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**Issue 46: Thornham**

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**Ian Reilly (906) – Fleur Developments**



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## 1 Introduction

This statement has been prepared on behalf of Fleur Developments Ltd. It should be read in conjunction with previously submitted representations (ID: 606954 – 1883 and 906) and the attached appendices.

## 2 Inspectors Question and Issues

### 2.1 Is there evidence that the Council's restrictive approach to development at Thornham is not justified?

- 2.1.1 Thornham is a village situated approximately 4 miles from Hunstanton, it has good access to the A149 and the Norfolk Coast Path. The village is well served by the Coasthopper bus route which links Kings Lynn in the west and Cromer in the east of the county. The village contains a shop, three pubs/restaurants, playing field/sports facilities, village hall, Church and is popular with tourists.
- 2.1.2 The village is considered to be capable of sustaining new development and market signals also indicate that a range of house types would be popular in the village. Subject to the consideration of impact on the AONB, the conservation area and the highway network there are no factors which would indicate that the village is not a sustainable location for small scale development.
- 2.1.3 Thornham in scale and location is suitable for providing for a small scale residential development, this position was confirmed by the Council through their Preferred Options for a Detailed Policies and Sites Plan by virtue of their consideration of three separate sites and their identification of one preferred option - THM1 (186/887).
- 2.1.4 NPPF Paragraph 47 requires Local Authorities to significantly boost their housing supply and in doing so use their evidence base to meet their objectively assessed need as far as is consistent with the policies set out in the Framework.
- 2.1.5 The NPPF also requires that the Council also need to ensure that they have a wide choice of homes available for delivery within the plan period and that a five year housing land supply of specific deliverable sites is demonstrable.
- 2.1.6 Paragraph 55 of the NPPF promotes sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities.
- 2.1.7 Policy CS02 of the Councils Core Strategy (Adopted Version July 2011) identifies Thornham as a Rural Village (RV). The Core Strategy Policy CS09 advises that the RV's may provide some infill housing or affordable housing and account accumulatively for at least 215 new homes.
- 2.1.8 Appendix 1 of the Core Strategy provides a Housing Trajectory which shows that 215 homes would be allocated within the 34 RV's and that these would be delivered by 2026. On average this is six homes per RV.
- 2.1.9 National policy clearly directs that to maintain sustainable rural communities, development in those localities should be examined against the policies of the Framework and that Councils also have a duty to have a supply and choice of deliverable homes. The Councils Core Strategy identifies Thornham as an RV which may be able to deliver housing to meet the Councils objectively assessed need.
- 2.1.10 Therefore the NPPF and the Core Strategy both establish that the principle of development in Thornham is possible subject to consideration of other sustainable development issues highlighted within those documents and any other relevant material planning considerations. There is no evidence to suggest that the principle of development at Thornham should not be considered as acceptable.

- 2.1.11 The Council in their Preferred Options Sustainability Assessment (SA) acknowledged that the development of the preferred site would require for environmental, design and highway issues to be resolved. A position which the site promoter was satisfied with.
- 2.1.12 The consultation for the preferred options document resulted in two objections (not the four quoted in the pre-submission version) being raised against the allocation of site THM1 (186/887). The objections were received from the Norfolk Coast Partnership and Norfolk County Council Highways Authority.
- 2.1.13 Issues associated with highways have always been considered by the promoter to be resolvable. Appendix 1 of this document contains a report and correspondence between the site promoter's Highway Engineer and the Highway Authority confirming that an increase of visibility splay at the Green Lane / A149 junction provides for an acceptable outcome with regard to that issue. The developer is prepared to pay the cost of footpath and highway improvements at the Green, and the site owner has control over the necessary land to deliver this benefit.
- 2.1.14 The Norfolk Coast Partnership advised during the Options and Issues consultation (October 2011) that although they were uncomfortable with development in Thornham a section of what would eventually be the Councils preferred site could be achievable. Therefore at this stage of the process the Norfolk Coast Partnership considered small scale development at site 186/887 to be achievable subject to the design and layout of the development (Appendix 2).
- 2.1.15 There was no new evidence provided by the Council or the Norfolk Coast Partnership or changes to government policy between the Issues and Options and the Preferred Options stages of the SADMP which would provide justification that the site THM1(186/887) shouldn't be allocated; or that Thornham should provide no housing during the plan period.
- 2.1.16 Despite the above the Norfolk Coast Partnership objected during the preferred options consultation to the proposed allocation of a smaller portion of the promoted site (Appendix 3). The objection specifically relates to the proposed development effectively removing the visual link between the open area in the village and the marshes to the north. The objection states that this is an important aspect of the village character.
- 2.1.17 Also submitted to the Council during the Preferred Options and Pre-submission consultations were representations from the site promoter. These representations were accompanied by a landscape review from JBA Consultants.
- 2.1.18 The landscape review detailed the views of the site from the key sensitive locations. The site is not visible from the built up village area either from the High Street or Green Lane. The site is considered to have no influence over the character of the conservation area, a position supported by the Councils Conservation Area Appraisal.
- 2.1.19 The residential properties which border the agricultural field to the south of the site have a severely restricted, or no, view of the marshes. From within the agricultural field there will be views through the site to the marshes available when close to the site boundary, however it should be noted that the agricultural field has no public footpaths within it.
- 2.1.20 The view of the village from the Norfolk Coast footpath network is obscured by vegetation and provides for glimpses of dwellings and rooftops in the distance. The site allocation would not change the perception of the village from the footpath network.
- 2.1.21 The details submitted to the Council, at the preferred options and the pre-submission consultation stages clearly provide evidence that the development of the site will have little influence on any important characteristics of the village and that the limited views which benefit a restricted number of people could be retained through a considerate layout and design.
- 2.1.22 Notwithstanding our considered conclusions on the significance and availability of views from the field and the village to and through the site we have provided in Appendix 4 potential options for development of the site. We consider that these options provide further reassurance that the proposed site allocation could be achieved whilst maintaining the open characteristics which the Norfolk Coast Partnership have concluded as an important feature of the village.

