THE TOWN AND COUNTRY PLANNING APPEAL (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (as amended)

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

PINS REF: APP/K2610/W/19/3239986

LPA REF: 20171386

APPEAL INTO LAND EAST OF MEMORIAL HALL, BRUNDALL

STATEMENT OF COMMON GROUND BETWEEN THE LOCAL PLANNING AUTHORITY (BROADLAND DISTRICT COUNCIL) & THE APPLICANT (QUANTUM LAND (BRUNDALL) LTD

1.0 PROPOSAL

1.1 The Application is a part outline and part full proposal for:

"Outline planning application with the details of appearance, landscaping, layout and scale reserved for later determination, with the exception of Phase 1 for which details of all matters in relation to the 23 dwellings within that Phase are provided. Development to comprise up to 170 dwellings (Use Class C3), and a community/sports pavilion (Class D1 and D2 use), a Country Park, formal and/or informal outdoor sports provision, access, and other earthworks and engineering works. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans."

1.2 The Applicants "offer" as part of the application is:

1. Affordable housing will be provided at 33%, which is 5% more than policy requires;
2. A 7ha country park will be provided;
3. A 3ha community green will be provided;
4. The country park and community green will either be delivered and then maintained by the Applicant (or successors), or upon the Council’s election, the Applicant will transfer land to the Council and a dowry of £850,000 (index linked) to cover the cost of delivery of the community green and country park and the maintenance of the two land parcels;
5. Improvements to the A47(T) Cucumber Land Roundabout will be made; and
6. Payment of CIL will be made.

2.0 APPLICATION HISTORY

2.1 The Application was validated on 10 August 2017 and amended twice, with the last amendments being October 2018.

2.2 The Application was subject to public consultation undertaken both by the Applicant prior to the application being submitted and the Council following validation of the application. A large number of objections were made to the application proposal. Some supporting comments were also received by the Council.

2.3 The Application was recommended for approval by the case officer (subject to amendments to the layout to address highway comments, conditions and section 106 agreement) and presented to Planning Committee on 10 July 2019.

2.4 The formal decision notice is dated 19 July 2019.

2.5 The Application was refused on the following grounds:

1. "The development would result in the introduction of built form and infrastructure associated with residential development. This would impact on the openness and rurality of the application site and result in significant harm to the rural character of the landscape including views from the public footpath to the south of the site. This would be to the detriment of the existing character and appearance of the area and
conflict with policies GC2, GC4 and EN2 of the Development Management DPD [DMDPD], Policy 2 of the Joint Core Strategy [JCS] and Policy 3 of the Brundall Neighbourhood Plan [BNP].

2. The development is in conflict with the Site Allocations DPD [SA DPD] in that it does not provide the full recreational open space allocation required under BRU3 of the SA DPD.

3. The development results in harm, albeit less than substantial harm, to the setting of the Grade 1 Listed Church of St Andrew and St Peter when viewed from the Memorial Hall and the public footpath connecting Links Avenue with Golf Links Road. The public benefits of the proposal are not considered to outweigh this harm and the proposal therefore conflicts with Policy 1 of the JCS, Policy 3 of the BNP and paragraph 196 of the NPPF.

4. The Application Site is located outside of a settlement limit and does not accord with a specific allocation or policy of the development plan and as such is contrary to Policy GC2 of the DM DPD. Furthermore, as the Council’s housing policies are up to date, due to the existence of a 5 year housing land supply, the proposal, for the reasons outlined above, is not considered to have considerations so material that the development plan should not be followed."

3.0 THE APPEAL SITE

3.1 The appeal site extends to 17.4 hectares (ha) and straddles the parish boundary of Brundall to the south and Blofield to the north. The site slopes from its high point in the south down towards the Witton Run Dike which forms the northern boundary of the site. The site was last in agricultural use and classified as grade 2 (Very Good). Mature trees and hedgerows boarder the linear parcels of grazing land and riparian land that runs approximately parallel to the Witton Run Dike to form a distinctive character alongside the tributary, parts of which are in Flood Zones 2 and 3.
3.2 Beyond the Witton Run Dike is land associated with Norfolk Premier Golf where the gradient of land rises once again. To the south and east of the appeal site are residential dwellings and to the west is Brundall Memorial Hall and associated recreational facilities beyond which is further residential development.

3.3 A public right of way (Brundall FP1) runs along the southern boundary of the site between Highfield Avenue to the east and Links Avenue to the west. A second public right of way (Brundall FP2) runs in part along the western boundary of the site which connects to Postwick FP6 heading north to Yarmouth Road, Blofield.

