



**GREATER NORWICH LOCAL PLAN – PRE-SUBMISSION  
DRAFT PLAN (REGULATION 19) CONSULTATION  
MARCH 2021**

**Land between Shelfanger Road and Mount Street, Diss**

**Site Reference: GNLP0341**

**Prepared by Strutt & Parker on behalf of M Scott Properties Ltd**

**March 2021**

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Site Name:	Land between Shelfanger Road and Mount Street, Diss
Client Name:	M Scott Properties Ltd
Type of Report:	Greater Norwich Local Plan – Pre-Submission Draft Plan (Regulation 19) Consultation, March 2021
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## 1. INTRODUCTION

- 1.1 This representation has been prepared on behalf of our clients, M Scott Properties Ltd (Scott Properties) in response to the publication of the Pre-Submission Draft of the Greater Norwich Local Plan (Regulation 19) Consultation. This response is made in respect of Land between Shelfanger Road and Mount Street (Site Reference: GNLP0341) (the Site), which was proposed as a Reasonable Alternative Allocation in the Draft Local Plan – Part 2 Site Allocations document at the Regulation 18 Stage but has not been included as a new allocation in the Pre-Submission Draft Local Plan – Part 2 Site Allocations Document, Section 4, Main Towns, Diss.
- 1.2 The Site has been consistently promoted by Scott Properties for single-storey properties specifically designed for those aged 55 and over, as well as those with or supporting someone with a disability. The proposals for the Site have evolved throughout the Plan process, as a result of stakeholder consultation, including with the Town Council, and now comprise 24 bungalows and land safeguarded for future expansion of the neighbouring medical centre. Development would be contained within the western half of the Site, with the remainder of the Site area (c. 45%) designated as public open space. As well as contributing towards meeting the considerable housing need for older people, the Site also provides the opportunity to unlock a currently private and non-accessible area for public use.
- 1.3 Scott Properties objects to the failure of Draft Greater Norwich Local Plan (the Plan) to allocate sufficient sites for older persons' accommodation, particularly within Diss. As has been consistently demonstrated in our representations throughout the Local Plan process to date, we consider that the Site is suitable, available and achievable to provide much-needed housing for older people. We also have concerns as to the proposed strategy within the Plan to allocate one new site within Diss, with the remainder of the housing requirement to be met through allocations within the emerging Neighbourhood Plan.
- 1.4 In summary, our objections to the Plan are summarised as follows, and discussed in greater detail within this representation:
- The Plan lacks sufficient site allocations to meet the considerable identified need for older persons' accommodation, which is supported through Policy 5, and in particular in Diss, which is considered one of the most sustainable locations within the Greater Norwich area. As a result, the Plan has not been positively prepared.
  - The proposed strategy to make one new housing allocation within Diss and defer the remainder to the Neighbourhood Plan process is unjustified. It is also inconsistent with the strategy for other Designated Neighbourhood Plan Areas, such as Redenhall with Harleston, where the Plan proposes to meet the identified housing need in full. It is also inconsistent with the Plan's Delivery Strategy and does not deliver the Plan's Policy requirements set out in Policy 1, Policy 7 and Policy 7.2, all of which require the Plan (emphasis added) to allocate new housing sites in Diss to deliver at least 400 new homes.

- National planning policy confers a clear duty on strategic policies to ensure the housing needs of all groups within the population are met. We consider that the responsibility for ensuring older persons' housing needs are met falls within the remit of the Local Plan.
- Previous representations made by Scott Properties at Regulation 18 stage have sought to correct the Site's assessment within the HELAA, particularly with regards to the proposed use of the Site, having been continually assessed for a much larger scheme than proposed. In addition, technical notes submitted with these representations have demonstrated that there are no insurmountable constraints regarding access, biodiversity, flood risk and heritage, however the Site's assessment within the HELAA has not been updated to reflect this.

1.5 In light of the above concerns, it is not considered that the Plan is justified, has been positively prepared, nor is it consistent with national policy, as discussed in further detail below. This representation suggests that, in order to be found sound, the Plan should include additional site allocations for older persons' accommodation, including within Diss, where no such allocations are proposed.

1.6 This representation should be considered in conjunction with the following supporting information:

- Regulation 19 Publication Representation Form;
- Site Location Plan; and
- Sketch Masterplan.

