



Appeal Decision

Inquiry opened on 11 December 2012

Site visits made on 13 December 2012

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 March 2013

Appeal Ref: APP/K2610/A/12/2177219

Land on the north side of Yarmouth Road, Blofield, Norwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by AGH Smith, JE Smith, RG Smith and SLA Property Company Ltd against the decision of Broadland District Council.
 - The application Ref 20111303, dated 31 August 2011, was refused by notice dated 27 April 2012.
 - The development proposed is described as 'a mixed use development comprising a maximum of 175 residential units, a maximum of 4,000m² employment (class B1), and open space'.
 - The inquiry sat for four days, 11-14 December 2012.
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Decision

1. The appeal is allowed and planning permission is granted for a mixed use development comprising a maximum of 175 residential units, a maximum of 4,000m² of employment floorspace (class B1), and open space, on land on the north side of Yarmouth Road, Blofield, Norwich, in accordance with the terms of the application, Ref 20111303, dated 31 August 2011, subject to the conditions in the attached schedule.

Procedural matters

2. On the application form, the location of the site is given as land at Yarmouth Road, Blofield, Norwich. The site lies on the north side of Yarmouth Road, and I have identified it accordingly in the appeal details above. The main parties agreed that the proposal is more clearly described as a mixed use development comprising a maximum of 175 residential units, a maximum of 4,000m² of employment floorspace (class B1), and open space, and I have considered the appeal on this basis.
3. The planning application was submitted in outline form, with all matters of detail reserved for future consideration. Two illustrative plans were submitted with the application: the parameter plan shows a broad sub-division of the site into an employment area, open space and a residential area, and the indicative masterplan shows a possible form of layout.
4. A planning obligation in the form of an agreement was submitted at the inquiry (Document O6). Its provisions concern open space, education and library contributions, affordable housing, travel plans and bonds, and land transfers concerning the informal open space.

Main Issues

5. I consider that the main issues in this appeal are:

(i) Whether the housing component of the proposal would be appropriate and sustainable, having regard to policies for residential development.

(ii) Whether the employment floorspace component of the proposal would be appropriate and sustainable, having regard to policies for employment development.

(iii) Whether the proposal would be premature, having regard to the preparation of the Site Allocations Development Plan Document (DPD).

(iv) The effect on the living conditions of residents on the northern fringe of the development, with regard to noise mitigation measures.

(v) Whether any harm arising from the proposal would be outweighed by other considerations.

The proposal

6. The appeal site is open farmland on the western side of Blofield. It lies between Yarmouth Road to the south and the A47(T) to the north-west. The parameter plan and masterplan show an employment area on the western side of the site and housing on the eastern side, adjacent to existing residential development. Between these areas and extending between the housing and the A47(T) would be an area of open space, comprising about 2.4ha.
7. It is intended that 33% of the dwellings would be provided as affordable housing. If the maximum number of dwellings were built, this proportion would produce 58 affordable properties. To lessen the effect of noise from the A47(T), a mound between 2m and 4m in height¹, and tying in with the adjacent higher land, would be formed close to part of the north-western boundary where the ground level falls towards the road. Insofar as the employment area is concerned, the intention is that this will accommodate activities of an office nature, with ancillary uses such as laboratories and other technology-related activities, low-level product storage and support services such as printing and consulting rooms. The stated aim is to create an incubator environment for new and small businesses².
8. To the west of the site, Yarmouth Road and Cucumber Lane join the A47(T) at a roundabout junction (generally referred to as the Cucumber Roundabout). Some carriageway widening and extended two-lane entry is proposed here to increase capacity at the junction³.

Planning policies

9. At the date when the Council refused planning permission for the appeal proposal (27 April 2012), the Development Plan included the Regional Strategy (RS) - the *East of England Plan*. The East of England Plan was revoked on 3 January 2013, but the Order revoking the Regional Strategy was laid on 11 December 2012, and was brought to the attention of the inquiry. Whilst the

¹ At the inquiry, the Appellants' noise witness said that the mound would be between 2.5-4m in height, whilst the illustrative drawings of the mound in Appendix 1 to Mr Melin's proof indicate a mound of about 2m in height.

² See paragraphs 3.5 and 3.6 of Mr Allen's proof.

³ The proposed highway works are shown on drawing ref 613456-SK08C (Document A9).

Regional Strategy is referred to in the evidence, the parties' cases are not dependent on its provisions, and a joint note was submitted by the Council and the Appellants which acknowledged that revocation was imminent, and agreed that, during the period which it remained part of the Development Plan, the weight to be afforded its policies should be significantly reduced (Document O10).

10. The Development Plan does include the saved policies of the *Broadland District Local Plan (Replacement)*, which was adopted in 2006. Policy GS1 seeks to guide new development to locations within the settlement limits for the Norwich Fringe Parishes, market towns and villages. Outside these limits, proposals should not be permitted unless they comply with a specific allocation and/ or policy of the Plan or, in the case of villages with a defined settlement limit, they would be in accordance with an adopted parish plan. The appeal site lies outside the settlement limit defined for Blofield⁴. Under Policy HOU1, residential estate developments⁵ on sites not identified for that purpose are permitted within the settlement limits for the Norwich Fringe Parishes and Aylsham, but not elsewhere. Employment development is also restricted outside settlements. Policy EMP6 limits such proposals to those where an overriding need for a countryside location has been demonstrated. A number of other policies of the Local Plan have also been referred to in the representations.
11. Together with Norwich City Council and South Norfolk Council, Broadland has prepared a *Joint Core Strategy (JCS)*. The JCS was adopted in 2011, although as a result of a successful legal challenge, the content concerning the distribution of housing and associated development in the Broadland part of the Norwich Policy Area (NPA)⁶ was remitted for further consideration. Policy 1 is concerned with addressing climate change and protecting environmental assets. To these ends, development is expected, amongst other requirements, to be located and designed to use resources efficiently. Policy 4 requires the delivery of at least 36,820 new homes between 2008 and 2026, of which approximately 33,000 should be within the NPA. Affordable housing is to be sought on all developments for five or more dwellings. Whilst the proportion of affordable housing is to be based on the most up-to date needs assessment, at the adoption of the JCS the target proportion for sites of 16 dwellings or more was 33%. In accordance with Policy 5, the local economy is to be developed in a sustainable way. The policy sets out a target of at least 27,000 additional jobs in the period 2008-2026, and sufficient employment land is to be allocated in accessible locations to meet identified need and to provide for choice.
12. Policy 9 sets out a strategy for growth in the NPA. A minimum of 21,000 dwellings are to be provided as new allocations distributed in specified locations. The distribution included 7,000-10,000 dwellings in the Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle, and 2,000 dwellings on smaller sites in the Broadland part of the NPA, but these latter two provisions of the JCS have been remitted. Policy 14 provides for the allocation of land for residential development in key service centres. The policy refers to approximately 50 dwellings in Blofield, but it also mentions that those key service centres which are within the NPA may be considered for additional

⁴ The settlement limit for Blofield is shown on the plan at Appendix 7 to Mr Beaumont's proof of evidence.

⁵ Paragraph 4.9 of the Local Plan defines an estate as comprising six dwellings or more.

