



**Joint Core Strategy Examination in Public Greater
Norwich Development Partnership
Matter 7**

On behalf of:
Spen Hill Developments Limited

Representor:
8201

In respect of:
Land at Park Road, Diss

Date:
8 October 2010

Our Reference:
671005/R004AB



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1.0 Introduction

- 1.1 The following representations are submitted on behalf of Spen Hill Developments Limited. They provide comments in respect of the 'Joint Core Strategy for Broadland, Norwich and South Norfolk: Submission Document'.
- 1.2 Our representations are confined to Matter 7 'Aylesham, Diss and Harleston', and specifically concern reference to the proposed Area Action Plan in Diss.
- 1.3 Spen Hill Developments Limited owns a significant area of land on Park Road, Diss. The extent of this ownership is shown on the plan at **Appendix One**.
- 1.4 By way of background, it will be noted that representations have previously been submitted to the emerging Local Development Framework on behalf of Spen Hill Developments Limited. These include the following representations:
- 'Joint Core Strategy Issues and Options' 8 February 2008
 - 'Joint Core Strategy Issues and Options' 26 September 2008
 - 'Joint Strategy Housing Land Availability ... ' 26 September 2008
 - 'Proposed Area Action Plan for Diss' 14 November 2008
 - 'Joint Core Strategy' 20 April 2009
 - 'Proposed Submission Document' 14 December 2009
- 1.5 Copies are provided at **Appendix Two**.

2.0 Evidence

Matter 7A: Does the Joint Core Strategy provide sound core strategic guidance for the future planning of Aylsham, Diss and Harleston, in particular the proposed Area Action Plan at Diss? Would the proposed levels of growth meet the demographic needs of the individual towns and maintain their comparative competitive positions in relation to nearby towns?

Future Growth in Diss

- 2.1 The interests of Spen Hill Developments are confined to the settlement of Diss.
- 2.2 Our evidence in relation to Matter 7A builds upon our most recent representations submitted on 14 December 2009, which are attached at **Appendix Two**. Our representations made reference to Policy 13 of the Joint Core Strategy. This identifies Diss one of the 'main towns' within the area. Accordingly, it is expected to accommodate additional housing, town centre uses, employment and services. The policy further identifies significant expansion, comprising 'town centre uses' in or adjacent to the town centre.
- 2.3 We support the identification of Diss as a 'main town', and welcome the identification of scope for significant expansion. Growth in town centre uses in Diss will improve the offer within the town for two primary reasons:
- The level of growth is necessary to cater for the proposed additional housing which is to be allocated in Diss.
 - Enhancing the offer of retail and town centre uses will reduce 'outflow' of expenditure and reduce the need to travel.
- 2.4 The Joint Core Strategy promotes the allocation of our client's site for retail purposes as an extension to the current town centre boundary.¹ We would continue to support

¹ 'Joint Core Strategy for Broadland, Norwich and South Norfolk: Submission Document', Paragraph 6.36

this allocation. It would represent a logical addition to the town centre boundary, which should be formally amended to incorporate the site. The Joint Core Strategy also builds upon the allocation of the site for retail and leisure uses within the adopted 'South Norfolk Local Plan'.²

- 2.5 This is broadly consistent with the Council's Retail Study, which identified a need for additional comparison goods retailing. More specifically, the Council's Retail Study identified a need for larger, more modern units:³

" ... There could be sufficient market interest to support new development and investment in the town centre, if larger more modern units can be provided ... "

- 2.6 This recognises that the provision of large units is critical to ensuring that any retail scheme is sufficiently attractive to occupiers, and commercially viable. Whilst Spen Hill Developments Limited has presented various options for viable retail development to the Council, these have been resisted. Our client has therefore been required to consider alternative forms of commercial development.

The Proposed Area Action Plan

- 2.7 The Council has previously published a 'Draft Area Action Plan for Diss' 2008. This was the subject of 'non statutory' consultation and representations were submitted on behalf of Spenhill Developments Limited. These are attached at **Appendix Two**.
- 2.8 We are aware that South Norfolk Council is currently undertaking statutory public consultation by way of the 'Site Specific Policies and Allocations Document' 2010. This considers the broad scope of the Area Action Plan for Diss, and what might be included within it. It is therefore evident that the Council has yet to formally commit, for the purposes of its Local Development Framework, to any specific Area Action Plan insofar as the extent of the land that would be covered, and the types of uses that might be promoted. This is potentially at odds with the Joint Core Strategy which, in support of Policy 13, advocates a mixed use development.

