means that demonstrating a supply of developable housing land for the vast majority of the plan's overall housing requirement figure is, for some years to come, unlikely to be dependent on the allocation of the housing sites included in the submitted plan.”
- 2.2.9 The Inspectors noted that, aside from the settlement hierarchy, spatial distribution of housing and housing site selection process, the plan was likely to be found sound, subject to the main modifications that were discussed at the hearing sessions.
- 2.2.10 The Inspectors therefore recommended, among other things, deleting policies SP04, LP09, LP30 and the LS01 and LA housing allocation policies and retaining the settlement boundaries in the current (as opposed to proposed) policies map and adopting a 'Part 1' plan to be followed by the preparation and adoption of a 'Part 2' plan. The Part 2 plan would include,

among other things an up-to-date, robust settlement hierarchy and a spatial distribution for any housing allocations included insofar as are necessary to provide flexibility and ensure that the plan period housing requirement can be met. [Document G09 of the JLP Examination Core Document Library]

2.2.11 The Council agreed with the Inspectors' recommendation, by letter dated 10 December 2021, [Document G10 of the JLP Examination Core Document Library]

2.2.12 The Council has recently published its proposed Main Modifications to the JLP for consultation which runs from 16th March 2023 to 3rd May 2023. The main modifications consultation does not propose to allocate any sites or set a settlement hierarchy.

2.2.13 No further hearing sessions for the JLP are yet scheduled and it is not known whether the plan will proceed to adoption in its proposed form.

2.3 Housing Land Supply and Delivery

2.3.1 For the purposes of this appeal, the Appellant agrees the Council can demonstrate a housing supply of 10.88 years.

2.3.2 It is agreed that the Council had a supply in excess of five years when it is considered the application at committee in September 2020 as stated in the Committee Report (CD5.4, para 3.54, page 91).

2.3.3 The parties agree that the Council's most recent Housing Delivery result is 137% (2021 HDT).

2.4 National Planning Policy Framework and the Tilted Balance

2.4.1 It is agreed that the most important policies for determining the appeal are out-of-date (CS1, CS2 and H7).

2.4.2 These policies apply across the District and are not settlement specific policies.

2.4.3 The presumption in favour of sustainable development in the Framework applies and the 'tilted balance' is engaged as a material consideration.

3 MATTERS ON WHICH THE PARTIES AGREE

3.1 Background to the Appeal

3.1.1 The planning application for the proposed development was registered by MSDC on 1st May 2019. The application was supported by a comprehensive suite of technical reports, in accordance with the Council's planning application validation requirements, which are set out in the Planning Statement (CD1.16) that accompanied the application.

3.1.2 The parties worked collaboratively during the determination process to resolve any objections and technical matters arising. As such, the Council resolved to grant planning permission on the Site subject to Section 106 on 20th September 2020.

3.1.3 A Section 106 obligation was completed and signed by all parties on 25th November 2021.

3.1.4 The Council did not issue the planning permission at that time on the basis that there was an outstanding judicial review brought by Thurston Parish Council against the grant of planning permission for another housing development in the same settlement (application by Bloor Homes), the hearing of which took place on 20th/21st October 2021. The decision to grant planning permission was quashed by the High Court in February 2022 and was appealed by the Council. The Court of Appeal reversed the High Court's decision in October 2022 and found that the permission had been lawfully granted (CD6.4).

3.1.5 An appeal to the Supreme Court was rejected.

3.1.6 The claim raised issues about the proper interpretation of the Thurston Neighbourhood Plan which, in the Council's view, were relevant to this application for permission and the Council considered that it should await the outcome of the claim before determining the application. The outcome of the court did not indicate that the instant appeal should be refused by the Council.

3.1.7 The Council also raised with the Appellant the concern that the progression of the JLP required further consideration (as CD4.7).