⁶ The Norwich Policy Area comprises Norwich itself and certain parishes around the city in Broadland and South Norfolk. The extent of the NPA is shown on the plan at Appendix 4 of the JCS (part of Document O1).

development to help deliver the smaller sites allowance. In addition local employment opportunities are to be promoted in these settlements.

13. In August last year, proposed submission content in respect of those parts of the JCS which had been remitted was published for consultation. It was proposed that the remitted text be reinstated. The outcome of the consultation exercise was considered by the three Councils early in January 2013, when they endorsed the text of the proposed submission document. At this stage, however, the submission content does not form part of the Development Plan, and it carries less weight than the adopted part of the JCS.
14. The Council is preparing a *Site Allocations DPD*. Consultation exercises on possible development sites took place in 2011 and 2012. The inquiry heard that a preferred options consultation is scheduled to commence in April this year, and the DPD is expected to be adopted towards the end of 2014⁷. Two sites at Blofield were identified as shortlisted sites in the 2011 Sites Allocations Consultation, and a further four additional sites there were included in the 2012 Alternative Sites for Potential Development consultation document (Documents O7 and O8). With the exception of a small part of the north-east corner, the appeal site is included as Blofield 1 in the 2011 consultation.
15. It is common ground between the main parties that there is not a five years supply of housing land⁸. In the light of this situation, the Council adopted a *Statement on Determination of Housing Developments Promoted in Advance of the Emerging Local Plan* in 2012 (the Interim Statement). The policy statement sets out a series of considerations which it is intended should be applied to such proposals. It has not, however, been the subject of any external consultation, and consequently carries only limited weight.

Reasons

Appropriateness and sustainability of the housing component

16. In the Local Plan, Policy GS1 seeks to guide new development to locations in settlements with defined limits and to restrict it elsewhere. The appeal site abuts the western side of the settlement limit for Blofield, but it lies wholly outside it. There is no specific allocation for residential development in this location, and there is no suggestion that the proposal reflects a parish plan: it does not, therefore, come within the scope of the provisions for development beyond settlement limits under Policy GS1. The size of the housing component would categorise it as an estate development for the purposes of the Local Plan, and Policy HOU1 seeks to restrict estate development on unidentified sites to locations within the settlement limits of the Norwich Fringe Parishes and Aylsham. The development of up to 175 dwellings on the appeal site would conflict with these saved policies of the Local Plan.
17. Policies in the Local Plan were designed to meet the housing requirements of the former Structure Plan, and it is the undisputed evidence of the Appellants that these are now superseded by the provisions of the JCS. Moreover, paragraph 49 of the *National Planning Policy Framework* (the Framework) makes it clear that relevant policies for the supply of housing should not be considered as up-to-date if there is not a five year supply of deliverable

⁷ In his proof of evidence (para 2.29), Mr Beaumont stated that the DPD was not expected to be adopted until early 2015, but at the inquiry he explained that the timetable had been brought forward.

⁸ This situation is agreed by the Council and the Appellants at section 7 of the main statement of common ground.

housing sites. This is the case in Broadland (above, para 15), and I agree with the view expressed by the Council at the inquiry that Policy HOU1 is not up-to-date. Both it and Policy GS1 are not fully consistent with the Framework, and consequently, in accordance with paragraph 215 therein, their provisions carry little weight.

18. The more relevant part of the Development Plan is the JCS. Policy 4 sets out an overall requirement for the provision of approximately 33,000 dwellings in the NPA during the period 2008-2026, of which 21,000 should come forward by way of additional allocations under Policy 9. The proposal would contribute to this requirement for additional housing in the NPA. Although the numbers of dwellings intended to be accommodated in the Growth Triangle and on smaller sites in the Broadland part of the NPA have been remitted from Policy 9, Policy 14 refers to the provision of approximately 50 dwellings in Blofield, together with the possibility of additional development to contribute towards meeting the small sites allowance. The introduction to the *Policies for places* section of the JCS establishes a settlement hierarchy of five tiers. Key service centres, which include Blofield, comprise the third tier, below the Norwich urban area (including the built-up parts of the urban fringe parishes) and the main towns. The scale of development is generally expected to decrease at each level of the hierarchy, and the justification to Policy 14 explains that there are more sustainable options than Blofield for accommodating new housing in the NPA, and that consequently only a modest allocation of approximately 50 dwellings is proposed.
19. It is common ground between the Council and the Appellants that Blofield has a range of local services. These include a general store, a post office, a primary school, a health centre, a library, a village hall and a recreation ground, which are situated between about 0.6-1km from the proposed residential part of the site, and I agree with the Appellants' highway consultant that walking is a realistic option for such short distances. Facilities at the nearby settlement of Brundall, including shops, a primary school and a railway station are generally just over 2km away, and can be reached by cycling or by bus from the centre of Blofield⁹. However, there is no secondary school or supermarket in Blofield, and the nearest such facilities are 6.6km and 5.8km away. In contrast, the distances from a series of possible housing sites in the urban fringe range up to 3.14km for a supermarket and up to 4.11km for a secondary school¹⁰. The Council also pointed out that bus services to Norwich are more frequent from Drayton, Taverham, Hellesdon and Thorpe St Andrew in the urban fringe than from Blofield.
20. Sites in the built-up parts of the urban fringe parishes are likely to be closer to a wider range of facilities and services and to be served by a greater variety of public transport services than would be the case at Blofield. Having regard to these considerations, such sites are more sustainable than locations at Blofield, and this is recognised in the JCS, which expects a greater level of development to take place in the Norwich urban area and the main towns than in the key service centres. Nevertheless there are two regular services between Blofield and Norwich, providing one or two buses per hour in each direction, and trains

⁹ Details of facilities in Blofield and Brundall, and their distances from the appeal site are given in Appendix 7 to Mr Brown's proof of evidence.

¹⁰ These distances, and those from the appeal site, are set out in the table at Appendix 6 to Mr Beaumont's proof of evidence.

run from Brundall station to Norwich, Lowestoft and Great Yarmouth¹¹. I consider that there is a good range of facilities sufficiently close to the appeal site to enable walking and cycling to provide realistic alternatives to the use of the private car, and public transport services are available for journeys to and from Brundall and Norwich. Blofield is clearly a sustainable location for additional residential development, and its identification as a key service centre in the JCS, with an intended provision of at least 50 dwellings (including a possible contribution to the smaller sites allowance) bears this out.

