

Brooke Parish Council

Objections to planning application 2018/1780

Brooke Parish Council very strongly objects to this planning application. If approved it would result in a break out into open countryside (the whole development would be outside the village development boundary), would adversely impact the setting of the Conservation Area (which directly adjoins the site), would lead to an increase of some 30% in the population of the village, and create a dangerous precedent not only for Brooke but also for other South Norfolk villages. We feel that the proposal is totally unacceptable for a small village with few public services. Our main reasons for objecting are set out in the following paragraphs.

Planning Policy

The application fails to comply with the policies in either the Joint Core Strategy (JCS) or the South Norfolk Local Plan and we feel there are no overriding benefits to justify approval.

The JCS identifies Brooke as a service village where “land will be allocated for small-scale housing development subject to form and character considerations...it is envisaged that allocations will be within the range of 10 – 20 dwellings in each Service Village”

South Norfolk Local Plan (SNLP)

- the Site Allocations DPD identifies Brooke as a “Service Village in which land will be allocated for small scale housing growth in the period 1 April 2008 to 31 March 2026, within the range 10-20 dwellings, subject to form, character and servicing constraints”
- Planning permissions have already been granted for a total of 30 new dwellings in Brooke in the Plan period
- Policy DM1.3 The sustainable location of new development
 - 1) *All new development should be located so that it positively contributes to the sustainable development of South Norfolk as led by the Local Plan. The Council will work with developers to promote and achieve proposals that are:*
 - (a) *Located on Allocated Sites or within the development boundaries of Settlements defined on the Policies Map, comprising the Norwich Fringe, Main Towns, Key Service Centres, Service Villages and Other Villages; and*
 - (b) *Of a scale proportionate to the level of growth planned in that location, and the role and function of the Settlement within which it is located, as defined in the Local Plan.*
 - 2) *Permission for development in the Countryside outside of the defined development boundaries of Settlements will only be granted if:*
 - c) *Where specific Development Management Policies allow for development outside of development boundaries or*
 - d) *Otherwise demonstrates overriding benefits in terms of economic, social and environment dimensions as addressed in Policy 1.1. “*
- Policy DM 4.10 Heritage Assets
 - The last part of this policy states:
“Proposals which adversely affect the significance of a heritage asset will only exceptionally be permitted where clear and convincing justification is provided.”

As the application fails to comply with either the JCS or policies DM1.3 and DM4.10 of the SNLP, we feel it should be rejected.

The National Planning Policy Framework (NPPF) 2018

The following extract is particularly relevant to this application:

“192. In determining applications, local planning authorities should take account of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*"

In our view the application meets none of the NPPF 2018 criteria and should be rejected.

The 5 Year Land Supply Issue

The JCS is less than 5 years old and it is still appropriate to use its housing requirement for assessing this application having regard to section 38(6) of the Planning and Compulsory Purchase Act 1994. This Act requires planning decisions to be taken in accordance with the development plan unless material considerations indicate otherwise.

We do not believe that there are material considerations to justify approving this application (and departing from the development plan) bearing in mind the recent conflicting calculations of future housing requirements.

In June 2017 an updated Strategic Housing Market Assessment (SHMA) was published for Central Norfolk (the Greater Norwich authorities plus North Norfolk and Breckland). The SHMA assessed the Objectively Assessed Need for housing between 2015 and 2036 using the then most recent evidence available. The SHMA indicated that the Objectively Assessed Need (OAN) for housing in the South Norfolk Rural Policy Area (RPA) is significantly greater than the annual housing requirement under the adopted JCS: an annual requirement of 326 homes per annum in the SHMA compared to 132 homes per annum in the JCS.

However, the Government issued a new standard method for assessing household need in July 2018 and the use of this method will be a requirement for all Local Plans submitted for examination after 24 Jan 2019. The housing requirement figures for the emerging new Local Plan have not yet been published and in these circumstances we urge the District Council to be extremely cautious and adopt the cautionary principle. We ask you to continue using the JCS housing requirement as the basis for making decisions on planning applications for housing in the rural area until new figures are adopted in accordance with the Government's standard method for assessing household need.

If, following the re-calculation of housing need, a deficit remains in the rural part of South Norfolk we believe that such need should be met across a range of villages, rather than by such a large amount of development in one small village as is proposed by this application.

Impact on the Brooke Conservation Area

The southern part of the application site abuts the conservation area and the proposed development therefore impacts on its setting. The duties imposed on the District Council by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply to the consideration of this application:

"General duty as respects conservation areas in exercise of planning functions.

- (1) *In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The application must also be considered against the policies contained in the the current Brooke & Kirstead Conservation Area Character Appraisal (June 2002). This includes Policy BEN 17 - Development in Conservation Areas, which provides that:

*"planning permission will not be granted for development proposals in Conservation Areas **or proposals outside Conservation Areas** but which would affect the character, appearance, setting or views into or out of the Conservation Area"unless the criteria specified can be met by the proposals.*

The application clearly will, if approved, have a negative impact on the setting of the conservation area and this is recognised by the Heritage Statement submitted by Bidwells (on behalf of the applicant) in support of the application.

Furthermore Historic England (HE) has concerns about the impact of the proposed development on the conservation area and have made the following recommendation to the Council:

“Historic England has concerns regarding the application on heritage grounds due to the large amount and density of development proposed. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 184, 192, 193, 194, 196 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.”