² 'South Norfolk Local Plan' 2003, Policy DIS6 (saved 2007)

³ GVA Grimley 'Norwich Sub Region Retail and Town Centres Study' Paragraph 13.150

2.9 We consider that the imposition of any prescriptive Area Action Plan would be counterproductive. The land can more easily be brought forward for development independently and our client (who owns the majority of the land) is ready to do so. The land does not need to be included within any Area Action Plan.

Conclusion in relation to Matter 7A

2.10 Our position in relation to Matter 7A can be summarised as follows:

- We support the growth of Diss as a 'Main Town'
- The Core Strategy should identify an extension of the town centre boundary
- There is no requirement for an Area Action Plan for Diss
- Development policies should not be overly prescriptive
- A range of viable town centre uses should be accepted

Matter 7B: If the Joint Core Strategy is unsound in relation to any of these matters, are there any specific changes that would render it sound?

2.11 We provided our comments on the soundness of the Joint Core Strategy in our representations submitted on 14 December 2009. These are provided at **Appendix Two**.

2.12 We have questioned the justification for any Area Action Plan and do not consider it necessary to deliver wider policy objectives. We consider that this element should be deleted from the Core Strategy.

Appendix One
Land Ownership Plan

Appendix Two
Representations by Spenhill Limited

Reference: 671005\L007CG

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8 February 2008

Planning Policy Team
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By email and by Post

Dear Sir or Madam

**Joint Core Strategy for Broadland, Norwich and South Norfolk
Representations to Issues and Options**

On behalf of Spen Hill Developments Limited, we write to provide our representations to the 'Joint Core Strategy for Broadland, Norwich and South Norfolk: Issues and Options'.

Our representations concern retail provision within Diss, and specifically the opportunities presented by our client's land to the south of Park Road, Diss. The site is allocated within the adopted 'South Norfolk Local Plan' for 'retailing and leisure purposes'.¹ We support the continued allocation of this site to provide additional retail floorspace.

Our comments on the 'Core Strategy: Issues and Options' are provided below, with reference to the relevant questions identified in the document.

Question 25 'Town Centre Hierarchy'

We would broadly support the retail hierarchy suggested within the Issues and Options paper. In particular, we would support the continued identification of Diss as a 'Town Centre': the centre is the largest town in South Norfolk, and benefits from good accessibility. Furthermore, it provides a range of services and facilities and serves an extensive rural catchment. The allocation of the centre is therefore consistent with the advice in PPS6 'Planning for Town Centres'.

To assist the clear application of policy, we would suggest that the identified retail

¹ 'South Norfolk Local Plan' 2003 Policy DIS6 (saved 2007)



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hierarchy follows the specific typologies identified in PPS6 'Planning for Town Centres'.² Turning to assess the extent of the town centre, we consider that our client's land should be included within the defined town centre boundary. PPS6 'Planning for Town Centres' advises that the defined town centre boundaries should include "areas of predominantly leisure, business and other main town centres uses within or adjacent to the primary shopping area".³ The site is immediately adjacent to the 'Central Business Area', as defined within the adopted South Norfolk Local Plan.⁴ However, given the established commercial use and its allocation within the Local Plan for retail and leisure purposes, it is clear that the site is an important part of the town centre. This should be formally recognised and the 'Town Centre Boundary' should be extended to include land south of Park Road, Diss. The inclusion of the land within the defined boundary would maximise the potential to enhance the town centre's vitality and viability.

Question 26: 'Location of Comparison Goods Retailing'

We consider that the distribution of additional comparison goods floorspace should have close regard to the identified retail hierarchy. National guidance advises that local planning authorities must ensure that the network of centres is not overly dominated by the largest centre; that there should be an even distribution of town centre uses; and that people's every day needs are met at the local level. Local authorities should also consider the need for investment and growth to strengthen centres, and the need for regeneration.⁵

In this context, we consider that Diss Town Centre is able to accommodate additional comparison goods floorspace, and that our client's land should remain allocated for this purpose. The continued allocation of this site would be wholly consistent with the findings of the 'Norwich Sub Region: Retail and Town Centres Study' 2007, which considered that:⁶

" ... Diss also has an important role as a comparison goods shopping destination for its local catchment population. Based on our qualitative assessment we consider that there is a need to improve the range and depth of its 'non food' offer. There could be sufficient market interest to support new development and investment in the town centre, if larger more modern units can be provided ... "

The document went on to specifically acknowledge the opportunity presented by the existing allocation of our client's land, and confirmed that this site would:

" ... Help meet the broad quantum of new floorspace identified for the town centre up to 2016 ... "

Having regard to this assessment, we consider that land south of Park Road should remain identified for retail purposes.