## 2. BACKGROUND POLICY CONTEXT

- 2.1 The “*presumption in favour of sustainable development*” is at the heart of the National Planning Policy Framework 2019 (NPPF). The Planning and Compulsory Purchase Act 2004 (Section 39(2)) establishes a legal requirement for Plans to be prepared with the objective of contributing to the achievement of sustainable development.
- 2.2 Paragraph 16 of the NPPF requires plans to be prepared positively in a way that is aspirational but deliverable (emphasis added). Paragraph 59 reminds Local Planning Authorities that the Government’s objective is to significantly boost the supply of homes (emphasis added) and that it is therefore important that a sufficient amount and variety of land comes forward where it is needed. Paragraph 68 recognises the important contribution that small and medium sized sites can make to meeting the housing requirement of an area as they can be built out relatively quickly.
- 2.3 Paragraph 61 confers a clear duty for the size, type and tenure of housing needed for different groups within the community to be assessed and reflected in planning policies, including, inter alia, older people and people with disabilities. Older people are defined within the NPPF as:
- “People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”*
- 2.4 The ‘Housing for older and disabled people’ PPG also highlights the critical need to provide housing for older people. It describes the benefits of providing older people with a better choice of accommodation to suit their changing needs, which include helping people live independently for longer, feeling more connected to their communities and helping to reduce the costs to the social care and health systems (Paragraph: 001 Reference ID: 63-001-20190626).
- 2.5 The PPG confirms that Plans must provide for specialist housing for older people where a need exists, conferring a duty on Plan-makers to consider the size, location and quality of dwellings needed in the future for older people to enable them to live independently and safely in their own home for as long as possible, or, move to suitable accommodation if they wish (Paragraph: 012 Reference ID: 63-012-20190626).
- 2.6 The Greater Norwich Local Plan (the Plan) has been published to allow representations to be made before it is submitted for examination. As set out in the Planning and Compulsory Purchase Act 2004 (as amended), the purpose of examination is to consider whether the Plan complies with the relevant legal requirements, including the duty to cooperate, and is sound.
- 2.7 As set out at Paragraph 35 of the NPPF for plans to be “sound” they need to be:
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other

authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

2.8 These tests need to be applied in a proportionate way to ensure they are consistent with strategic relevant policies for the area.

### 3. REGULATION 19 PUBLICATION PRE-SUBMISSION DRAFT PLAN

- 3.1 Paragraph 41 of the Plan acknowledges that South Norfolk has a proportion of older people significantly above the national average, and that it is important that the GNLP plans for changing housing needs. Paragraph 51 outlines the factors influencing the increase in the need for more and different types of housing, which includes an increase in the number of older people.
- 3.2 Whilst we fully endorse the support provided for accessible and specialist housing within Policy 5 of the Plan, as well as the proposed site allocations for specialist housing, we have concerns that the Plan will not be capable of meeting the identified housing need in full. Paragraph 276 of the Plan confirms a need for 3,857 specialist retirement units, (which includes sheltered, age-restricted or extra care housing) within Greater Norwich between 2020 and 2038. Across the 18-year period, this equates to a requirement for c. 214 specialist homes to be delivered per annum.
- 3.3 It is also noted that Policy 5 of the Plan supports accessible and specialist housing, especially on sites which have good access to local services. Paragraph 277 indicates that the aim of this is to integrate older people with the wider community, assisting active retirement and community cohesion. Site GNLP0341 would clearly meet these objectives and represents an excellent opportunity to deliver housing for the active elderly at the heart of the community. This is especially given there are no existing allocations for such accommodation within Diss.
- 3.4 Paragraph 355 of the Plan indicates that Diss has the widest range of shops and services of the Main Towns and at paragraph 356 that its locational attributes and connectivity provide the potential for economic growth as an enhanced centre, serving a large hinterland in both South Norfolk and Mid Suffolk. Accordingly, and in response to the shortfall in provision to meet the identified need for older persons' accommodation within the Plan, it is considered that the Site should be allocated in the draft Local Plan to further contribute to meeting the identified needs of older people, in addition to the site at Colney Hall and the allocations with an element of specialist housing at Taverham, Aylsham, Harleston and Barrack Street, Norwich.
- 3.5 Appendix B – Tables of Unallocated Sites with reasons for rejection to the Site Assessments Booklets for Diss, states in respect of the Site:
- “Decisions over carried forward and new allocations are deferred to the neighbourhood plan process.”*
- 3.6 Whilst we would agree that some small sites may be appropriate for allocation within a Neighbourhood Plan, we consider that the responsibility to ensure that the housing needs of older people are met in full rests solely on the Greater Norwich Authorities, to be dealt with through strategic policies within the Plan. The NPPF requires strategic policy makers to plan for this specific group of the community, as also confirmed within the 'Housing for older and disabled people' PPG. It is not considered a sound approach to defer this to the Neighbourhood Plan process.