3.1.8 During the above period the Appellant did not appeal against non-determination.

3.2 Drawings sought for Approval

3.2.1 The drawings for which planning approval is sought are as follows:

<u>Drawing Name</u>	<u>Drawing Reference</u>
Location Plan	CSA/4164/109 Rev A (CD1.2)
Site Access Drawing	18366-003 Rev B (CD1.8)

- 3.2.2 The Development Framework Plan (ref. CSA/4164/108 Rev O – CD2.12) is an illustrative summary of how the site could be developed.

3.3 The Appeal Site and its Surroundings

Site Description

- 3.3.1 The 8.87ha appeal site is located to the east of Ixworth Road in Thurston.
- 3.3.2 The settlement lies approximately 9km east of Bury St Edmunds and 15km north west of Stowmarket.
- 3.3.3 The development would infill between two sites with extant permissions - 4963/16 on the western side of Ixworth Road (250 dwellings under construction by Persimmon Homes), 5070/16 to the east (200 dwellings and primary school site under construction by Linden Homes) and Thurston Rugby Club to the north. It would not result in built form extending further north than already existing permitted development.

Site History

- 3.3.4 Prior to the determination of the application by the local planning authority, there is no relevant planning history for the site.
- 3.3.5 The sites status in the Development Plan is set out in Section 2.

3.4 Affordable Housing

- 3.4.1 The proposed development will provide 35% affordable housing on-site. This is in accordance with the requirement outlined in Policy H4: Proportion of Affordable Housing (Mid Suffolk Local Plan).
- 3.4.2 This would equate to up to 74 units based on 210 dwellings being constructed.
- 3.4.3 It is agreed that the delivery of 35% affordable housing is an important benefit that should be given a positive weight in the planning balance.

3.4.4 Affordable Housing and tenure split is secured through the Section 106 obligation submitted to the Inquiry.

3.4.5 Owing to when the application was supposed to have been determined by, there is no requirement for First Homes to be delivered on the site.

3.5 Arboriculture

3.5.1 The application was supported by an Arboricultural Impact Assessment (CD1.10) which considers the implications created by the proposed development.

3.5.2 The principal arboricultural features are the linear tree groups located along the eastern and southern edges of the Site and significant individual trees. These trees and groups are generally in good condition and visually prominent in the locality. The retention and protection of important trees as identified in the report will serve to provide a level of maturity and maintain landscape and amenity value of this Site.

3.5.3 Other arboricultural features which are present include a small number of trees and tree groups and a hedgerow that define the boundaries of the field. Due to their location, and if adequately considered, these trees should not represent a constraint to the proposed development.

3.5.4 Any loss of the smaller trees associated to the Site will be mitigated as part of a new landscape scheme.

3.5.5 The tree and hedge removals identified as part of the Reserved and Non-Reserved Matters are overwhelmingly restricted to semi-mature moderate or low-quality features. The Development Framework Plan indicates a potential to deliver significant new tree planting to mitigate this loss.

3.5.6 The protection measures outlined in CD1.10 are acceptable and can be dealt with by condition.

3.5.7 It is agreed there are no objections on arboricultural grounds.

3.6 Biodiversity/Ecology

3.6.1 There are no objections on ecological grounds from the Council or its consultee Place Services.

3.6.2 Places Services note that the GCN eDNA survey was negative for samples and there is no need for further surveys for this European Protected Species and no impacts predicted. Similarly there were no evidence of dormouse on the site.

3.6.3 Hedgerows on the development site are being retained, Place Services agreed that the only potential impact on foraging habitat for bats from lighting can be controlled by a condition of any consent.

3.6.4 Place Services recommended that a skylark mitigation strategy is secured as a condition of any consent which can be provided at reserved matters stage. Mitigation for Skylarks should consist of the provision of Skylark plots (two per every Skylark territory) to be secured on appropriate offsite agricultural land for a minimum period of 10 years.

3.6.5 The decision maker has certainty on likely impacts of development on designated sites, Protected & Priority species & habitats and there is sufficient ecological information currently available for determination of this appeal.

3.6.6 The decision maker will be able to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

3.7 Delivery of the Site

3.7.1 Following the grant of planning permission of an outline scheme, there are currently no known technical matters that will prevent the site from coming forward in a timely manner.