² PPS6 'Planning for Town Centres' Annex A Table 1 'Types of Centre and their main characteristics'

³ PPS6 'Planning for Town Centres' Annex A, Table 2 'Types of Location'

⁴ 'South Norfolk Local Plan' 2003 Policy SH04 (saved 2007)

⁵ PPS6 'Planning for Town Centres' Paragraph 2.9

⁶ GVA Grimley Norwich Sub Region: Retail and Town Centres Study' 2007 Paragraph 13.105

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Whilst the Council has suggested that the site might provide 'bulky' comparison goods and leisure uses, the 'Norwich Sub Region: Retail and Town Centres Study' 2007 identified a need to improve the range and depth of comparison goods retailing in Diss. The retail assessment went on to refer to a specific 'gap' in the centre's fashion offer. Having regard to the findings of the retail study, we consider that the undue restriction on the range of goods that might be sold from this site, would limit the potential enhancement to the centre's vitality and viability. Our comments on the suggested leisure element of the site are provided below.

Question 27 'Major New Facilities and Attractions'

In considering the need for major new facilities and attractions, we would again highlight the findings of the 'Norwich Sub Region: Retail and Town Centres Study' 2007. This advised that within the sub region:⁷

" ... There is generally a good provision and choice of facilities (including cinemas, bingo, ten pin bowling, bars, restaurants, and health and fitness clubs) ... "

Whilst it was noted that South Norfolk did not have significant commercial leisure provision, this was expected given the more limited scale, offer and catchment of the centres within the district. The study further commented that town centres, including Diss, attracted a good market share of trips from within their more local catchments. This reflected the "character and quality" of their existing offer.

The report therefore suggests that there is a limited need for additional leisure facilities outside of Norwich. On this basis, we do not consider that the allocation land south of Park Road in Diss should require any substantive leisure provision. Although there is some qualitative need for additional 'food and drink' provision within Diss, we would suggest that this could potentially be included on our client's land as part of a development focused on retail provision.

Summary

In summary, we would wish to highlight the following points:

- Diss should remain identified within the retail hierarchy as a 'Town Centre'
- The town centre boundary should be extended to include land south of Park Road
- Land south of Park Road should remain allocated for retailing purposes
- The range of goods that could be sold from the site should not be unduly restricted
- There is no identified need for any substantive leisure provision within Diss

In accordance with national planning policy guidance in PPS6 'Planning for Town Centres', and having regard to the findings of the 'Norwich Sub Region: Retail and Town Centres Study' 2007, the next stage of the Joint Core Strategy should have regard to these comments.

⁷ GVA Grimley Norwich Sub Region: Retail and Town Centres Study' 2007 Paragraph 13.36

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I trust that the above is of assistance. Please do not hesitate to contact me should you have any queries.

Yours faithfully



Chris Green chris.green@dpplp.com

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cc Mr M Witham Spen Hill Developments Limited
Mr R Flack DPP LLP

Reference: 671005\L007CG

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26 September 2008

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By email and by Post

Dear Sir or Madam

**Joint Core Strategy for Broadland, Norwich and South Norfolk
Representations to Joint Core Strategy (Technical Consultation under
Regulation 25)**

On behalf of Spen Hill Developments Limited, we write to provide our representations to the 'Joint Core Strategy' for Broadland, Norwich and South Norfolk: Issues and Options'. These comments supplement our previous comments to the Core Strategy dated 8 February 2008.

Our representations concern retail provision within Diss, and specifically the opportunities presented by our client's land to the south of Park Road, Diss. The site is allocated within the adopted 'South Norfolk Local Plan' for 'retailing and leisure purposes'.¹ We support the continued allocation of this site to provide additional retail floorspace.

Our comments on the 'Core Strategy: Issues and Options' are provided below, with reference to the relevant questions identified in the document.

Questions 18 -21 'Main Towns'

We would broadly support the retail hierarchy suggested within the Issues and Options paper. In particular, we would support the identification of Diss as a 'Town and Large District Centre': the centre is the largest town in South Norfolk, and benefits from good accessibility. Furthermore, it provides a range of services and facilities and serves an extensive rural catchment. The allocation of the centre is therefore consistent with the advice in PPS6 'Planning for Town Centres'.