21. It was argued by Generator Developments¹² that the appeal site is not the most suitable and sustainable location for housing in Blofield. This view draws on the suitability scores assigned to possible housing sites in the Strategic Housing Land Availability Assessment. When ranked, the appeal site is joint third of six sites¹³, but the details underpinning the rankings are not before me, and it is not possible to draw meaningful distinctions between sites on the basis of the suitability scores alone. Comparisons are also made with the Garden Farm site (the subject of a planning application for housing submitted by Generator): this site is not adjacent to the A47(T), and Generator argued that it is enclosed by existing development and that drainage works would be less complex. However, it is not suggested that the appeal site cannot be satisfactorily drained, and conditions can be imposed to this end. The housing development on the appeal site would be largely contained between the A47(T) and the built-up area of Blofield, and it would wrap around existing residential development to the north of Yarmouth Road. I consider that in this position the proposed housing would be well-related to the built form of Blofield, and it would not result in an awkward extension to the settlement. Whilst the layout shown on the indicative masterplan is illustrative, this arrangement for the location of the housing could be required at reserved matters stage. In any event, the exercise of detailed assessment of possible alternative sites for housing cannot take place as part of this appeal process relating to a scheme for one particular site.
22. Generator calculated that Blofield (excluding Blofield Heath) has a population of about 1,849 people within 787 households. Applying the same household size, 175 dwellings would accommodate 411 people, representing an increase of 22% in the size of the population. These figures were not disputed by the Council and the Appellants. Reference was made by Generator to a 2011 decision by the Secretary of State which dismissed an appeal concerning housing development which would have involved a 20% increase in the population of Moreton-in-Marsh, a principal settlement in Cotswold District in Gloucestershire¹⁴. In this case, though, it was the cumulative effect of the appeal proposal and an existing permission, representing together an increase in population of about 40%, which it was found would have fundamentally altered the character of that settlement. Here the additional population would be markedly below the 40% level, but the proposed housing would nonetheless represent a significant increase in the size of the settlement. The construction of 175 dwellings would be 3.5 times the level of 50 dwellings referred to in Policy 14 of the JCS. As Blofield is a settlement where the principle of

¹¹ Details of public transport routes serving Blofield and Brundall are given in Appendix 6 to Mr Brown's proof of evidence, and Document L2 includes summary information on bus routes from places in the urban fringe to Norwich.

¹² Generator Developments are promoting residential development on another site at Blofield.

¹³ The ranking of possible housing sites in Blofield is in figure 2 of the planning statement accompanying the planning application for residential development on the Garden Farm site.

¹⁴ Appeal decision ref APP/F1610/A/10/2130320, Appendix 6 to Mr Churchill's proof of evidence.

- additional housing to contribute to the smaller sites allowance is acceptable, residential development at some level in excess of 50 dwellings would be consistent with the JCS approach in its policies for places.
23. Blofield Parish Council, Councillor Ward and several local residents have expressed concern about the adequacy of infrastructure. References have been made to shortcomings in the electricity supply and in the local drainage system. EdF Energy Ltd was consulted on the planning application, but no comments were submitted and, despite anecdotal remarks, there is no clear evidence that the electricity supply is inadequate. Insofar as drainage is concerned, the consultation responses from Anglian Water and the Environment Agency record that implementation of a drainage strategy would be necessary, and this is a matter which could be the subject of a condition.
24. I heard from both local residents and the County Council that there is a shortage of primary school places. The planning obligation includes provision for payment of an education contribution to increase capacity at the primary school (below, para 61). Whilst concerns have also been raised about the capacity of the surgery, doctors at the surgery simply expressed concern about the effect of the proposal on traffic movement. On the information before me, and subject to the provisions of conditions and the planning obligation, I do not consider that infrastructure in Blofield would be ill-suited to meeting the needs arising from the housing included in the appeal proposal.
25. Affordable housing is required under Policy 4 of the JCS on developments of five or more dwellings. At present the target proportion on sites of 16 or more dwellings is 33%. This level is specified in the planning obligation, and the proposal would comply with Policy 4 in this respect. Moreover, paragraph 50 of the Framework makes it clear that the provision of affordable housing contributes to the creation of sustainable, mixed and inclusive communities.
26. I have also considered the proposal in the light of the considerations in the Interim Statement. The site was short-listed as a potential development site in the Site Allocations Consultation of 2011, and in this respect accords with consideration (ii). I consider the question of prematurity elsewhere. There is no neighbourhood plan and the site has not, therefore, been identified through this process (consideration (vii)). Although the scale of development is on the high side for Blofield, which is one of the smaller key service centres, the intended position of the housing alongside the western edge of the built-up area would relate well to the existing form of the settlement. There is no clear evidence that facilities and services would be placed under undue pressure, and I do not consider that the housing component of the appeal proposal would be so large as to undermine the spatial strategy and settlement hierarchy of the JCS (consideration (i)). There is not a five years supply of housing land, and I consider below the contribution which the site would be likely to make, in accordance with consideration (iii) (para 46). The provision of affordable housing would represent a community benefit, (consideration (iv)). Although the level of affordable housing does not exceed the general requirement of 33%, consideration (v) indicates that such additional affordable housing is appropriate where there is evidence of local need. Whilst there is a need for affordable housing in Broadland generally, there are no details before me to indicate the specific position in Blofield. The Appellants have carried out local consultation (consideration (viii)), including an exhibition, a public meeting and

the publication of questionnaires¹⁵, although the proposal has received little support from the community with most individual representations and the Parish Council opposing the scheme (considerations (iv) and (vii)). Insofar as other policy requirements are concerned (consideration (vi)), I address noise-related and highway matters elsewhere. Other matters should be able to be dealt with through reserved matters and conditions. The proposal would not fully accord with the considerations in the Planning Statement, but importantly the proposal would contribute to meeting the shortfall in the supply of housing land, and it would not undermine the approach of the JCS. In any event, the Planning Statement carries only limited weight.

27. The proposed development would conflict with Policies HOU1 and GS1 of the Local Plan concerning the location of housing proposals of estate size and restrictions on development beyond settlement limits. However, these policies are not up-to-date having regard to national planning policy in the Framework, in particular the importance of a five year housing land supply, and they carry little weight. Similarly, the informal Planning Statement has only limited weight, and whilst the proposal would not comply fully with its provisions, this does not represent a fundamental objection to the scheme.
28. The policies in the JCS are up-to-date (bearing in mind that the provisions for housing distribution in Broadland under Policy 9 are yet to be adopted), and promote a sustainable approach to growth and development. Blofield is a sustainable location for some further residential development, as envisaged in Policy 14. Referring to allocations to meet the overall provision of 21,000 dwellings in the NPA, the justification to Policy 9 explains that these will reflect the scale of development provided for at each level of the settlement hierarchy, and will also reflect the form, character and services capability of each locality. Whilst the proposal would represent a significant increase in the size of Blofield, above the modest level referred to in the JCS, it would not be an unduly large scale of development at a third tier settlement. Nor would it be inappropriate having regard to the form and character of the settlement and the availability of services and infrastructure. I conclude that the housing component of the proposal would be broadly sustainable and that, overall, it would be appropriate in the context of the up-to-date policies applicable to residential development in the JCS and the Framework.

Appropriateness and sustainability of the employment component

29. Policy GS1 of the Local Plan, which seeks to restrict development outside settlement limits, applies in this case, as set out in respect of the housing component of the proposal (above, para 10). Employment development outside settlement limits is the subject of Policy EM6: under its provisions an overriding need for a countryside location must be demonstrated. There is no such requirement for B1 office uses, and it is common ground between the Council and the Appellants that the proposal conflicts with Policy EMP6. However, as with Policy HOU1 in respect of the housing component, Policy EMP6 was prepared in the context of the Structure Plan, and it does not fully reflect national planning policy in the Framework. Paragraph 28 of the Framework makes it clear that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development. More particularly, the sustainable growth and expansion of all types of business and enterprise should be supported in rural areas, and the

¹⁵ Details of the consultation are given in the Statement of Community Involvement.

