



PORINGLAND PARISH COUNCIL

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Clerk to the Council: Mrs Faye LeBon FdA

2nd December 2021

The Planning Inspectorate
Room 3B Eagle Wing,
Temple Quay House,
2 The Square,
Bristol,
BS1 6PN

Dear Sirs,

Objection to Appeal Ref: APP/L2630/W/21/3276576.

Construction of 9 new residential dwelling units to include 1 retail unit facing North towards existing retail/commercial units. - Land To The East Of Overtons Way Poringland Norfolk

Thank you for consulting Poringland Parish Council on this planning appeal. The Parish Council reinstates its previous objections to the application which you already have on file, however we would like to bring to the attention of the Inspectorate two further matters for consideration.

These are:

- 1) The status of the Poringland Neighbourhood Plan as of the date of the decision of the Local Planning Authority and the treatment of Neighbourhood Plan policies in the officer's report and Decision Notice.
- 2) The current status of the Poringland Neighbourhood Plan.

The Status of the Poringland Neighbourhood Plan as of the decision date of 6th May 2021

The status of the Poringland Neighbourhood Plan as of the 6th May was that a decision statement had been issued on 19th April to pass the Neighbourhood Plan to referendum. As detailed in this decision notice, it states:

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Thursday: 9.30am to 4pm; Friday: By appointment



'... the Government has also stated that where a local planning authority has made a decision detailing its intention to send a Neighbourhood Plan to referendum (as in this case), that plan can be given significant weight in decision-making, so far as the plan is material to the planning application being considered.'

As such, the Poringland Neighbourhood Plan ought to have been given significant weight as part of the decision making process. Whilst the decision to refuse the application was the preferred option of the Parish Council, the officer's report and Decision Notice ignored several policies in the Poringland Neighbourhood Plan. As you are in possession of the officer's report and the Decision Notice, we are pleased that we have been given this opportunity to bring to your attention the policies in the Poringland Neighbourhood Plan that were either missed or not been given significant weight by the Local Planning Authority. These are:

Policy 6: Natural Environment

*All development **will be expected to achieve a demonstrable net ecological gain** to meet statutory requirements including through the creation of a range of locally appropriate habitats and the inclusion of design features, including those that enable animals, especially species in decline, to move between habitats unhindered.*

Support will be given to proposals that would result in a significant net ecological gain, or which help to support the B-Line for pollinators or other key green infrastructure as set out in The Greater Norwich Green Infrastructure Strategy.

In relation to ecological gain, the officer's report states 'As such, I take the view that **the impact on local ecology will be neutral** but that the application nevertheless is compliant with Policy 1 of the JCS.'

In accordance with Government guidance, we expect the Poringland Neighbourhood Plan policy to be given significant weight unless material factors are given otherwise. In this instance the Poringland Neighbourhood Plan policy has been ignored by the officer and was not mentioned in the Decision Notice, so we would like to bring the policy to the attention of the Inspectorate for the appropriate consideration.

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Policy 7: Trees and hedgerows

Proposals shall include high quality landscaping design that retains, where possible existing trees and hedgerows.

If a strong case is made for the removal of any trees or hedgerows, the loss will need to be mitigated by ensuring that replacement is at least equivalent to the ecological value of the hedgerows or trees removed.

Development that will result in the loss or degradation of any woodland block or any of the remaining ancient hedgerows, including those shown on the tithe map, in part or in whole, will be refused unless the overall benefits significantly and demonstrably outweigh the loss.

The proposal includes the removal of a hedgerow in place around the development and therefore this policy should have been used with significant weight in the opposition of the proposal. Instead the planning officer's report emphasised the fact that the hedge was not an important one under Hedgerow Regulations and dismisses the policy, and this policy was not mentioned in the decision notice. Again, we would like to raise this to the attention of the Inspectorate.

These environmental policies are very important to the people of Poringland and were agreed as meeting the Basic Conditions of Planning by an independent examiner, and therefore should not have been given so little consideration by the Local Planning Authority.

Policy 13: Flood risk

*All major development proposals, or all development proposals coming forward within the areas of high, medium and low risk from surface water flooding, as identified by the Environment Agency, should have due regard to the South Norfolk Council Poringland Integrated Urban Drainage Strategy Supplementary Groundwater Drainage Report (2008) and where required by national policy include a Flood Risk Assessment(FRA) and Surface Water Drainage Strategy that gives adequate and appropriate consideration to all sources of flooding and surface water drainage to ensure there is no increased risk of flooding either on the development site or to existing property as a result of the development. **Developers will be expected to demonstrate that there will be no increase in flood risk elsewhere.***

Poringland is notorious for flooding and is made all the more complicated by being a settlement on a perched water table. As a result, development in one area of the village may cause significant flooding in another part of the village. The policy states that developers will be expected to demonstrate that there will be no increase in flood risk elsewhere. At the meeting of the planning committee, it was stressed that the on-site surface water flooding could be dealt with by a pre-commencement condition, however there was no mention of a pre-commencement condition for the applicant to demonstrate that there will be no increase in flood risk elsewhere. This is an important part of flood mitigation in Poringland and therefore this policy needs to be raised to the Inspectorate for consideration as it was excluded from the Decision Notice.