3.7 Such an approach would also provide no certainty nor guarantee that any housing for older people would be delivered through the Neighbourhood Plan process. Whilst work on the latter has progressed already, for the two Plans to be consistent with each other, it will be necessary for the Local Plan to be adopted before the Neighbourhood Plan can be submitted for Examination after which it will still be necessary for it to be subject to a referendum. Whilst paragraph 4.20 indicates that the Neighbourhood Plan could come forward ahead of the Local Plan, it will still need to be consistent with the strategic policies of the Local Plan. In addition, the Neighbourhood Area is complex and includes parishes in Mid Suffolk so it will also need to be consistent with the emerging Babergh and Mid Suffolk Joint Local Plan.

3.8 The transferal of over half of the total housing requirement to be met through the Neighbourhood Plan process will provide no certainty that housing for older people will be delivered, and the Plan's current approach does not impose such a requirement. This is acknowledged in paragraph 4.20 of the Plan, which states:

*"The Diss & District Neighbourhood Plan will have to fulfil the remaining overall housing requirement, but otherwise has freedom within the statutory framework to makes its own choices." (emphasis added).*

3.9 We therefore consider that it is of critical importance that the Plan seeks to allocate additional sites to meet identified housing needs of older people. The land between Shelfanger Road and Mount Street (Site Reference: GNLP0341) has been promoted by Scott Properties throughout the Plan process for a modest number of single-storey properties for older people, as well as those with or supporting someone with a disability. Its allocation could make an important contribution to the Plan's objectives to deliver accessible and specialist housing, especially on sites which have good access to local services.

## 4. THE SITE: LAND BETWEEN SHELFANGER ROAD AND MOUNT STREET (SITE REFERENCE: GNLP0341)

4.1 The Site was identified as a reasonable alternative in the Main Towns, Part 2 Site Allocations Draft Local Plan. The current proposal is for circa 24 single-storey retirement living units with land set aside to facilitate the expansion of the health centre, and a significant part of the Site to become publicly accessible open space.

4.2 The Draft GNLP Sites Document outlined the reason for not allocating the site as follows:

*“This site is considered to be a reasonable alternative if additional growth is needed in the towns, as it is centrally located with good access to services and facilities. It is not preferred for allocation at the current time as it is identified as an important open space in the South Norfolk Local Plan but as the proposed scheme suggests a small number of residential units and opening up and enhancing the currently inaccessible site for public access it is considered to be worthy of further consideration if further housing is needed in Diss. Any allocation would be subject to provision of acceptable visibility, which may require relocation of a utility pole. Overall, highways issues limit the scale of growth in Diss.”*

4.3 Clearly, the site assessment was based on the assumption that sufficient preferred housing sites were available for general needs housing (emphasis added) in Diss. However, the assessment seems to have ignored the need to identify sites for specialist housing which this Site is proposed to deliver, and the particular locational requirements referred to in paragraph 277. Whilst the Plan is seeking to make provision for specialist housing in some areas, it has not included any such allocations in Diss and accordingly it is considered that Site GNLP0341 should be included as an allocation in the Plan.

4.4 Whilst the positivity of the site assessment is welcomed, the commentary notes that the Site is centrally located with good access to services and facilities and that development in Diss is limited due to highways issues. The modest development of 24 retirement living units would have a very limited impact on traffic in Diss. Notably, as retirement units are proposed, any traffic movements would be more likely to occur outside of the AM and PM peak hours and be at a reduced frequency. Furthermore, a Highways and Transportation Summary Note prepared by Cannon Consulting Engineers was submitted in response to the Focussed Regulation 18 Consultation in December 2018. This confirmed that safe and suitable access into the Site could be achieved between 30 and 36 Shelfanger Road, with additional pedestrian and cycle access between 46 and 48 Shelfanger Road, as well as between 19 and 22 Mount Street.

4.5 The Site’s assessment within the Main Towns Assessment Booklets – Diss refers to proposals on the Site for 35 retirement living units, 5 detached dwellings and land set aside for future Health Centre expansion. Whilst the latter forms part of the current proposals, which have been refined throughout the Plan process through engagement with the Town Council, the density proposed for the development has been significantly reduced to 24 single-storey dwellings, in addition to c. 3.5 acres of public open space (c. 45% of the Site area). Despite the updated proposals having been submitted alongside our response to Regulation 18C consultation, these have not been updated. We therefore

have concerns that the conclusions as to the suitability of the Site in this document are based on a considerably larger scheme, which does not make reference to the provision of open space nor that the proposals are for specialist housing. The comments from Diss Town Council within the Site Assessments Booklet refer to the Site being unsuitable for large scale housing/commercial development, but that a possible extension to the health centre would be supported. It is noted that the proposal for 24 single-storey retirement living units to occupy c. 45% of the Site's total area cannot be considered to represent 'large scale housing' or 'commercial' development.