We share HE’s concerns which we feel justify refusal of this application.

The Proposed School Site

A new school site is demonstrably not required to serve a development of 148 dwellings in Brooke and this has been publicly confirmed by the chair of the School Governors. The existing school has 97 pupils, but has capacity for up to 150, so there is plenty of room for growth.

The applicant is proposing that the provision of a new school site is secured by a Section 106 obligation, but in our view such an arrangement would not satisfy the relevant statutory tests for s106 Agreements.

Regulation 122 of the Community Infrastructure Levy Regulations 2010 applies:

“Limitation on use of planning obligations

122.—(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.”*

This statutory limitation is backed up by the following extract from the NPPF 2018:

“56. Planning obligations must only be sought where they meet all of the following

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*

It is clear from the above that the proposed section 106 obligation for a new school site would not satisfy any of the three statutory tests. In these circumstances we feel that the District Council cannot grant planning permission based on such an obligation.

If a new school is required to serve a wider area (Brooke, Poringland, Stoke Holy Cross, Alington and Bergh Apton) then Poringland, with its much larger population and better public transport links, is a more logical location. This begs the question as to why a new school site was not sought when the planning applications for substantial numbers of new houses in Poringland (which were approved) were at the application stage. We do not feel

that such a requirement should be imposed on the small conservation village of Brooke, particularly as it would involve a large number of unwanted new houses.

The submitted plans do not make adequate provision for parking for parents collecting their children at the end of the school day and we note that this point has also been picked up by county highways in their comments on the application. Currently some 36 parents' cars are parked daily on High Green to collect children from the existing village school, which currently has only 97 pupils. It is inevitable that a fully populated new 210 place school (with many children from other villages in the wider catchment area) will generate far more vehicles - the application does not make adequate provision for these.

Vehicular access to the development

We consider the proposed roundabout junction on the B1332 to be inappropriate and unacceptable.

Firstly the roundabout as proposed in the application would not be off-line, meaning that it would be built effectively on the existing highway, causing major disruption to traffic during its construction. Brooke road users have suffered severe traffic disruption on the B1332 in Poringland over the last two years - we feel it would be unreasonable to impose further misery on road users for a prolonged period.

Secondly a roundabout on the B1332 would potentially open up land to the west for further extensive housing development, which we would not want.

For both reasons we feel that a T-junction would be more suitable than the proposed roundabout.

Pedestrian Access to the village from the development and the School Site

The application proposes three new footpath-only accesses between the development and the rest of the village. We feel that the design of these footpaths is inadequate as they will not be fully accessible to all potential users. They need to be hard-surfaced and wide enough to allow children in pushchairs and the elderly in wheelchairs or mobility scooters to gain traffic-free access to the rest of the village from the development and the School site.

One of the proposed footpath links is across the village hall playing field, which would not be possible to achieve. There has been no discussion about this proposed link between the developer and the Village Hall Committee (VHC), who are responsible for the management and maintenance of the Village Hall site, including the football pitch.

The VHC will not agree to the creation of a footpath link across the playing field.

The existing football pitch actually extends across the whole site to the western and eastern boundaries of the playing field - the outline of the pitch shown on the application plans is not correct and is therefore misleading. If a footpath were constructed in the position shown on the application plans the football pitch would fall below FA Standards.

Affordable Housing

We consider that the application should include full compliance with the District Council's adopted affordable housing policies. For the reasons set out above, we do not accept that the new school site is a necessary requirement of the development and is not therefore a justifiable reason for reducing the provision for affordable housing.

Viability Study

We feel that the viability study submitted in support of the application is fundamentally flawed and must be re-written. It wrongly refers to the provision of a new school site, which is demonstrably not required to service the proposed development. It should include the effects of full compliance with the District Council's affordable housing policies.

Surface Water Drainage

We are concerned about surface water drainage in the area, which is a serious issue due to the clay sub-soil. The recently built new houses on Norwich Road that back onto the application site are experiencing surface water drainage problems, including the flooding of gardens, despite their drainage arrangements having apparently been recently approved.

We are also aware of existing ground water and run-off issues experienced by the residential properties abutting the southern boundary of the proposed site as described in the objection letter (with photographs) submitted by the owners of 7 The Street.

We remain to be convinced that the arrangements proposed for this site will not exacerbate the current problems.

Summary

We firmly believe that our comments in this note confirm that the application does not comply with any of the adopted planning policies for Brooke, and has not taken account of the advice contained in paragraph 192 of the NPPF.

For the reasons set out above we believe that the applicant's assumption that there is no longer a 5 year land supply in the rural area of South Norfolk is flawed and the application should accordingly be refused.

The application will have a negative impact on the Brooke Conservation Area. The District Council has a general duty under the Listed Buildings Act 1990 - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The advice of Historic England is clear, the application is unacceptable.

A new school site is not required to serve the development and the proposed section 106 obligation does not accord with the requirements of CIL Regulation 122 or NPPF 2018. There are also detailed matters of concern about the school site set out above.

The application does not comply with the council's policy for the provision of affordable houses.

Conclusion

We urge the District Council to refuse planning permission for the development.

Brooke Parish Council

31 Oct 2018