3.8 Economic and Social Benefits

3.8.1 It is agreed that a number of economic benefits would accrue from the appeal site over its lifetime including (if 210 dwellings are built out) an estimated:

Construction spend of £25.6 million

Support 219 FTE construction jobs

New resident expenditure of £6.57 million

3.8.2 It is agreed that the economic benefits that would flow from the appeal proposals if allowed are a positive factor to weigh in the planning balance.

3.8.3 Both parties agree that the proposal will add to the supply of market and affordable housing within the District and this is a benefit which should be afforded weight in the planning balance.

3.9 Flood Risk and Drainage

3.9.1 The proposed development is located within Flood Zone 1, where the Framework sequential risk based approach to the location of development seeks to direct housing.

- 3.9.2 The site is not located within either Flood Zone 2 or Flood Zone 3 and as such is not identified as being in an area at high risk of flooding.
- 3.9.3 A Sustainable Drainage System is proposed on-site and will discharge water in the existing network at the greenfield run off rate and not exacerbate any flooding issues downstream.
- 3.9.4 Neither the Environment Agency nor the Lead Local Flood Authority object to the proposals subject to conditions being attached.
- 3.9.5 On-going maintenance of the surface water mitigation measures would be undertaken by a Management Company that could be established through a S106 obligation and conditions.
- 3.9.6 There is no requirement for an off-site foul drainage condition.

3.10 Footpaths and Public Rights of Way

- 3.10.1 A PRoW lies inside the site along the southern boundary. Its upgrade can be secured by condition. The appeal proposals will not result in any permanent diversion of the PRoW.

3.11 Heritage and Archaeology

- 3.11.1 The site is not in a Conservation Area and there is no Conservation Area in Thurston.
- 3.11.2 No designated heritage assets lie within the site or its immediate vicinity.
- 3.11.3 The Grade II Listed Church of St Peter lies c. 855m south-east of the site. The proposed development within the site would result in the construction of residential development to the north of the settlement at Thurston, to the north-west of the church.
- 3.11.4 The site is not visible in views north-west from the churchyard, and views towards the church tower from within the site are not considered to be key views. There is no historical functional relationship between the land within the site and the church. On this basis the proposed development within the site would result in no harm to the significance of the Grade II Listed Church of St Peter.
- 3.11.5 A geophysical survey was completed on the site. Following completion of this, conditions were requested for detailed archaeology works when planning permission is granted.
- 3.11.6 There is no objection on heritage or archaeological grounds and the appeal scheme would not pose any adverse impact upon any designated heritage asset.

3.12 Highways

- 3.12.1 The parties agree that a safe and suitable access to the development can be achieved off Ixworth Road.
- 3.12.2 There are no objections on highways grounds from the Local Authority or the Local Highways Authority, Suffolk County Council. A list of walking and cycling improvements is listed below.

3.13 Landscape and Visual Impact

- 3.13.1 A Landscape and Visual Appraisal (LVA) has been produced by CSA (CD1.15). The LVA contains an appropriate assessment and conclusion of the site's value.
- 3.13.2 It is agreed that there was no objection from the Council's Landscape Consultee from development of the site.
- 3.13.3 The site is not covered by any statutory or non – statutory designation for landscape character or quality.
- 3.13.4 The site is surrounded by built development and urban land uses on all sides. The development would infill between two sites with extant permissions - 4963/16 on the western side of Ixworth Road (250 dwellings under construction by Persimmon Homes), 5070/16 to the east (200 dwellings and primary school site under construction by Linden Homes) and Thurston Rugby Club to the north.
- 3.13.5 It would not result in built form extending further north than already existing permitted development.