- 2.1.23 The comments submitted by Norfolk Coast Partnership have been provided with no evidence to support them. The Council have given undue weight to their representation at the Preferred Options stage of the process and not fully considered all of the evidence supplied by the site promoter and their consultants.
- 2.1.24 We consider that there has been no evidence provided by the Council or any representor/consultee which would provide support for the exclusion of development at Thornham and from taking place on the Councils Preferred Site Allocation THM1 (186/887). Issues raised by consultees can be resolved.
- 2.1.25 Thornham is a sustainable location for small scale residential development, a position which the Council confirmed through the Core Strategy and iterations of the SADMP. There has been no evidence presented to change this conclusion.
- 2.1.26 The decision not to allocate the preferred option for Thornham has been undertaken without a full review of the evidence supplied by the site promoter and with an over reliance on the opinion of one consultee who has supplied no details to support their assumptions.
- 2.1.27 Evidence to support the exclusion of Thornham and the site THM1 (186/887) from development has not been supplied by any party and the outcome contradicts the Councils own evidence base, adopted Core Strategy and the NPPF. Therefore the strategy put forward for Thornham by the Council is not justified.

## **2.2 If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council?**

- 2.2.1 The alternatives to there being no development in Thornham have been examined by the Council. The Council considered that THM1 (186/887) offered a suitable site for development and they provided their justification for the selection of the site through the Sustainability Appraisals and iterations of the plans. We consider that the process was satisfactory until the formulation of the pre-submission document.
- 2.2.2 The Council correctly identified that THM1 (186/887) was a deliverable site in a suitable location within a sustainable village and that issues associated with Highways, ecology the AONB, design and layout could all be resolved through the development management process.
- 2.2.3 The Councils opinion of THM1 (186/887) being a suitable allocation had been arrived at in coordination with the site promoter and their consultants. Issues raised regarding vehicle access at the main road have been addressed. A landscape appraisal was also produced to give the Council reassurance that the development of the site could be undertaken without impacting on the integrity of the AONB and the conservation area.
- 2.2.4 The Council has explained in the SA which accompanies the submitted SADMP that they chose to discard preferred option THM1 (186/887) on the basis that a visual link of the marshes from the settlement will be removed. We consider that the Council have not reviewed the evidence supplied by the site promoter and their consultant team which directly relate to the objections raised by Norfolk Coast Partnership.
- 2.2.5 The evidence supplied by the site promoter and their consultants noted that the visual link referred to by the Norfolk Coast Partnership is not an important characteristic of the village, or the AONB. Furthermore it would have been noted that views are not available from any public space or footpath and that only glimpses of the views/visual link are potentially available from the rear garden areas of private properties and at a considerable distance from the marshes.
- 2.2.6 As the visual link between the village and the marshes via the field is impacted by vegetation, unfavourable/rising topography and a considerable distance the erection of up to five dwellings on the proposed site allocation could through careful design consideration maintain the visual link. The Council have dismissed this possibility without consultation with the land promoter.