- 4.6 Currently, the Site is within private ownership, and not accessible to the public. The assessment for the Site (GNLP0341) contained within the Main Towns Assessment Booklets – Diss incorrectly states under the 'General comments' section that:

*"This is a popular green space that is well used throughout the year (emphasis added) and should be protected for wildlife and recreation."*

- 4.7 This is factually incorrect and inaccurate, as there is no public access to the Site, therefore it does not have any recreational value. The proposals for the Site include providing c. 45% of the Site's areas as open space and therefore enabling public access. This would also ensure the ongoing maintenance of the Site, which is currently in agricultural use.

- 4.8 The Site Assessment Booklet also notes comments from the Norfolk Wildlife Trust, which states:

*"This area is also likely to have local biodiversity value and could be considered as Priority Habitat Wood-pasture and Parkland, as referenced in the NERC Act and NPPF. In addition, veteran trees may be present on site. In our view, owing to biodiversity constraints and the fact that this area contributes to the green infrastructure of the town, this site should not be allocated."*

- 4.9 A Preliminary Ecological Appraisal has been undertaken on the Site, and a summary of this submitted alongside our representations to the Focused Regulation 18 consultation in December 2018. This confirms that, with appropriate mitigation, there is strong potential to design a development which will not impact upon any species on the Site. In accordance with the recommendations, the current proposals for the Site, as shown in the accompanying Sketch Masterplan, incorporate several mitigation measures, including the protection and enhancement of the existing trees on Site and additional habitat creation. This will also enable the Site to deliver a net biodiversity gain, in accordance with anticipated Government legislation. Norfolk Wildlife Trust's comments on the Site do not take into account the ecology assessment undertaken by Geosphere Environmental, nor do these reflect the current proposals for the Site, which include ecological enhancements as well as the protection and enhancement of the existing trees on Site.

- 4.10 The Stage 2 – HELAA Comparison Table outlines the Site's RAG score against the assessment categories, which appears to have been carried forward from the December 2017 Site Specific Assessment. Despite the inclusion of a number of technical notes alongside our representations to the Focused Regulation 18 Consultation in December 2018, this does not appear to have been updated to reflect the actual position.

- 4.11 As well as the assessment summary in relation to ecology and site access as discussed above, the Site also scored 'Amber' in respect of flood risk. In respect of this, we would refer to the Flood Risk Assessment Summary Note, prepared by Cannon Consulting Engineers, also submitted in response to the aforementioned consultation. This detailed document confirms that the Site is within Flood Zone 1, at the lowest risk of flooding, and concludes that it is not considered to be at a significant or unmanageable risk of flooding.
- 4.12 The Site also scores 'Amber' in respect of historic environment and 'Red' for Open Space and GI. The proposals for the Site would reflect one of the aspirations of the Conservation Area Appraisal, which is to promote tree planting and management throughout the Conservation Area. A specific enhancement proposal of this Appraisal, in relation to the Site is to:
- "Encourage and support greater public access to the Parish fields and repair wall and railings on Mount Street Frontage."*
- 4.13 The allocation of the Site would facilitate public access, as well as secure the repairs to the Mount Street frontage. Further, the methodology for accessing the Site in respect of Open Space and GI identifies that an area of open space is an area of open space with public value. At present, the Site cannot be considered to have public value given it is in private ownership and, agricultural use. The proposals for the Site provide c. 45% of the Site area as open space, which as well as opening the Site up for public access, would provide new pedestrian connections between Shelfanger Road and Mount Street and also ensure longevity of the Site's management.
- 4.14 In respect of the Site's existing designation as an 'Important Local Open Space' currently, there is no public access and due to the Site's enclosure, its contribution to visual amenity is not significant. It is normal for areas of land designated as open space to have a demonstrable public value that is often associated with a sporting or recreational use which is not the case in this instance. At best the Site plays a positive role in terms of its relationship to the listed buildings in Mount Street. The proposed development would not alter this relationship and actually would deliver enhancements. Furthermore, the central part of the town contains a significant proportion of open space designations and therefore it is not considered that there is any substantial deficiency of such spaces within the town.
- 4.15 Whilst the current proposal at the Site would result in a minor quantitative reduction in the overall amount of open space on Site, in terms of a qualitative assessment, it would provide significant public benefit, especially by enabling public access to at least 45% of the existing area and the potential for improvements to the Mount Street frontage.
- 4.16 There is clearly a need to identify sites to meet the needs of an ageing population and more sites must be allocated to cater for this particular demographic group. The Site is the most centrally located site to have been put forward for consideration for development within Diss and as such has to be considered a highly sustainable location and compatible with the principles set out in paragraph 277 of the Plan. It is in single ownership and is therefore achievable as there are no complex land ownerships or legal issues to compromise its ability to come forward for development. It is available now and would

represent a realistic and deliverable development in the current market conditions. Accordingly, we believe the Site should be allocated in the Plan.