¹ 'South Norfolk Local Plan' 2003 Policy DIS6 (saved 2007)



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To assist the clear application of policy, we would suggest that the identified retail hierarchy follows the specific typologies identified in PPS6 'Planning for Town Centres'.²

Turning to assess the extent of the town centre, we consider that our client's land should be included within the defined town centre boundary. PPS6 'Planning for Town Centres' advises that the defined town centre boundaries should include "areas of predominantly leisure, business and other main town centres uses within or adjacent to the primary shopping area".³ The site is immediately adjacent to the 'Central Business Area', as defined within the adopted South Norfolk Local Plan.⁴

However, given the established commercial use and its allocation within the Local Plan for retail and leisure purposes, it is clear that the site is an important part of the town centre. This should be formally recognised and the 'Town Centre Boundary' should be extended to include land south of Park Road, Diss. The inclusion of the land within the defined boundary would maximise the potential to enhance the town centre's vitality and viability.

However we do not consider that our client's site should be brought forward in line with an Area Action Plan, as suggested by paragraph 7.11, given that the site would be able to be developed in the short term with an application likely to be before the Local Planning Authority within the coming months.

Summary

In summary, we would wish to highlight the following points:

- We agree that Diss should be identified within the retail hierarchy as a 'Town and Large District Centre'
- The town centre boundary should be extended to include land south of Park Road
- Land south of Park Road should remain allocated for retailing purposes but it is unnecessary for it to be the subject of an Area Action Plan as it is ready for development now

In accordance with national planning policy guidance in PPS6 'Planning for Town Centres', and having regard to the findings of the 'Norwich Sub Region: Retail and Town Centres Study' 2007, the next stage of the Joint Core Strategy should have regard to these comments.

I trust that the above is of assistance. Please do not hesitate to contact me should you have any queries.

² PPS6 'Planning for Town Centres' Annex A Table 1 'Types of Centre and their main characteristics'

³ PPS6 'Planning for Town Centres' Annex A, Table 2 'Types of Location'

⁴ 'South Norfolk Local Plan' 2003 Policy SH04 (saved 2007)

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Yours faithfully



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By email and by Post

Dear Sir or Madam

**Joint Strategic Housing Land Availability Assessment for Broadland, Norwich and South Norfolk
Consultation August 2008**

On behalf of Spen Hill Developments Limited, we write to provide our representations to the 'Strategic Housing Land Availability Assessment' (SHLAA) for Broadland, Norwich and South Norfolk.

Our representations concern our client's land to the south of Park Road, Diss. The site is allocated within the adopted 'South Norfolk Local Plan' for 'retailing and leisure purposes'.¹

Our comments on the SHLAA are provided below.

Site SNC0052 – Park Road, Diss'

We support the view of the SHLAA that this site is not available over the coming 15 years for residential development. Our client is actively seeking to promote the development of this site for retail use. This use is in accordance with the Local Plan and is promoted within the Core Strategy. As such the site is likely to be redeveloped for retail use and is therefore not available for residential development.

We trust that the above is of assistance. Please do not hesitate to contact me should you have any queries.

Yours faithfully

¹ 'South Norfolk Local Plan' 2003 Policy DIS6 (saved 2007)



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14 November 2008

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Mr I McArthur
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By email and by Post

Dear Mr McArthur

**Proposed Area Action Plan – Diss Masterplan
Local Consultation October 2008**

On behalf of Spen Hill Developments Limited, we write to provide our representations to the local consultation exercise undertaken recently by your Council in respect of the above.

As you will be aware our client owns a substantial proportion of this site and has been in discussions with the Council about its development potential. As such we are, on their behalf, currently preparing the submission of an application on part of the Area Action Plan (AAP) site which will seek to comply with the current allocation of the land within the Local Plan which as you are aware is for retail and leisure purposes.

As a site owner of the land affected by this the AAP we would request that a summary of the comments raised within this letter be included with the report to Committee in considering this item.

Our comments on the AAP are provided below; these are summarised under relevant headings. We begin by discussing the relationship of the AAP to existing and proposed planning policy.

Conflict with Current Local Plan Allocation

Spen Hill are concerned that the proposals provide a mixture of uses which are at odds with the allocation of the land within the South Norfolk Local Plan; specifically Policy DIS6 which identifies the land for retail and leisure use. By contrast the AAP emphasises residential use as the apparent catalyst for the area with a mixture of other uses (including small scale retail, leisure together, sui generis and office uses) supporting this.



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It should be noted that Policy DIS6 was 'saved' in September 2007 and hence both your own Council and the Secretary of State considered that the policy should not be removed from the Local Plan. Therefore it remains a statutory policy for the purposes of development control decisions. We would question therefore why the retail element of this allocation has been diluted within the AAP and on what evidence base this judgement is based upon?

As discussed below there has been further evidence since September 2007, via your Council's Retail Study (dated October 2007), which supports significant non-food retail and leisure development at the AAP site.

Policy Considerations – Local Development Framework

As detailed within your Council's Local Development Scheme (LDS) (dated June 2007) the Council's (Joint Norwich Area) Core Strategy is not envisaged to be adopted until April 2010.