Framework does not advocate a more stringent approach outside settlements. Policy EMP6 is not up-to-date, and having regard to paragraph 215 of the Framework, its weight is limited.

30. In line with the Framework, the JCS supports sustainable employment development. Whilst Policy 5 refers to economic growth in urban and rural locations, Policy 9, which applies to the NPA, emphasises employment development at strategic locations. The accompanying justification explains that office floorspace is to be principally located in Norwich City Centre, Norwich Research Park, and Broadland Business Park. There is also provision for small-scale developments associated with housing growth. For key service centres, Policy 14 refers specifically to the promotion of local employment opportunities.
31. The Appellants' commercial property witness had reviewed commercial premises in Blofield and the nearby settlement of Brundall. Only one of a total of 87 premises, and none of the offices identified, was recorded as vacant¹⁶. An assessment of ten schemes developed in the Norwich area since 2001, and with similar characteristics to the employment component of the appeal proposal, revealed a lower vacancy rate, at 9.11%, than the 12.01% recorded in June 2012 for the entire office market. That said, there was clearly small office space available of the type proposed at Blofield: the Appellants' survey shows that just two of the schemes were fully occupied, and at the eight other developments a total of 16 units were available.
32. The work of the Appellants' commercial property witness covers the Norwich area. A review of requirements registered with his firm revealed 19 parties seeking premises with less than 465m² floorspace. However, only two recent enquiries for accommodation from Blofield and Brundall were identified. There is nothing else before me to indicate the extent to which there may be an existing demand for employment development in Blofield.
33. It is also argued on behalf of the Appellants that, given its location on the A47(T), Blofield is well-suited to meet demand for commercial premises associated with the growth in the renewable energy sector radiating out from Great Yarmouth. Additionally, this location is noted as being appropriate for businesses serving Norfolk as a whole, particularly those in rural areas. Accommodating these latter types of occupier would be more closely aligned with a strategic function, as set out for the NPA in Policy 9. However, employment development in key service centres is intended to meet local employment opportunities, as distinct from being limited to the development of local businesses. Whilst the evidence on the demand for the type of accommodation proposed draws for the most part on a wider area than Blofield and its hinterland, the B1 units would provide an employment opportunity for local people, including those living in the new housing on the appeal site. It is estimated by the Appellants' witness that employment floorspace of up to 4,000m² could provide 250-300 jobs. This is relatively significant given a population of 1,849 existing residents and a further 411 in the new housing. However, given its proximity, it is relevant to take Brundall into account, and the proposal would also provide a local employment opportunity for people from that settlement. The Council is concerned that the development would draw in people from further afield to work in Blofield. There could never be any

¹⁶ A schedule of sites is in the revised version of Appendix 4 to Mr Allen's proof of evidence, which was submitted at the inquiry (Document A6).

guarantee that this would not occur to some extent, but equally the provision of B1 accommodation should obviate the need for some journeys to work to be made out of the settlement.

34. I conclude that the employment component of the proposal would be broadly sustainable and that, overall, it would be appropriate in the context of the up-to-date policies applicable to employment development in the JCS and the Framework.

Prematurity

35. The Government document *The Planning System: General Principles* sets out the approach to questions of prematurity. It explains that it may be justifiable to refuse planning permission on the ground of prematurity where a DPD is being prepared if a proposal is so substantial or the cumulative effect would be so significant that granting permission would pre-determine decisions about the scale, location or phasing of new development.
36. As part of the initial work on the Site Allocations DPD, there has been consultation on possible development sites, including several at Blofield. Preferred options, however, are not scheduled to be published until later this year. I note that an appeal decision which granted outline planning permission for residential development at Rackheath¹⁷ referred to that proposal representing less than 1% of the total quantity of housing in Broadland envisaged in either the RS or the JCS, and the Inspector found that this would be insignificant in finding that the appeal should not fail on the ground of prematurity. The Appellants calculate that the maximum number of 175 dwellings proposed in the current appeal would be less than 2% of the Broadland requirement, and they suggest that this proportion would be similarly insignificant.
37. However Policy 4 of the JCS specifically provides for the distribution of new homes in accordance with the Policies for places section, and it is relevant to take account of the situation at Blofield. Policy 14 refers to approximately 50 dwellings, and this number could rise somewhat with a contribution to the small sites allowance. The maximum number of 175 dwellings would be well in excess of this level of provision, and, in consequence, it would effectively supplant the role of the DPD in determining the future location of housing at Blofield. Whilst the potential level of housing proposed would be relatively modest in respect of Broadland as a whole, and I have found that this part of the scheme would not be unduly large at a third tier settlement (above, para 28), it would not come forward as part of the plan-led approach commended in the Framework, which would provide for the detailed consideration of possible alternative sites.
38. Insofar as employment development is concerned, the JCS does not specify an intended amount for Blofield, referring instead to local employment opportunities at key service centres. I have found that the employment component of the appeal proposal would fulfil such a role, and I do not consider that it would undermine the DPD process.
39. I conclude that the housing component of the appeal proposal would be premature in respect of the preparation of the Site Allocations DPD, and that it

¹⁷ Appeal decision ref APP/K2610/A/12/2172754 dated 3 October 2012. The description of the proposal refers simply to residential development, but condition No 5 limits the number of dwellings to 80.

would pre-determine decisions about the location of residential development at Blofield.

Living conditions

40. The north-west boundary of the site abuts the line of the A47(T). This is a busy main road, running between Norwich and Great Yarmouth, and both the Council and the Appellants have assessed the effect of traffic noise on the residential element of the proposed development. A supplementary statement of common ground has been prepared in which the Council's Environmental Health Officer and the Appellants' Acoustic Consultant agreed the levels of traffic noise at the nearest dwellings on the site following the formation of a mound along the boundary. They also agreed that the proposal should aim to achieve the noise limits set out in *British Standard BS8233 – Sound insulation and noise reduction for buildings – Code of practice* applicable to reasonable resting and sleeping conditions within living rooms and bedrooms. These limits, in the L_{AeqT} index, are 40dB in living rooms and 35dB in bedrooms. BS8233 also seeks an upper limit of 55dB in gardens.
41. Because of the noise from the A47(T), the proposed housing would be set back 55m from the road. Along much of the site boundary, the carriageway of the A47(T) runs at a lower level than the site, below a bank. Part way along, however, the level of the site slopes down towards the road, and it is proposed that an earth mound be formed in this section. With the mound in place, it is agreed that L_{AeqT} levels at the façade of the nearest dwellings to the A47 would be 62dB during daytime and 56dB during the night. If garden areas were proposed beyond the 55dB daytime noise contour, screen fencing would secure a reduction of 7dB, and it is common ground that with this form of boundary treatment in place, L_{AeqT} 16hr levels would not exceed the 55dB limit sought in BS8233. Whilst the layout shown on the masterplan is only indicative, I have no reason to doubt that, should garden areas with fencing be proposed along the northern edge of the development, landscaping treatment could ensure that they would be satisfactorily assimilated into their surroundings and would not detract from the outlook of future residents. I have reached a similar view about the mound: the plans and sections show that it would reflect the height of the site boundary on each side and it would be separated from the nearest dwellings by a belt of open space.
42. Noise levels inside the nearest dwellings to the A47(T) would be reduced by the building envelope. It is agreed in the supplementary statement of common ground that thermal glazing would give a reduction of 33dB, resulting in daytime and night L_{AeqT} levels of 29dB and 23dB respectively with the windows closed. These levels are well within the 40dB and 35dB limits sought in BS8233. If windows were opened, the reduction in noise levels between the outside and inside of the dwellings would be markedly less, at 10-15dB. In this situation there would be daytime and night L_{AeqT} levels of 47-52dB and 41-46dB, and the BS8233 limits, designed to provide reasonable living conditions, would not be achieved. However, a mechanical system can provide an alternative to rapid ventilation through open windows, and it is proposed that a mechanical ventilation and heat recovery system would be installed within those dwellings where the BS8233 limits would not be achieved with windows open. With this system in place I do not consider that there would be a materially adverse effect on the living conditions of occupiers from windows remaining closed. From what I heard at the inquiry, I do not consider that the