Policy 14: Character and Design

All new development within Poringland should demonstrate high-quality design. Proposals for new development should:

a) be locally distinctive, in keeping with the context of a rural village of similar diversity, density, footprint, separation and scale to the surrounding area and of neighbouring properties in particular, unless it can be demonstrated that proposed development would not harm local character as set out in the Poringland Character Assessment document;

....

e) retain wherever possible existing landscape features on site boundaries including hedges and trees to maintain the character of the site and reinforce its boundaries;

...

k) provide a defined area for bins as close to the property's rear doors as possible;

We are pleased that the Local Planning Authority referred to Policy 14 of the Poringland Neighbourhood Plan as part of the Decision Notice, but it singled out only part (a) of the policy. Parts (e) and (k) were not mentioned.

Policy 14(a) continues to be of great importance to the decision as the design is not in keeping with our parish and not in similar density or scale to the surrounding area. We therefore support this reference as part of the decision.

As previously mentioned under Policy 7, the boundary hedge would be removed and therefore the character of the site would be lost. The proposal therefore does not comply with section (e) of this policy. Neither does the proposal comply with policy 14(k) as the design shows the bin

storage to the front of the properties (emphasised by the Design and Access Statement which specifies :

4.11 Bin/refuse facilities are located towards the front of each plot in specially constructed storage structures which will enable ease of use for residents and allow simple access for collection direct from the carriageway

Again, as policies 14(e) and 14(k) were not given significant weight and were not mentioned in the Decision Notice, we would like to raise them to the Inspectorate.

Policy 19: Residential Parking Standards

For all new residential developments, the following minimum vehicle standards shall apply for off-road parking:

1 bed dwelling, 1 off-road car parking space

2 bed dwelling, 2 off-road car parking spaces

3+ bed dwelling, 3 off-road car parking spaces

Where these standards cannot be met or where there is a potential for on-street parking to occur because of the needs of visitors, streets will need to be designed to safely accommodate some on-street parking, which may include formal parking facilities such as laybys.

Landscaping shall be used to avoid car parking being obtrusive in the street scene.

Well-designed on street parking schemes on through routes that can be shown to function as informal traffic calming measures will be supported.

Rear parking courts will only be supported in exceptional circumstances.

Not only do plots 1,2 and 3 have insufficient parking (two as opposed to three spaces), the parking is of an inferior design, meaning that those wishing to park in plots one and two will have to either access or egress in reverse gear for a distance of approximately 15 metres. In addition to this, the 15 metres is not in a straight line. Plot one will have to navigate the boundary of the retail unit and plot two will have to navigate the two cars parked in the spaces belonging to plot three.

Once again, this Neighbourhood Plan policy was not given significant weight and not mentioned in the Decision Notice, therefore we are drawing it to the attention of the Inspectorate.

Policy 21: Development in the village centre

Development in the village centre will be supported if it comprises small scale commercial development or community facilities. This will include the following planning use classes:

A1 – shops;

A2 – financial and professional services;

A3 – restaurants and cafes;

A4 – Drinking establishments;

D1 – Non-residential institutions such as health centres, day nurseries, libraries;

D2 – Assembly and leisure

This is to promote and consolidate the area as a village centre. Small-scale in the context of this policy means of a scale that is in proportion to the role and function of Poringland.

This site forms part of the ‘village centre’ in the Poringland Neighbourhood Plan and so only the commercial development, as detailed, should be supported. This policy was not given any weight because of the argument of viability. As part of the viability argument, the applicant states:

‘We are informed that the parish council have [sic] previously expressed an interest in the site for a Children’s nursery however following their due diligence this was discounted on viability grounds’

The Parish Council’s due diligence was in relation to the applicant requesting a 36% uplift in market value for the land. The applicant emailed the Parish Council on 16th June 2020 advising the RICS market value (which was checked and agreed by the Parish Council) but also advising that they would like further funds to cover ‘additional costs to date’. The applicant did not divulge what these additional costs were, but it is public knowledge that there have been two failed planning applications on this land. It is not in the interest of the taxpayer to pay over and above the market value to cover the applicant’s additional costs.

As a result of the misleading comments about the Parish Council’s involvement in the viability of the land, we would like the Inspectorate to consider Policy 21 of the Poringland Neighbourhood Plan in its entirety, to safeguard our village centre.

The Current Status of the Poringland Neighbourhood Plan

We would like to bring to the attention of the Inspectorate that the Poringland Neighbourhood Plan is now made, as a result of a Referendum held on 8th July 2021 resulting in 92% of voters voting in favour of the plan. The plan was adopted by the Local Planning Authority on 26th July 2021. This strength of the vote in favour, in addition to the plan meeting the Basic Planning Conditions, substantiates the significant weight that should be given to the policies in the Neighbourhood Plan.

To conclude, Poringland Parish Council continues to strongly object to this application and would urge the Inspectorate to dismiss the applicant's appeal. We would also urge the Inspectorate to disregard the disparaging comments made by the applicant towards the Parish Council in their Statement of Case to the Inspectorate. The Parish Council is neither 'stubborn' nor has 'unexplainable influence on committee members'. We merely have an adopted Neighbourhood Plan which at the time held significant weight as it had been deemed to meet the Basic Conditions of Planning. This plan expressed the wishes of our community that sustainable development should be shaped in accordance with the plan and was supported by Independent Examination, the Local Planning Authority and our parishioners. The Parish Council's comments are on policy alone and we believe that the number of policies that this application does not comply with should carry sufficient material weight to dismiss the appeal.

Should you have any queries with any aspect of this response, please do not hesitate to contact me.

Yours sincerely,

Faye LeBon

Faye LeBon

Clerk to Poringland Parish Council