The chart on page 5 of the Council's LDS (see attached) clearly show the relationship of the documents which comprise the Local Development Framework. This chart shows that an AAP is a document which is to be produced as one of the final suite of documents. The arrows within the document show that the AAP is to be informed by the Core Strategy.

The LDS timetable (on page 2) confirms this position with the Diss AAP scheduled for adoption in September 2011; over a year after the proposed adoption of the Core Strategy. Whilst we are not fully aware of the timescales for further consultation on the Diss AAP it is possible that it will, contrary to the LDS, exceed this timescale and hence could possibly be adopted prior to the Core Strategy. This would undermine the soundness of the Core Strategy in that the AAP would be adopted in a premature fashion.

This is particularly important given that Policy 6 of the draft Core Strategy (dated August 2008) does promote town centre uses through "significant expansion adjacent to the town centre". Paragraph 7.10 goes on to identify that this new floorspace "will be accommodated on the existing retail land allocation adjacent to the town centre".

Accordingly the AAP is inconsistent with the development proposals set out within both the Local Plan and the Core Strategy. It is therefore evident that the AAP is seeking to (inconsistently) pre-empt the Core Strategy. We would note that the Strategy has yet to commence its final round of public consultation; furthermore there will be representations, including our own, which are under consideration prior to the commencement of further consultation.

The guidance with Planning Policy Statement 12: Local Spatial Planning re-emphasises the relationship between the documents which comprise the Local Development Framework by advising that AAPs "can assist in producing a consensus as to the right strategy for an area"¹. Evidently that strategy can only be provided post the adoption of the Core Strategy

¹ Paragraph 5.5 of PPS12

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which formally confirms the approach that is to be adopted.

We consider that this inconsistent and premature approach would undermine the outcomes of the Core Strategy and in turn jeopardise the strategic planning development in Diss.

Conflict with the Evidence Base for the Core Strategy - Norwich Sub-Region Retail and Town Centres Study (produced by GVA Grimley for the Council in October 2007)

This document, as detailed in paragraph 1.2, was produced for the Council in order to inform the Local Development Framework by producing "robust and sound baseline evidence". Paragraph 13.103 of the report confirms that Diss is the largest centre in South Norfolk and that it has good accessibility and parking provision.

The AAP uses conflict with the findings of the report in that paragraph 13.105 identifies that Diss has a 'gap' in its non-food retail offer with 4,492 m² net floorspace capacity evident by 2021. The paragraph goes on to identify that there is a "need to improve the range and depth of its retail offer". By diluting the retail element of the scheme, and the viability of the retail floorspace, the AAP will fail to adhere to this aspiration.

Paragraph 13.108 concurs with the current Local Plan in identifying the Park Road allocation (under Policy DIS6) for development of "a combination of small scale food/discount retailing (of between 743 – 929 m² gross), non food 'bulky goods' retailing and leisure uses".

The paragraph also advises that the Park Road site does have the potential to meet the "broad quantum" of new floorspace identified for the town centre up to 2016. Evidently by no longer identifying the land for these uses, and instead promoting predominantly residential use, the delivery of new retail floorspace in Diss will be severely compromised.

As a result of this approach and due to the identified constraints to new retail development within the town centre (as detailed in paragraph 13.108 of the report), new non-food retail development within Diss would be significantly restricted which would lead to pressure being applied for additional retail development which would inevitably be less sequentially preferable to the Park Road allocation.

This would be likely to cause harm to the vitality and viability of the town centre which would conflict with planning policies at national, regional and local levels.

Content of the Area Action Plan

We now consider the detailed elements of the AAP.

Mix of Uses

As set out above the AAP advocates residential led development with small retail units, a car

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showroom and leisure uses. As such the proposed uses will not attract significant numbers of new retail customers to the masterplan area due to the limited amount of retail use proposed. This approach fails to satisfy the aims of the Local Plan policies, the Core Strategy and the Council's Retail Study. As such the quantum of retail floorspace is too low.

The proposal has clearly not been informed by any commercial assessment of valuation. The uses are located in areas which are unlikely to appeal to end users or indeed shoppers. For instance the location of the office block is undermined by its proximity to the EDF sub-station, and the retail uses are not located in a location which is visible from the park itself. It is therefore unlikely that any possible end users have been identified for the proposed commercial uses.

We question the appropriateness of a car showroom within the development. These uses are typically no longer found in residential areas and, if implemented, could result in further pressure for redevelopment in the future for a use which is not identified with the AAP. Furthermore car borne customers will dominant the likely trade of this use.