ventilation system proposed would be unsightly or cause a noise nuisance itself. Nor does the evidence indicate that the elevations of dwellings closest to the A47(T) would need to be designed with restricted fenestration.

43. Conditions could be imposed to secure the noise mitigation measures proposed. I conclude that the inclusion of these measures would not result in unacceptable living conditions for future residents. In this respect the proposed development would not conflict with Policy GS3 of the Local Plan, and it would not represent an unsatisfactory form of design and conflict with the intentions of paragraphs 57 and 58 of the Framework.

Other considerations

Housing land supply

44. It is common ground between the Council and the Appellants that Broadland cannot demonstrate a five year supply of housing land, and this view is shared by Generator. The assessment included in the Greater Norwich Development Partnership's annual monitoring report (AMR) for 2010-2011 identifies a supply of 3.28 years of housing land within the NPA for the period 2012-2017. This represents a shortfall of 3,411 dwellings. The Framework, at paragraph 47, requires the addition of a minimum buffer above the basic five year requirement to ensure choice and competition in the market for land, rising to 20% where there has been a record of persistent under delivery of housing. The addition of a 5% buffer would reduce the level of supply to 3.13 years. In the three years 2008-2011 there has been an annual shortfall of at least 34.6% in delivery, and for 2011-12 a further shortfall of 852 dwellings was expected. The AMR refers to the effects of the slow housing market and that, prior to the adoption of the JCS, local plans had previously made housing allocations on the basis of figures in the Norfolk Structure Plan, which were lower than those in the JCS. Nevertheless there has been a persistent under delivery of housing. Accordingly I have reached the view that a buffer of 20% should be applied. That gives a total requirement of housing land for 11,928 dwellings, against which the projected completions would give a supply of only 2.74 years.
45. The Appellants had also calculated figures for housing land supply for that part of the NPA in Broadland and for Broadland as a whole¹⁸. Whilst the Council maintained that it was not necessary to provide separate assessments in this way, it did not dispute the figures produced. These indicate projected completions sufficient to provide 1.76 and 1.64 years of supply in the Broadland part of the NPA and Broadland as a whole. The calculation for the District as a whole is based directly on the requirement of the former RS, and as such I accord it little weight. However, the proportion of dwellings provided in the Broadland part of the NPA since 2008, assessed against the JCS requirement, has been lower than in the whole of the NPA, and, as in the NPA, a 20% buffer is appropriate. This would reduce the level of supply to 1.47 years. There is a serious shortfall of housing land in the NPA and in that part within Broadland, and this provides considerable support for the appeal proposal. I have taken into account that, in granting outline planning permission on appeal for up to 299 dwellings at East Tilbury in 2010, the Secretary of State gave only limited weight to the shortfall in housing land

¹⁸ The calculations are set out in tables 2 and 3 within Mr Melin's proof of evidence.

supply¹⁹. However, I note that housing land supply had been assessed against targets in the RS, to which the Secretary of State gave less weight following his letter of 27 May 2010 announcing the intention to abolish regional strategies.

46. Contrasting assessments of the extent to which the appeal site would contribute towards a five year land supply were provided by Generator and the Appellants. Generator argued that, because of the time required to obtain vacant possession, gain reserved matters approval, discharge conditions and undertake ground works, the construction of dwellings would not commence until 2017, and only 25 units would be likely to be produced by 2018. In contrast the Appellants' position was that the necessary approvals could be in place by 2014, with site preparation undertaken the following year. From 2015-2018, it was expected that the site would deliver 30-50 dwellings per year. I see no reason why the various matters requiring detailed approval should not be progressed simultaneously should outline planning permission be granted, and I consider that the Appellants' assessment that the site could deliver dwellings from 2015 is more realistic than the view of Generator. At 30 dwellings, the lower end of the build-out rate envisaged by the Appellants is close to the 25 suggested by Generator, but even if development proceeded at this level, the provision of 75-90 dwellings would represent an important contribution to supply.

Affordable housing

47. In line with Policy 4 of the JCS, the proposal would provide 33% of the dwellings as affordable housing. Whilst this does not exceed the level which might otherwise be achieved, as envisaged by the Council's Planning Statement (above, para 26), that document carries only limited weight. Moreover, if housing development in Blofield came forward by way of smaller schemes accommodating individually fewer than 16 dwellings the requirement for affordable housing would be proportionally less. The targets are 30% for sites with 10-15 dwellings, 20% for sites with 5-9 dwellings, and no requirement is sought below this level. The Appellants drew attention to the relatively low level of completions of affordable housing in Broadland and the GNDP area in recent years. Figures in the AMR show completions at between 21% and 34% in the GNDP area and between 16% and 27% in Broadland for the years from 2007-08 to 2010-11²⁰, and point to the importance of bringing forward schemes providing affordable housing. This is matter to which I attach significant weight.

Highway safety and traffic movement

48. Vehicular access to both the residential and employment elements of the development would be taken from Yarmouth Road, which joins the A47(T) a short distance to the west of the site at the Cucumber Roundabout. Queuing on the approach to the roundabout has been monitored on behalf of the Appellants in 2010 and 2012. The extent of queuing fluctuates quite sharply: the December 2010 survey recorded queue lengths of between 3 and 19 vehicles on the Cucumber Lane arm in the morning around peak time, and in September 2012 queue lengths were between 1 and 15 vehicles on this arm and between 1 and 13 vehicles on the Yarmouth Road arm during the morning

¹⁹ Appeal decision ref APP/M9565/A/09/2114804, Appendix 5 to Mr Churchill's proof of evidence.

²⁰ The figures are reproduced in table 4 in Mr Melin's proof of evidence.

peak. No significant delays are reported, and this is supported by the sharp fluctuations shown in the graphs of queue length.