3.14 Locational Sustainability, Public Transport and Active Travel Links

- 3.14.1 The site is within walking distance of a good range of local amenities, bus and rail services.
- 3.14.2 Thurston has a good range of local facilities including:

- Thurston Community College providing education for 11-18 year olds
- Primary School(s)
- Pubs
- Supermarket
- Takeaways
- Coffee Shop/Café
- Village Hall
- Places of Worship

Sports clubs including Thurston Rugby Club to North

- 3.14.3 Bus services 384 and 385 run from Norton Road to Bury St Edmunds and Stowmarket/Stowupland, also connecting major secondary schools in the area.
- 3.14.4 Thurston is served by Thurston Railway Station which is approximately 850m from the site. This station provides services which terminate at Ipswich (30 mins) and Cambridge (45 mins) on approximately an hourly service in both directions.
- 3.14.5 Services also call at other nearby towns including Stowmarket (13 mins) and Bury St Edmunds (8 mins). A limited number of services also extend to Peterborough and Harwich International.
- 3.14.6 Services run from approximately 530 in the morning until 2300 at night and provide a realistic and attractive opportunity for people to travel to other major centres via public transport, including with onward connections to London possible at both Ipswich and Cambridge.
- 3.14.7 It is possible to reach and return from larger centres for employment and leisure at commutable times via public transport from the site.
- 3.14.8 National Cycle Route 51 passes through Thurston near to the site, including on Norton Road. Route 51 provides links on quiet ways to nearby centres, principally Bury St Edmunds. Upgrades are proposed on this route as listed below.

Active Travel Links and Sustainable Travel Opportunities Provided by the Site

- 3.14.9 A package of measures was agreed with the Local Highway Authority (Suffolk County Council) and Mid Suffolk District Council to be delivered by the site. The site will deliver the following programme of upgrades and facilities:

A toucan crossing adjacent to the site on Ixworth Road and a new footway north are proposed (Drawing 18-366 004). This will provide access to Thurston Community College to the south and Thurston Rugby Club to the north.

Provision of two zebra crossings, on the western arm of Norton Road, and the southern arm of Station Road, with informal pedestrian crossings provided on the northern arm of Ixworth Road and the eastern arm of Norton Road. It is proposed to provide a raised table to slow vehicles speeds and make drivers more aware of the pedestrian crossings (Drawing 18-366 010).

At the junction of Barton Road / Heath Road / Old Barton Road provision of a toucan crossing across Barton Road, close to the junction with Health Road and Old Norton Road (Drawing 18-366 010) on NCN 51.

Upgraded Public Right of Way on the site's southern boundary and provision of adjacent new cycle route(s) including providing a new quiet route through the site linking Ixworth Road to Meadows Lane, linking with infrastructure identified above.

On-site car club with the provision of two vehicles.

Payment toward feasibility accessibility improvements to Thurston Railway Station.

Community electric vehicle charging point.

£150 voucher for each property towards a bicycle purchase

3.15 National Planning Policy Framework and Planning Practice Guidance

3.15.1 It is agreed that the National Planning Policy Framework and Planning Practice Guidance are material considerations in determination of this appeal.

3.15.2 The parties agree that paragraph 11 of the NPPF is relevant and the "Presumption in Favour of Sustainable Development" applies and the "tilted balance" is engaged as a consideration.

3.15.3 The weight to be attached to relevant policies in the adopted and any emerging development plan needs to be considered and this includes having regard to the degree of consistency of those policies with the NPPF, in accordance with the advice set out in paragraphs 48 and 219 of the Framework.

3.16 Neighbourhood Plan

3.16.1 Thurston Neighbourhood Plan (TNP) became part of the Development Plan in 2019.

3.16.2 The site sits outside the settlement boundary identified in the TNP. The majority of development is 'focused within' the Settlement Boundary identified.

3.16.3 TNP does not allocate any sites or make an assessment of housing need over the plan period. Future housing needs and requirements are left to the emerging Joint Local Plan.

3.16.4 The Court of Appeal confirmed that the Case Officer's interpretation of the TNP in respect of the Bloor Scheme was lawful. The Council's position is that the same interpretation of the TNP applies in this appeal.

- 3.16.5 There is no conflict with any policy of the TNP.
- 3.16.6 The site delivers the objectives and policy aims of the TNP with regard to Community Infrastructure as listed in Public Open Space below.