## 5. SUGGESTED MODIFICATION TO THE PLAN

- 5.1 In order for the Pre-Submission Draft Plan to be considered sound we believe that it should be modified to include a new policy in the Part 2 Site Allocations Document, Section 4, Main Towns, Diss. We would suggest that a new policy along the following lines should be included, which would make a modest but much-needed contribution to meeting the older persons' housing need:

**Policy GNLP0341 Land between Shelfanger Road and Mount Street, Diss (approx. 3.20 hectares) is allocated for up to 24 single-storey older persons' housing units of which 33% will be affordable, public open space and land for community use.**

- 5.2 The development will be expected to address the following specific matters:

- Occupation of the dwellings to be restricted to those aged 55 and over, as well as those with, or supporting someone with a disability.
- Provision of circa 45% of the site area as publicly accessible open space.
- Provision of a landscape masterplan and management strategy to facilitate public access to the open space.
- Transfer of land at nil cost to facilitate an extension to the medical centre.
- The trees, hedgerows and important landscape features within the site to be retained.
- The historic wall along the Mount Street frontage to be restored and repaired.
- Highway access to be provided from Shelfanger Road with appropriate visibility splays.
- Pedestrian access to be provided through the site linking Mount Street to Shelfanger Road.
- Development to deliver net gains in biodiversity.
- Historic environment record to be consulted to determine any need for archaeological surveys prior to development.

## 6 CONCLUSION

- 6.1 Scott Properties has concerns that the Plan does not contain sufficient provision of housing for older people, despite an identified need for 3,857 specialist retirement units, (which includes sheltered, age-restricted or extra care housing) within Greater Norwich between 2020 and 2038. The Site would make a modest but much-needed contribution of 24 single-storey properties for those aged 55 and over, as well as those with, or supporting someone with a disability, the need for which is not currently being met within Diss.
- 6.2 In addition, the Site would safeguard land for the future expansion of the Medical Centre, as well as open up a currently inaccessible area for public enjoyment. Circa 45% of the Site is proposed as public open space. With additional habitat creation and the protection and enhancement of the trees would provide the opportunity to achieve a biodiversity net gain.
- 6.3 Such a development would potentially allow local residents to downsize and introduce a compatible built form which would respect and enhance the existing landscape features, in addition to providing a biodiversity net gain.
- 6.4 Policy 5 of the Plan supports accessible and specialist housing especially on sites which have good access to local services. Paragraph 277 indicates that the aim of this is to integrate older people with the wider community, assisting active retirement and community cohesion. Site GNLP0341 would clearly meet these objectives and represents an excellent opportunity to deliver housing for the active elderly at the heart of the community.
- 6.5 It is not considered appropriate nor consistent with national policy for the Plan to devolve the responsibility to meet the majority of the strategic housing requirement for Diss to the Neighbourhood Plan process. Nor does such an approach confer any responsibility or certainty that the needs of older people will be met, as acknowledged within paragraph 4.22 of the Plan.
- 6.6 This representation demonstrates that the Site (GNLP0341) is suitable, achievable and deliverable, and that the previous assessments for the Site should have been updated to reflect the technical evidence submitted in response to previous Plan consultations, as well as the actual proposals for the Site which, had the Plan's evidence base been updated accordingly, would have concluded that the Site is suitable for the allocation within the Plan.
- 6.7 We therefore consider the Pre-Submission Draft Plan to be unsound in respect of the lack of provision for older persons' accommodation, particularly in Diss, as well as the current approach that seeks to place the responsibility for meeting the majority of the identified housing target on the Neighbourhood Plan. As such, it cannot be considered positively prepared, justified, effective or consistent with national policy.
- 6.8 We consider that it is necessary to participate at the Oral part of the Examination in order to demonstrate to the Inspector the reasons and evidence which we consider show why

the Pre-Submission Draft Plan fails to meet the necessary tests of soundness, as set out above. These are matters of significant importance to our client, and we wish to participate at the Oral part of the Examination in order that the Inspector can fully test the appropriateness of the Council's position in comparison to our client's evidence.