Layout

The layout of the proposal seeks to take advantage of the desire line between the Town Centre and the 'Exemplar Housing'. However by providing residential uses fronting onto the park this will result in pedestrians visiting the town being unaware of the commercial uses located within the AAP site. In our view more active uses (i.e. retail) would aid the development here in seeking to provide a visual link to customers.

The secondary location of the retail uses within the AAP will, in our view, fail to attract traders to the area. This will fundamentally undermine its aims.

We are also far from convinced that the treatment of the EDF land does not resolve concerns raised previously by the Council.

Highways Works

We note with some concern that the proposal includes the formation of a new road through our client's site which effectively replaces the existing, and established, Park Road. Evidently this requires the acquisition of this land and the closure of the road; both of which will require significant time and financial investment.

In our client's view the logic for the replacement road is, at best, questionable as it merely moves the Council's concerns from the existing location to the proposed new roundabout which links the new road to Park Road itself.

It would seem more logical to seek to address the concerns over movement by providing a solution to the existing situation (at Park Road). This would then enable the road to be retained which would reduce costs whilst also ensuring that the desired access route is provided.

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Impact on Existing Landscaping

It is evident from the proposed AAP layout and visual aids that the TPO trees along the Park Road frontage would be lost. In light of our comments above on the highways layout it would appear that the proposal will result in the loss of trees; we understand that this approach is inconsistent with your Authority's previous aspirations.

Conclusion

Overall we consider that the AAP is seriously flawed in a number of areas. We provide a summary of these below:

- The proposed uses conflict with the allocation of part of the land within the current Local Plan. There appears to be no justification for this approach and furthermore this contradicts the findings of the Council's retail study. Evidently we consider that there is no evidence base for the AAP and therefore no justification for effectively re-allocating the land to a residential led mixed use development.
- The preparation of the AAP undermines the approach advocated within the Council's LDS. As a result there is a significant risk that the AAP will be premature in that it will precede the adoption of Core Strategy. Public consultation on the Core Strategy has yet to enter its final round and hence the Council is, in effect, seeking to pre-empt this. Ultimately this approach will harm the strategic development planned for Diss.
- With specific regard to the Council's October 2007 Retail Study the proposed uses are not consistent with the evidence base provided within the study; this report was in fact commissioned to inform the Core Strategy (and therefore in turn the AAP).
- Notwithstanding the above concerns the mixtures of uses have been set out without the aid of any commercial assessment. We consider that the uses will not achieve the aims of the Local Plan, the Core Strategy and the Council's Retail Study mainly due to there being an insufficient quantum of retail floorspace.
- The proposed layout is flawed in that it will be unable to attract customers to the area. As such the layout will also further undermine the viability of the commercial uses.
- Despite undertaking major highway works, which require the acquisition of third party land and the closure of an existing highway, there appears to be no significant improvement to the highway network as a result of these

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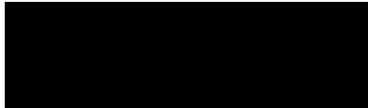
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works. These works may also necessitate the removal of trees which, we understand, the Council has previously sought to resist.

We trust that the above is of assistance to you in this consultation exercise. We would welcome further opportunities to comment on other schemes in due course.

Yours sincerely



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cc Mr M Witham Spen Hill Developments Limited
Mr R Flack DPP LLP

Reference: 671005\L017cr

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By Email and by Post

Dear Sir or Madam

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Representations to Joint Core Strategy (Technical Consultation under
Regulation 25)**

On behalf of Spen Hill Developments Limited, we write to provide our representations to the 'Joint Core Strategy' for Broadland, Norwich and South Norfolk: Issues and Options'. These comments supplement our previous comments on the Core Strategy dated 8 February 2008 and the 26 September 2008.

Our representations concern retail provision within Diss, and specifically the opportunities presented by our client's land to the south of Park Road, Diss. The site is allocated within the adopted 'South Norfolk Local Plan' for 'retailing and leisure purposes'.¹ We support the continued allocation of this site to provide additional retail floorspace.

Our comments on the 'Core Strategy: Issues and Options' are provided below, with reference to the relevant questions identified in the document.

Questions 14 'Main Towns'

We broadly support the retail hierarchy suggested within the Issues and Options paper. In particular, we would support the identification of Diss as a 'main town'. The allocation of the centre is therefore consistent with the advice in PPS6 'Planning for Town Centres'.

We do not consider that our client's site should be brought forward in line with an Area Action Plan, as suggested by paragraph 7.11, given that the site would be able to be developed in the short term with an application likely to be before the Local Planning

¹ 'South Norfolk Local Plan' 2003 Policy DIS6 (saved 2007)



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Authority within the coming months.