3.17 Public Open Space

- 3.17.1 The appeal proposals will provide significant areas of Public Open Space and can be accommodated on-site as demonstrated on the Development Framework Plan (CD2.12).
- 3.17.2 It is agreed that the provision of green infrastructure and public open space as proposed is a planning and community benefit for new and existing residents whilst meeting the objectives of the Thurston Neighbourhood Plan.

- 3.17.3 The site will deliver the following:

Community Growing Spaces

Neighbourhood Equipped Area of Play

New walking and cycle routes on the site

Upgraded Public Right of Way and provision of new cycle route(s) including providing a new quiet route through the site linking Ixworth Road to Meadows Lane.

3.18 Design, Layout and Residential Amenity (including Noise/Odour/Light/Smoke)

- 3.18.1 As the application is in outline only, approval of layout, scale, design and landscaping would be considered in subsequent reserved matters applications should the appeal be allowed.
- 3.18.2 The Development Framework Plan is illustrative and full details of design and layout would be provided at Reserved Matters stage.
- 3.18.3 Both parties agree that the quantum of development sought is capable of being accommodated on the application site without significant harm to residential amenity.
- 3.18.4 It is agreed that air quality, dust and noise are not considered to have a significant impact on new or existing residents, subject to appropriate planning conditions.
- 3.18.5 There is no objection from Suffolk Police subject to detailed design being implemented at Reserved Matters stage.

3.19 Site Status and Designations

3.19.1 The two parties agree that the appeal site;

Comprises agricultural land;

Is in the 'countryside';

The site is not situated within any nationally or locally designated area, including Conservation Area, Special Area of Conservation or Special Landscape Area.

3.19.2 The site is not currently allocated for development however it has good access to services and facilities.

3.20 Social Infrastructure

3.20.1 There is no objection on impact on Infrastructure.

3.20.2 There are no grounds to reject the proposal because of any unacceptable adverse impact on local services and infrastructure. The proposal complies with all development plan document policies in this respect.

3.20.3 Payments toward community and social infrastructure will be secured in the Section 106 obligation and Community Infrastructure Levy payments.

3.20.4 In addition to sustainability and highways improvements noted above, the Section 106 will also secure:

Affordable Housing

- 35% of total units on-site

Education

- Contribution to a new pre-school facility serving the development
- Contribution to a new primary school facility serving the development

Community and Play Facilities

- Neighbourhood Equipped Play Area to be provided on-site
- Wheeled Play Facility on-site or £200,000 contribution to existing facilities within the village of Thurston

- Contribution to install five 'dog bins' within the site and regular maintenance and emptying.
- Provisions for the management of on-site open space and Sustainable Drainage Systems.

4 MATTERS NOT AGREED BETWEEN THE PARTIES

4.1 Introduction

4.1.1 The parties do not agree on the following:

The Planning Balance

Weight to Planning Policies in the adopted and emerging development plan

Matters regarding policies in the Thurston Neighbourhood Plan

4.1.2 Planning balance and weight to policies will be set out in evidence by the respective parties.

4.2 The Neighbourhood Plan

4.2.1 Whilst it is agreed that there is not a conflict with any policy of the Thurston Neighbourhood Plan, the Council's position is that there is a 'tension' with Policy 1.

4.2.2 The Appellant does not agree with this position.

5 PLANNING OBLIGATIONS AND CONDITIONS

5.1 Section 106/CIL Obligations

- 5.1.1 Mid Suffolk District Council has an adopted CIL Charging Schedule for which this development will be liable.
- 5.1.2 A Section 106 Obligation was completed by all parties but the planning permission was not issued by the Council. As the Council is no longer the decision maker the Section 106 will be updated and completed for the Inquiry.
- 5.1.3 It is expected that this will be in the form of an agreement and include measures identified in this Statement.

5.2 Planning Conditions

- 5.2.1 A list of conditions discussed between the Appellant and the Council is contained in the appeal submission Core Documents at CD5.8. The conditions will be revisited by both main parties and an agreed list will be submitted to the Inspector in accordance with the Appeal timetable.