3.4 A number of agricultural buildings and a pumping station are located within the east of the site where the site boundary is contiguous with Brundall Road. A main foul sewer crosses the site east to west and overland power lines run north-south.

4.0 THE DEVELOPMENT PLAN

4.1 For the purposes of this appeal, the development plan consists of:

- Joint Core Strategy for Broadland, Norwich and South Norfolk 2011/2014 (JCS)
- Broadland Site Allocations Development Plan Document 2016 (SA DPD)
- Broadland Development Management Plan Document 2015 (DM DPD)
- Brundall Neighbourhood Plan 2016 (BrNP)
- Blofield Neighbourhood Plan 2015 (BINP)

4.2 The key policies which will be determinative of the appeal are:

- Policy 1 (Addressing Climate Change and Protecting Environmental Assets) (JCS)
- Policy 2 (Promoting good design) (JCS)
- Policy 9 (Strategy for Growth in the Norwich Policy Area) (JCS)
- Policy 14 (Key Service Centres) (JCS)
- GC1 (Presumption in Favour of Sustainable Development) (DM DPD)
- GC2 (Location of New Development) (DM DPD)
5.0 MATTERS AGREED

Planning policy

5.1 The Appeal Site lies totally outside of, but adjoins, the defined “settlement limit” of Brundall. In accordance with policy GC2, development will only be permitted on the Appeal Site if (i) it accords with a specific allocation and/or policy in the development plan and (ii) it does not give rise to any significant adverse effects.

5.2 The only relevant allocation is BRU3. This allocates 4.9 ha of the Appeal Site as recreational open space. The Appeal scheme would deliver 3 ha of open space within the BRU3 allocation (61% of the allocation), but proposes residential development on the remaining 1.9 ha of BRU3.

Heritage

5.3 The church of St Andrew and St Peter in Blofield is grade I listed and dates from the C14 and later. The architectural and historic significance of the church lies in it being a good example of medieval perpendicular style and the level of intactness of its architectural
form with significant features such as the font, monuments, the dado remains of a rood screen and stained glass.

5.4 The church tower is visible from the site. It dates from C15th. It is a square tower which is the common form of tower constructed in Norfolk in the C15, an indication of the rural wealth in the county at that time, and Blofield Church has one of the tallest towers in Norfolk.

5.5 The church tower continues to be viewed across the agricultural field from the footpath, however within the wider panoramic view the setting has to some extent been denuded by the urban expansion of Blofield along Brundall Road, the urban expansion of Brundall around Highfield Avenue, and to the north of the site the change in landscape character from agricultural fields to a golf course.

5.6 Whether or not there is harm caused to the significance of the church, and the level of this harm if there is any, is not an agreed matter.

Landscape

5.7 The Appeal site is located within LCA D4 (Blofield), which is part of the Tributary Farmland landscape character type.

5.8 The appeal site is not designated for its landscape value.

5.9 The site is bounded to the south and east by existing residential development and to the west by land associated with Brundall Memorial Hall beyond which is the Berryfields housing estate.

5.10 Owing to the presence of PROWs through the south and west of the site the development will impact on public views from these vantages.

5.11 The Brundall Neighbourhood Plan seeks to protect and enhance views to the north east from the Memorial Hall across the appeal site.
5.12 The development will result in the introduction of built form, infrastructure associated with residential development and also change the use of agricultural to formal and informal recreation. As a consequence, there will be an impact on the openness and rurality of the appeal site.

5.13 Sections of existing hedges will be removed to facilitate access, estate roads and the Phase 1 detailed scheme. The full impact upon existing trees is subject to detail design at Reserved Matters stage, therefore remains unknown at this time.

5 YHLS

5.15 Since the submission of the appeal, the LPA has published further information on its 5YHLS position. The appellant makes no judgement on whether the LPA’s position is robust or not. However, the appellant will not contest whether the LPA has a 5YHLS.

Other matters

5.16 It is agreed that matters relating to affordable housing, access, impact on the highway network, education, healthcare, residential amenity, archaeology, ecology, flood risk, pollution, minerals and agricultural land are policy compliant.

6.0 MATTERS NOT AGREED

6.1 The matters not agreed are:

1 Whether the proposed development complies with the Development Plan as a whole, including consideration of the policies cited in the reasons for refusal.

2 The landscape impact of the proposed development.

3 The heritage impact of the proposed development, including consideration of whether there is no harm caused to significance or less than substantial harm caused to significance.
4 If the proposed development conflicts with the Development Plan, whether there are material considerations of sufficient weight to justify determining the application contrary to the development plan.

Robin Meakins, Barton Willmore

Charles Judson, Broadland DC