Turning to assess the extent of the town centre, we consider that our client's land should be included within the defined town centre boundary. PPS6 'Planning for Town Centres' advises that the defined town centre boundaries should include "areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area".² The site is immediately adjacent to the 'Central Business Area', as defined within the adopted South Norfolk Local Plan.³ Given the established commercial use and its allocation within the Local Plan for retail and leisure purposes, it is clear that the site is an important part of the town centre. This should be formally recognised and the 'Town Centre Boundary' should be extended to include land south of Park Road, Diss. The inclusion of the land within the defined boundary would maximise the potential to enhance the town centre's vitality and viability.

Question 20 'The Hierarchy of Town and Village Centres'

To assist the clear application of policy, we welcome the identified retail hierarchy which follows the specific typologies identified in PPS6 'Planning for Town Centres'.⁴

Summary

In summary, we would wish to highlight the following points:

- We agree that Diss should be identified within the retail hierarchy as a 'Main Town'
- The town centre boundary should be extended to include land south of Park Road
- Land south of Park Road should remain allocated for retailing purposes but it is unnecessary for it to be the subject of an Area Action Plan as it is ready for development now

In accordance with national planning policy guidance in PPS6 'Planning for Town Centres', and having regard to the findings of the 'Norwich Sub Region: Retail and Town Centres Study' 2007, the next stage of the Joint Core Strategy should have regard to these comments.

I trust that the above is of assistance. Please do not hesitate to contact me should you have any queries.

Yours faithfully



Chloe Renner chloe.renner@dpplp.com

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² PPS6 'Planning for Town Centres' Annex A, Table 2 'Types of Location'

³ 'South Norfolk Local Plan' 2003 Policy SH04 (saved 2007)

⁴ PPS6 'Planning for Town Centres' Annex A Table 1 'Types of Centre and their main characteristics'

Reference: 671005/L019AB

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14 December 2009

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By Email and Post

Dear Sir or Madam

**'Joint Core Strategy for Broadland, Norwich and South Norfolk'
Representations to Submission Document**

On behalf of Spen Hill Developments Limited, we write to provide our representations to the 'Joint Core Strategy for Broadland, Norwich and South Norfolk: Proposed Submission Document'. These comments supplement our previous representations to the emerging Core Strategy, copies of which are attached.

Whilst our client supports the broad thrust of the Core Strategy and specifically the development of Diss with significant expansion within or adjacent to the town centre, it is considered that the proposed delivery mechanism for this development aspiration is not 'sound'. Accordingly, this element of the policy fails to meet the requirements of Section 20(5)(b) of the 'Planning and Compulsory Purchase Act' 2004. The Act requires that to be 'sound', the plan must be: justified; effective; and consistent with national policy.

Background and Overview

Policy 13 of the emerging Core Strategy identifies the 'main towns' within the area, and states that subject to resolution of servicing constraints, these towns will accommodate additional housing, town centre uses, employment and services. Diss is one of the four 'main towns' that is identified in the area, and the policy states that the centre is to accommodate a significant expansion of town centre uses, within or adjacent to the town centre.

Supporting text to the policy states that the centre has the development potential to accommodate significant new shopping floorspace, which will be provided on the existing retail allocation adjacent to the town centre.¹ This allocation covers our client's land, and we support its continued allocation for retail purposes.

¹ 'Joint Core Strategy' for Broadland, Norwich and South Norfolk' Paragraph 6.36

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However, the supporting text goes on to consider the delivery strategy, and states that:²

" ... The town centre will be enhanced by the implementation of an Area Action Plan to encourage the mixed use redevelopment of brownfield land along Park Road ... "

We do not consider that an Area Action Plan is needed to achieve the development of the allocated land: regeneration and development can be achieved more effectively through the submission of a planning application. As such, any requirement for an Area Action Plan would fail to meet the test of 'soundness'.

We outline our objections to the requirement for an Area Action Plan in further detail below, with reference to the key tests, and whether it is:

- Justified
- Effective
- Consistent with national policy

We review these requirements in turn below.

Justification

The emerging Core Strategy does not justify the requirement for an Area Action Plan to achieve the development of the policy objective for Diss town centre.

PPS12 'Local Spatial Planning' requires that to be 'sound', proposals within the Core Strategy must be founded on a robust and credible evidence base. Moreover, the document must provide the most appropriate strategy when considered against the reasonable alternatives.³

There is no evidence to demonstrate that 'reasonable alternatives' have been considered in the preparation of the Core Strategy and its requirement for an Area Action Plan in respect of land at Diss. The Core Strategy fails to contemplate that the development can be achieved efficiently and effectively through the submission of a planning application.