49. In assessing the effect of traffic generation on the highway network, trip rates from Norfolk CC were used, which give higher figures than those derived from the TRICS database. On this basis, two-way traffic movement generated by the development is predicted to be 217 vehicles in the morning peak and 202 vehicles in the evening peak, with 75% of traffic travelling through the Cucumber Roundabout. The works proposed to the roundabout (Document A9) would increase capacity at this junction, and I note that the Highway Agency is satisfied that these mitigation works would meet its requirement for nil detriment to traffic on the strategic road network. Neither the Highway Agency nor the Highway Authority object to the proposal subject to conditions concerning the implementation of the junction alterations, the introduction of a travel plan, the submission of details of roads, footways and cycleways, and a scheme to narrow Yarmouth Road and extend the 30mph limit to the eastern edge of the site.
50. The initial travel plans have targets of reducing car usage by 5-10%. Taking this into account and the effect from the use of the higher trip generation rates in preparing the alterations to the Cucumber Roundabout, the Appellants argued that the scheme would result in fewer queues than without the development. In the absence of detailed information to substantiate this claim, I accord it only limited weight. However I am satisfied that there would be no adverse effect at this point on the highway network.
51. There is concern from the Parish Council, doctors at the surgery and local residents about the prospect of congestion in Blofield, particularly along The Street, North Street and Plantation Road, where many of the local facilities are located and on-street parking occurs. There is a 20mph limit over part of this road and a relatively narrow carriageway and the presence of parked vehicles restrict traffic movement to a degree at the present time. Most traffic from the appeal site would travel to and from the A47(T) to the west of the site, and I have already found that the facilities in this part of the settlement are within walking distance of the housing proposed on the appeal site (above, para 19). In response to my question, the Appellants' highways consultant calculated that the development would only give rise to an additional 20 vehicles on The Street and North Street at peak hours. I do not consider that this level of increase would materially alter traffic conditions in the centre of Blofield nor lead to a perceptible reduction in highway safety.

Character and appearance

52. I have addressed the scale and form of the housing proposed on the appeal site in considering the appropriateness and sustainability of this component of the development (above, paras 21 and 28). The employment units would occupy a smaller part of the overall site and they would be adjacent to an existing group of built development. The introduction of residential and employment development onto the appeal site would inevitably change its character. However, both components of the scheme relate well to the existing built form, and they are contained between the A47(T) and Yarmouth Road. The employment development and the housing would be separated by an area of open space, and there would be the opportunity to provide landscaping here and along the north-western edge of the housing. A substantial landscaping scheme in these areas would assist in assimilating the development into its

surroundings. There is specific concern about the effect of external lighting associated with the development. At the inquiry, the Highway Authority explained that extensive street lighting should not be necessary in this location, and I have no reason to doubt that a scheme could be devised which would be appropriate in this location close to the existing settlement. I do not find that the proposed development would have a damaging effect on the character and appearance of the area.

Agricultural land

53. The appeal site comprises agricultural land identified as within grade 2, and therefore of good quality. Apart from an area of grade 3 land at the southern edge of Blofield, the settlement is surrounded by grade 1 and grade 2 land²¹. The JCS provides for residential and employment development at key service centres, and of the five other sites put forward for consideration for development at Blofield as part of the work on the emerging DPD, three are also grade 2 and two are partly grade 2 and partly grade 1. It is likely, therefore, that there will be some loss of good quality agricultural land at Blofield in any event, and in this situation the quality of the land forming the appeal site does not count against the proposal.

Listed building

54. Manor Farm Barn, a grade II listed building, is on the opposite side of Yarmouth Road to the appeal site. The agricultural character of the building has been diluted to a degree by its conversion to residential use, and it is close to existing housing on the northern side of the road at Brewster Court. I do not consider that the development of the appeal site would adversely affect the significance of this heritage asset, and the proposal would not conflict with paragraphs 132-134 of the Framework.

Nature conservation

55. The planning application was accompanied by an ecological assessment, which found that the site itself is of very limited ecological value. I note that Natural England concurred with the ecological assessment of the site and commented that the development has the potential to improve biodiversity through incorporating enhancement measures. The CPRE has expressed concern about the possible effect of the development on the Witton Run, which runs to the west of the site. This watercourse is separated from the appeal site by existing commercial development and some dwellings, and I do not consider that the role of The Witton Run as a wildlife corridor would be adversely affected by the proposal.

The planning obligation

56. The planning obligation would require 33% of the residential component of the development to be affordable housing, in line with the requirement in Policy 4 of the JCS.

57. Policy RL7 of the Local Plan seeks the provision of outdoor recreational space, and its future maintenance in connection with residential developments involving five or more dwellings. I agree with the main parties that it is important not only that informal open space and play areas are provided on-

²¹ A map showing the value of agricultural land around Blofield is at Document O11.

site, but that a certain financial contribution is made towards future maintenance. The amounts of these contributions for play areas and informal open space are set out in paragraphs 1 (items F-H) and 2 respectively of Schedule 2. In accordance with the Supplementary Planning Document on Recreational Open Space (SPD), the amounts payable are based on maintenance periods of 20 years. Whilst it is reasonable to expect the developer to fund the provision of recreational space and to provide for its maintenance for an initial period until funding generated by the new homes comes on-stream and to meet the costs of any replacement planting, 20 years extends into the time when I would expect the open space in question to be properly supported by the community. No clear explanation of the 20 year period was provided by the Council, and I consider that the three year period suggested by the Appellants more closely reflects the reasonable costs arising from the provision of new facilities. Paragraph 4 of Schedule 2 provides for the amounts of contributions to be amended in line with my findings. Notwithstanding this provision, however, it is not open to me as part of my decision to alter the terms of the obligation.

58. I do not agree with the Appellants that item D in paragraph 2 concerning new trees is covered by the maintenance of trees and woodland component of item A. The agreed heads of terms clearly identifies separate items for the maintenance of woodland and tree belt and for new trees within the overall open space contribution.
59. Items A-E in paragraph 1 of Schedule 2 concern the amount of the contribution towards off-site formal recreational space provision. Whilst there are existing facilities at Margaret Harker Hall in Blofield itself and also at Blofield Heath, the Council explained that there is an existing shortage of about 4ha of open space in Blofield. The addition of potentially 175 dwellings would exacerbate this shortfall. However the Council has not identified any projects for funding, and advised that it would be guided by the Parish Council in terms of the additional provision needed. In consequence, there is insufficient information before me to enable a view to be reached that the contribution towards off-site provision would be fairly and reasonably related in scale and kind to the development.
60. The obligation would provide for a library contribution of £60 per dwelling. I heard that the library in Blofield is in fairly modest premises, and has a gross floorspace of only 81m², whereas for the size of catchment the Council argued that 120m² would be appropriate. The increase in the local population resulting from the residential development would be expected to place more pressure on the library. No building project has been identified, but the County Council explained that the monies received would be committed to that library, and it is likely that they would be used to increase stock. The size of the library relative to the local population indicates that there is a shortfall in capacity, and I am satisfied that the contribution would mitigate the further pressure from additional housing development.
61. Blofield Primary School is oversubscribed, as is Hemblington School, which some children from the settlement attend. There is spare capacity at the primary school at Brundall, which is not a great distance from the appeal site. However, Blofield School could be more readily reached without reliance on a car, and it is particularly important that school journeys for young children are as straightforward as possible. I agree with the County Council that efforts should be made to ensure that sufficient space is available at the catchment

school which is Blofield Primary. There are also capacity problems at secondary school level. Although mobile units are in use, without their presence the high schools at both Thorp St Andrew and Acle would have insufficient space for the existing number of pupils. The education contribution would be used towards capital projects at the schools serving Blofield, and this is likely to include the provision of additional classroom space, improvements to toilets and changing facilities, and improvements to circulation arrangements. Although mobile units provide some classrooms at secondary schools at present, the very fact that these are not included as part of the permanent capacity indicates that they do not provide the level of accommodation sought. I consider that the range of intended measures would all relate to capacity shortages, and that there is a clear functional and geographic link between the education contribution and the development proposed.