- 2.2.7 We have carried out an exercise examining potential outcomes in an indicative format and these can be found at Appendix 4. The indicative designs detail that even with the construction of five large detached dwellings significant gaps are available between the dwellings which would maintain the visual link which the Norfolk Coastal Partnership have advised is important.
- 2.2.8 We would also consider that the Council in their evaluation should have recognised that a site which would be producing a density of eight dwellings per ha will have the capability to maintain visual links between the land north and south of the site, especially on an area of land which is not irregular in shape.
- 2.2.9 The pattern of development in the village is organic and the site could continue a linear style development or one which takes its layout inspirations from the non-uniformity of the village settlement. Whatever pattern and built form would be considered as appropriate we believe that the site THM1 (186/887) is still the most suitable alternative to the outcome currently recommended by the Council and that it can overcome the two issues which have been raised through the consultation process.
- 2.2.10 We consider that the alternative of no development to the allocation of THM1 (186/887) has not been satisfactorily considered by the Council and that their judgement has been skewed by a comment from a consultee which is unsubstantiated in terms of evidence and erroneous in its conclusions.

### **3 Test of Soundness**

#### **3.1 What part of the plan is unsound?**

- 3.1.1 The submitted SADMP document does not allocate any development in the RV of Thornham.
- 3.1.2 It is considered that the decision by the Council to not allocate a site for development at Thornham is unsound; it does not accord with the Councils Core Strategy or their Sustainability Appraisals.

#### **3.2 Positively Prepared**

- 3.2.1 The NPPF requires that a Plan should be based on a strategy which seeks to meet objectively assessed development needs and infrastructure requirements. It should be prepared to be consistent with achieving sustainable development.
- 3.2.2 The submitted SADMP document has a challenging amount of residential development to cater for and in accordance with its sustainability appraisals, HRA and national planning guidance it should actively be seeking to incorporate appropriate sized developments in sustainable locations. This strategy is considered to be sound.
- 3.2.3 Failure to allocate a site within a sustainable location is not positively preparing for the growth of the rural population or for the demand of housing in the district or in accordance with the Councils own evidenced strategy.
- 3.2.4 Overcoming the constraints and issues raised by consultees can be achieved, and like other allocations in the district which are similarly located in the AONB, this requirement could be included in the policy text and therefore allocating THM1 (186/887) would be planning positively for the Councils objectively assessed need.

#### **3.3 Justified**

- 3.3.1 The Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 3.3.2 The SADMP when based on the proportionate evidence provided for the site allocation THM1 (186/887). When the process took into account a consultee submission which had no supporting evidence the allocation THM1 (186/887) was removed. The weight afforded to the

consultee response is disproportionate when the outcome is examined against all of the other evidence.

3.3.3 The decision not to include an allocation in Thornham which would supply a small number of dwellings is not justified in relation to all of the supporting evidence, the Core Strategy and the NPPF. The SADMP is not following its own set strategy to deliver housing in rural locations and the allocation of THM1 (186/887) is justified when all the evidence is examined against the consultee responses.

3.3.4 By virtue of implementing the draft development management policies the provision of housing on THM1 can be achieved without impacting negatively on environmental protection strategies; as previously concluded by the SA and HRA.

### **3.4 Effective**

3.4.1 The plan should be deliverable over its period, failure to allocate a site in Thornham may not render the plan undeliverable in its entirety but it will ensure that any future development in the village will not be plan led and potentially ineffective in meeting objectively assessed need.

### **3.5 Consistent with the NPPF**

3.5.1 The Plan should enable the delivery of sustainable development in accordance with the NPPF. The location is sustainable and the number of units proposed for the site would be proportionate to the village size and its range of services.

3.5.2 The potential negative impacts of the development could be mitigated to ensure that all other factors within the framework are addressed, and ensure that the development strikes the right sustainability balance.

3.5.3 Currently the SADMP is not consistent with the NPPF as it fails to allocate a site in Thornham, which contradicts paragraphs 47 and 55; and the decision to exclude THM1 (186/887) is not based on the Councils proportionate up to date evidence ie Conservation Area Appraisal, Landscape Character Assessment, Sustainability Assessment or HRA; but on a consultee comment.

### **3.6 How can the plan be made sound**

3.6.1 With regards to the issue which we are considering in this statement we consider the actions required to make the SADMP sound is to provide for a main modification that allocates the previously preferred option THM1 (186/887) with the same policy text as published in that document (Appendix 5).

## **4 Conclusion**

4.1.1 The failure to provide for an allocation in the SADMP at Thornham is inconsistent with the background evidence and the strategy which the Council have pursued. The preferred allocation site represents a deliverable site within the next 2-3 years and by virtue of the site size, and the land owner controlling land surrounding, all of the required mitigation related to highways issues and visual connection can be designed into the outcome.

4.1.2 We consider that the Council have chosen not to allocate THM1 because undue weight has been attached to an objection from the Norfolk Coast Partnership which has no supporting evidence. The evidence supplied by the promoter shows that the visual connection referenced in the objection is physically very limited and not important to the village character, the AONB or conservation area.



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