The Government also advises that engagement is held with key stakeholders, including major landowners. PPS12 'Local Spatial Planning' states that:⁴

" ... Local authorities should undertake timely, effective and conclusive discussion with key stakeholders on what option(s) for a core strategy are deliverable ... "

... It is essential that stakeholders key to the plan's delivery are engaged early in the production of the core strategy. Early engagement with stakeholders may enable potential impediments to the plan to be identified and overcome. There is no point in proceeding with options for the core

² 'Joint Core Strategy' for Broadland, Norwich and South Norfolk' Paragraph 6.37

³ PPS12 'Local Spatial Planning' Paragraph 4.38

⁴ PPS12 'Local Spatial Planning' Paragraph 4.27

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strategy which cannot be delivered as a result of failure to obtain the agreement of key delivery agencies. Stakeholders also need to be engaged earlier to avoid late and unexpected representations emerging at the end of the process which might render the plan unsound and lead to lengthy delays in the delivery of a robust planning framework for the area. Local authorities are strongly encouraged to seek out major landowners and developers and engage them fully in the generation and consideration of options. This should help ensure that the core strategy is deliverable ..."

It should be noted that the Council has already published a draft Area Action Plan for Park Road, in advance of the Core Strategy. Our client lodged representations to this draft document, and objected on the grounds that the suggested mix of uses conflicted with the existing statutory allocation of the site, and moreover, failed to reflect the Council's evidence base. A copy of the objection is enclosed.

Thus the emerging Core Strategy fails to take account of the views of key stakeholders insofar as the delivery of its policy objectives. As noted above, the Government states that local planning authorities are strongly encouraged to engage fully with landowners to consider the generation and consideration of options, in order to ensure that the strategy is deliverable.

Notwithstanding our previous representations, the Core Strategy continues to promote an Area Action Plan to deliver policy objectives and enhance Diss town centre. This requirement is clearly unjustified and fails to take account of the views of the substantive landowner. It therefore fails to satisfy the test of 'soundness'.

Effectiveness

We do not consider that the requirement for an Area Action Plan is 'effective'. To satisfy this test, the strategy must amongst other things, be deliverable and flexible.

Deliverability: In terms of deliverability, the Government advises that the core strategy must show how the vision, objectives and strategy will be delivered, and by whom. Evidence must be strong enough to withstand independent scrutiny and should:⁵

" ... include ensuring that partners who are essential to the delivery of the plan such as landowners and developers are signed up to it ... "

The Government further advises that these issues should be handled through early involvement of key stakeholders in the preparation of options for the plan.

As discussed above, our client has previously made objections to the proposed development of the land, and the proposals set out in the Council's draft Area Action Plan. The deliverability of any Area Action Plan must therefore be questioned.

Flexibility: To be effective, the Core Strategy must also be flexible, and the Government advises

⁵ PPS12 'Local Spatial Planning' Paragraph 4.45

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that a strategy is unlikely to be effective if it cannot deal with changing circumstances.⁶

We do not consider the requirement for an Area Action Plan to deliver the regeneration of this site to be sufficiently flexible. The policy objectives can be adequately achieved through the development control process in the determination of an application, which would afford much greater flexibility. This is particularly important given the current economic climate, where the viability of development may be an issue. The Council's draft Area Action Plan was also reliant on land assembly, and this may unnecessarily hinder regeneration.

Consistency with National Policy

As noted above, we have concerns that the Council's requirement fails to reflect national guidance, and specifically that within PPS12 'Local Spatial Planning' concerning the preparation of Core Strategies.

We have also raised specific concerns about the content of the draft Area Action Plan itself, and questioned whether or not it complies with the Government's policies.

Summary and Conclusion

In conclusion, Spen Hill Developments Limited supports the enhancement of Diss town centre, and specifically, the development of Diss with significant expansion within or adjacent to the town centre. However, it is considered that the proposed delivery strategy for this development aspiration is not 'sound'.

The requirement for an Area Action Plan has not been justified, is not effective and is inconsistent within national planning policy guidance. This element of the core strategy fails to meet the requirements of Section 20(5)(b) of the 'Planning and Compulsory Purchase Act' 2004, and should therefore be deleted from the Strategy.

We trust that the above is of assistance. Please do not hesitate to contact me should you have any queries.

Yours sincerely



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DPP

Direct Line: 01234 321150

Encl Previous representations to Core Strategy and Area Action Plan

cc Mr M Witham Spen Hill Developments

⁶ PPS12 'Local Spatial Planning' Paragraph 4.46