62. Schedule 6 of the planning obligation is concerned with monitoring and review of the residential and employment travel plans. The travel plans would have an important role in promoting the use of sustainable modes of travel, and the associated travel bonds or deposits may be called in to ensure required measures are carried out. I appreciate that this places an additional cost on the developers, but pursuing implementation of the travel plans through enforcement action related to conditions or the obligation is less likely to provide as timely a remedy as direct use of the bond or deposit monies should action need to be taken. Whilst I consider that provision for the travel bonds or deposits is important in underpinning the effective delivery of the travel plans, I do not consider that it is appropriate for monitoring fees to be paid to the County Council. Such monitoring activity should not impose an undue burden on the County Council over and above its general role in providing a highways input to the development management process. Consequently, I do not consider that this element of the obligation is necessary to make the proposal acceptable.
63. I consider that all of the provisions of the planning obligation are directly related to the appeal proposal, but that the payment of monitoring fees is not necessary to make it acceptable in planning terms. Moreover the contributions for play areas and informal open space are not fairly and reasonably related to the development in scale and kind and it is uncertain whether the contribution towards off-site recreational provision would meet this test. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations provides that it would be unlawful for an obligation to be taken into account in a planning decision if it does not meet all of the statutory tests. Accordingly, I have not given weight to these provisions of the planning obligation in reaching my decision on the appeal. I consider that the other provisions carry substantial weight.
64. Several of the schedules contain clauses stating that certain covenants would have no effect if I find that they do not comply with the tests in the CIL Regulations and paragraph 204 of the Framework. In similar vein, paragraphs 6 in Parts 1 and 2 of Schedule 6 specify that the covenants concerning travel plans bonds, deposits and monitoring fees shall only come into effect if I find that they comply with the CIL Regulation tests and paragraph 204 of the Framework. However, notwithstanding my findings on the provisions of the obligation, it has been executed and has legal effect.

Conditions

65. To ensure that reserved matters would be consistent with the outline proposal, upper limits for both the residential and employment components of the scheme should be specified. Progress on the housing development should be linked to the employment units, as the scheme is intended to provide a mixed-use development at Blofield. It would also be important for a phasing scheme to be approved to assist in assimilating the development into its surroundings, and for the same reason details of ground levels should be submitted for approval. Details of fire hydrants, recycling banks, walls, fences, the treatment of open space and play areas should be submitted as part of reserved matters to ensure a satisfactory standard of development.
66. To contribute to a sustainable form of development, full travel plans, water efficiency measures to comply with level 4 of the Code for Sustainable Homes and measures to secure at least 10% of energy decentralised and renewable or low-carbon energy sources should be submitted for approval. The residential component should be designed to comply with specified noise limits to safeguard the living conditions of future occupiers.
67. The south-east corner of the site has previously been used for parking, and an investigation for contamination should take place here. Potential archaeological interest has been identified, and therefore a condition would be appropriate to secure monitoring and recording. In the interest of highway safety, conditions would be necessary concerning off-site works, the extension of the 30mph speed limit on Yarmouth Road, and wheel washing facilities. Additionally, the residential development should be designed with two access points or as a loop road with an emergency access. The Appellants suggested a condition restricting the size of individual employment units to no more than 500m² of floorspace within the first five years of occupation. Whilst this would reflect the intention to create an incubator environment for new and small businesses, the appropriateness of the employment component does not depend on this arrangement, and such a condition would be unnecessary. Arrangements for construction of roads within the site should be addressed at reserved matters stage.

Conclusions

68. Although the proposed development would conflict with Policies HOU1 and GS1 of the Local Plan, these policies are not up-to-date and they carry little weight. Blofield is a sustainable location for further development, as acknowledged by its inclusion as a key service centre in the JCS. The addition of up to 175 additional dwellings would represent a significant increase in the size of Blofield, but it would not be inappropriate at this level in the settlement hierarchy. There is evidence of commercial premises being available in the wider area, but only to a limited extent in Blofield. The employment units included in the scheme would provide local employment opportunities for residents of both Blofield and Brundall, and the promotion of a mixed use development is in line with Policy 9 of the JCS and reinforces the sustainability credentials of the scheme. Overall the proposal is broadly sustainable, and appropriate in the context of up-to-date planning policies.
69. The implementation of the noise mitigation measures proposed would not result in unacceptable living conditions for future residents, and no material harm would be caused in this regard.

70. There is a serious shortfall of housing land in the NPA and in that part within Broadland. Consequently, in accordance with paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered as being up-to-date. This is particularly relevant in respect of policies of the Local Plan which were prepared to meet the requirements of the former structure plan. The second part of paragraph 14 of the Framework is, therefore, engaged. Planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.
71. Whilst I do not consider that the employment component would be premature, the potential amount of housing proposed would pre-determine decisions about the location of residential development at Blofield intended to be taken as part of the Site Allocations DPD. However, I find no other material harm arising from the proposal, and no conflict with specific policies in the Framework. The development would not only make an important contribution to general housing land supply, but would provide a further benefit through adding to the stock of affordable housing. I do not consider that the adverse effect of prematurity in respect of residential development at Blofield would significantly and demonstrably outweigh these important benefits. Accordingly, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard Clegg

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details required by condition No 1 shall include the provision of fire hydrants, recycling banks, walls, fences, the treatment of open space, play areas, and, in the case of the residential development, two vehicular accesses or a loop road with an emergency access.
- 5) The details required by condition No 1 shall not include provision for more than 175 dwellings and 4,000m² of employment floorspace in use class B1.
- 6) No development shall take place until a phasing scheme for the erection of the dwellings, employment units and roads, footways and cycleways has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme
- 7) No more than 50% of the dwellings shall be occupied until 75% of the employment floorspace has been constructed.
- 8) No development shall take place until details of ground and slab levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of water efficiency measures to comply with level 4 of the Code for Sustainable Homes for water have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 10) Before the development begins a scheme, including a timetable for implementation, to secure at least 10% of the energy supply of the development from decentralised and renewable or low-carbon energy sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 11) As part of any application for reserved matters for the residential component of the scheme, details of the construction and layout of the dwellings, and of the mound adjacent to the north-western boundary, and predicted noise levels that indicate compliance with the following criteria shall be submitted to the local planning authority for approval:

