
From: Ian Martin - I Martin Associates Ltd <>
Sent: 05 June 2018 16:00
To: Programme Officer
Cc: Peter Lowings; Maggie Oechsle; Yaxham Neighbourhood Plan; Parish Clerk
Subject: Breckland LP Examination Matter 13 - Follow-up Documents
Attachments: Matter 13 Yaxham Waters email to Yaxham Parish Council 2018 06 04.pdf; Matter 13 NCC s106 statement that Yaxham school is full, para 1.7 highlight.pdf; Yaxham Examination.pdf

Dear Charlotte,

Our thanks to you and the Examiner for enabling our participation in the Matter 13 discussion this morning.

Under agenda item 4 "any other matters" the Appeal Decision APP/F2605/W/18/3194045 Land North of Norwich Road Yaxham NR19 1RS was discussed. As I pointed out the period when Judicial Review may be triggered has yet to expire. We are advised by our Planning Consultant that the Inspector has materially miss-directed himself and we are taking advice as to what are options are in challenging this decision. Of the possible areas where the Inspector appears to have miss-directed himself that are relevant to whether the parish of Yaxham should be newly designated as a Local Service Centre, we quoted from the following documents:

1) As regards the Primary School's capacity to expand to meet new development, the Governors, the Diocese and the LEA have confirmed that the site cannot be expanded. Norfolk County Council is the LEA and has confirmed that the school is full when the currently permitted development occurs i.e. before the Land North of Norwich Road is built on. This is set out in the attached County Council's s106 obligations letter dated 14th February 2018 setting out the requirements for the site at Land North of Norwich Road Yaxham NR19 1RS, see paragraph 2 of section 1.7 that says:

"...when the permitted development in Table 4 is taken into account Yaxham CE VA Primary School is full. However, it is unlikely that we would expand the school building at the present time."

The sustainability of significant additional development in Yaxham must be in question when the local primary school and is not being expanded because of the site constraints.

2) As regards whether there is a shop in the parish the Examiner (and the Inspector) has been told that the shop north of the settlement of Yaxham at Yaxham is closed for refurbishment, this is untrue. This is confirmed in the attached email from Yaxham Waters to Yaxham Parish Council, dated 4th June 2018, which states:

"Unfortunately we had to close the shop in December 2017 as you know, this was basically due to competition from the larger supermarkets in the area and the fact we do not do caravanning and camping here anymore. The shop is now closed and will not reopen in the future as a shop. The idea of a shop on the park was unsustainable unfortunately."

Without a shop in or near to the main settlement of Yaxham, and currently no shop in the settlement of Clint Green, then Yaxham fails to have all 5 service centre factors. Even if the the much promised small shop in Clint Green is re-opened, it will, like the school, be over 1,200m from the nearest house in the settlement of Yaxham and the vast majority of the residents of the parish of Yaxham, with many over 2km from the shop and the school. This fails the reasonable walking distance test set by Breckland, whether set at 800m, 1,000m or 1,200m. So through the distributed nature of settlement in the parish, Yaxham again fails to fulfil the criteria required for a Local Service Centre.

3) The Yaxham Neighbourhood Plan (Local Plan Submitted Document LP/D/6) Policy STR1 "The Gaps Between Settlements" states in paragraph 3:

"Development that would, individually or cumulatively with other development, substantially undermine the physical and / or visual separation of Clint Green and Mattishall or Yaxham and Clint Green will only be permitted where the harm would clearly be outweighed by the benefits of the development."

The gap between Yaxham and Clint Green, following the Norwich Road, is around 1,000m. The Land North of Norwich Road development reduces this by 150m. Whether a 15% reduction does or does not "substantially undermine the physical and / or visual separation of Yaxham and Clint Green" is arguable. However, the Lanpro/Glavenhill planning application was for only 1.3ha out of their total landholding of 24ha which if developed would halve the Gap with housing on both sides of the Norwich Road from the Yaxham settlement boundary to the

Pinns Corner Local Green Space (see Yaxham pre-hearing submission RS30). We would trust that such additional development would be deemed to "substantially undermine the physical and / or visual separation of Yaxham and Clint Green". The Yaxham Neighbourhood Plan Independent Examiner's Report (attached) states at paragraph 73, page 28:

"At the [Public] hearing, it was clarified to me that the space between the two villages is a valued resource in terms of recreation and access to the countryside. There is a network of footpaths that provide access to the countryside and the proposed Local Green Space at Pinns Corner is an important focal point in this. The sense of space and access to the countryside is important for both communities and perhaps particularly for Clint Green where there is no formal open space. I can therefore understand the aspiration to maintain the separate identity of the two settlements of Yaxham and Clint Green and recognise that development pressures could erode this over time."

For all these reasons we reject the statements made this morning that the Appeal Decision is relevant to whether Yaxham Parish should be newly designated as an LSC and ask that the Examiner notes for his deliberations the current circumstances of the school, the closure of the one shop in Yaxham, and the importance of the parish retaining the distributed settlement pattern, recognised in the Neighbourhood Plan Policy STR1 and in the Local Plan reasonable walking distance test.

Best wishes,

Peter Lowings, Chairman Yaxham Parish Council
Maggie Oechsle, Chairman, Yaxham Neighbourhood Plan Working Group
Ian Martin, Vice-Chairman, Yaxham Parish Council & Yaxham Neighbourhood Plan Working Group

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