- A maximum of 55dB(A) 16 hour LAeq 0700-2300 hours within all outdoor living areas.
 - A maximum of 40dB(A) 16 hour LAeq 0700-2300 hours within indoor living areas with windows shut.
 - A maximum of 35dB(A) 16 hour LAeq 2300-0700 hours within bedrooms with windows shut
- 12) Those dwellings where internal noise levels with windows open would exceed would exceed 40dB(A) 16 hour LAeq from 0700 to 2300, or where internal noise levels with windows open would exceed would exceed 35dB(A) 8 hour LAeq from 2300 to 0700, shall be fitted with a mechanical ventilation and heat recovery system prior to occupation, in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 13) None of the dwellings shall be occupied until the noise attenuation mound has been formed in accordance with the approved details.
- 14) No development shall take place until an investigation of the south-east corner of the site identified on the plan at Document L5 has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 15) No development shall take place until an archaeological investigation of those parts of the site identified in the archaeological assessment which accompanied the planning application has been undertaken in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The resultant report, including a programme for any mitigation measures, shall be submitted to and approved by the local planning authority. Any mitigation measures shall be implemented in accordance with the approved programme.
- 16) No development shall take place until schemes for the works at the Cucumber Lane/ Yarmouth Road/ A47(T) roundabout and for the narrowing of Yarmouth Road at the western edge of the development site have been submitted to and approved in writing by the local planning authority. The scheme for the Cucumber Lane/ Yarmouth Road/ A47(T)

- roundabout shall be prepared in accordance with drawing ref 613456-SK08C.
- 17) None of the dwellings or employment units shall be occupied until the works at the Cucumber Lane/ Yarmouth Road/ A47(T) roundabout and for the narrowing of Yarmouth Road at the western edge of the development site have been implemented in accordance with the approved details.
 - 18) No works shall commence on the site until a traffic regulation order to extend the 30mph limit on Yarmouth Road has been secured by the Highway Authority.
 - 19) The residential development hereby permitted shall not be commenced until a residential travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall incorporate a programme, and shall be prepared in accordance with Norfolk CC document *Guidance Notes for the Submission of Travel Plans*. It shall be implemented in accordance with the programme and targets contained therein, subject to modifications agreed with the local planning authority as part of the annual review.
 - 20) The employment development hereby permitted shall not be commenced until an employment travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall incorporate a programme, and shall be prepared in accordance with Norfolk CC document *Guidance Notes for the Submission of Travel Plans*. It shall be implemented in accordance with the programme and targets contained therein, subject to modifications agreed with the local planning authority as part of the annual review.
 - 21) No development shall take place until wheel washing facilities have been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The wheel washing facilities shall be retained for the duration of the construction period.
 - 22) No development shall take place until a scheme for the provision of drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include measures for future maintenance. None of the dwellings shall be occupied until the drainage scheme has been implemented in respect of the residential part of the development. None of the employment units shall be occupied until the drainage scheme has been implemented in respect of the employment part of the development.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr C Skinner	Solicitor with Norfolk County Council.
He called	
Mr G Beaumont	Senior Planning Officer, Broadland DC.
BSc(Hons) MPI	
Mr J Walchester ²²	Spatial Planning Manager, Broadland DC.
Mr S Faulkner BA(Hons) MSc	Principal Planner, Norfolk CC.
DipTP MRTPI ²³	
Mrs J Blackwell	Estates Planning Officer for Schools, Norfolk CC.
Mr D Higgins	Principal Engineer – Major Developments, Norfolk CC.

FOR THE APPELLANTS:

Mr J Litton QC	Instructed by Howes Percival LLP, Solicitors.
He called	
Mr D F Sharps CEng	Sharps Acoustics LLP.
FIMechE FIOA	
Mr L A Brown BSc MSc	Technical Director, MLM Consulting Engineers.
MIHT MILT	
Mr J Allen BA FRICS	Senior Partner, Roche Chartered Surveyors.
Mr L Melin BSc DipUP	Director, Beacon Planning.
MRTPI MIEnvSc	
Mr T Ivory ²⁴	Howes Percival LLP.

FOR GENERATOR DEVELOPMENTS:

Mr D Churchill MRTPI	Director, Icen Projects Ltd.
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INTERESTED PERSONS:

Councillor J Cottingham	Member of the District Council.
Councillor D Ward	Member of the District Council and of Blofield PC.
Councillor S Woodbridge	Member of the District Council.
BA(Hons) DipFD LMBIFD	
Councillor M Tetlow	Member of and representing Blofield PC.
Mr S Briggs	Local resident.
Mrs J Rackham	Local resident.

THE LPA'S DOCUMENTS

- L1 Table of housing completions in the Norwich Policy Area.
- L2 Email dated 3 December 2012 from Mr Beaumont concerning bus services for

²² Mr Walchester did not give formal evidence in support of the Council's case, but provided certain information on policy matters.

²³ Mr Faulkner, Mrs Blackwell and Mr Higgins did not give formal evidence in support of the Council's case, but contributed to the session on the planning obligation. Mr Higgins also contributed to the conditions session.

²⁴ Mr Ivory did not give formal evidence in support of the Council's case, but contributed to the session on the planning obligation.

- Blofield, Drayton, Taverham, Hellesdon and Thorp St Andrew.
- L3 Infrastructure, Service and Amenity Requirements for New Development – Norfolk CC, 2012 (Replacement Appendix 2 to Mr Faulkner’s statement).
 - L4 Appendices to Mr Higgins’s note on travel plan performance bonds.
 - L5 Plan showing the area of the appeal site suggested for contamination investigation.

THE APPELLANTS’ DOCUMENTS

- A1 Minutes of meetings of Blofield Parish Council, 23 October & 20 November 2012.
- A2 Email dated 29 November 2012 from the Council to Icen Projects Ltd concerning responses to the Garden Farm planning application.
- A3 Consultation response from the Council’s Housing Enabling Officer to the Garden Farm planning application.
- A4 Consultation response from the Environment Agency to the Garden Farm planning application.
- A5 Appendices to Mr Ivory’s note concerning the planning obligation.
- A6 Revised Appendix 4 to Mr Allen’s proof of evidence.
- A7 Aerial photograph of Broadland and Meridian Business Parks.
- A8 Additional conditions suggested by the Appellants.
- A9 Revised plan of highway works at A47(T)/ Cucumber Lane roundabout.
- A10 Bundle of emails and letters between the Appellants and the Council concerning noise.
- A11 Extract from The Building Regulations Approved Document F1 – Means of Ventilation.
- A12 Extract from Calculation of Road Traffic Noise – The Department of Transport, The Welsh Office.

OTHER DOCUMENTS

- O1 Extracts from the Joint Core Strategy.
- O2 Regulation 19 Publication and Sustainability Consultation in respect of the remitted parts of the Joint Core Strategy.
- O3 Letter dated 22 November 2012 from Councillor S Clancy in response to the appeal.
- O4 Letter dated 10 December 2012 from Mr K Simpson MP in response to the appeal.
- O5 Letter dated 11 December 2012 from Mr Briggs concerning the inquiry.
- O6 Planning obligation relating to the appeal proposal.
- O7 Extracts from Site Allocations Consultation – Shortlisted Sites - 2011.
- O8 Extracts from Site Allocations DPD – Alternative Sites for Potential Development – 2012.
- O9 Lists of suggested conditions.
- O10 Agreed note on behalf of the Appellants and the Council concerning the status of the East of England Plan.
- O11 Plan showing agricultural land classification in the vicinity of Blofield.
- O12 Email dated 4 February 2013 from the Council to the Inspectorate and associated reports concerning the proposed submission content in respect of the remitted parts of the JCS.