

Draft Statement of Common Ground

For Honeyview Investments Ltd | 25-459

In respect of an Appeal against the Refusal of Planning permission by Norwich City Council for the construction of a Class E foodstore (Lidl) with associated access, car parking, servicing and landscaping - 10 Barnard Road, Bowthorpe, Norwich, NR5 9JB

Project: Planning appeal SoCG
Site Address: 10 Barnard Road, Bowthorpe, Norwich, NR5 9JB
Appellant: Honeyview Investments Ltd
Date: February 2026

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1. Introduction

Statement of Common Ground (SOCG) Between the Appellant and the Local Planning Authority	
PINS references:	APP/G2625/W/25/3375696
LPA references:	23/01615F
Site Address:	10 Barnard Road, Bowthorpe, Norwich, NR5 9JB
Description of Development:	Construction of Class E foodstore with associated access, car parking, servicing and landscaping
Appellant:	Honeyview Investments Ltd
Date of application validation:	4 January 2024
Date of application determination:	16 May 2025
LPA:	Norwich City Council
This statement has been prepared to avoid unnecessary time being spent at the hearing on areas where there is agreement.	
Signed on behalf of Appellant: Date: 6 Febraury 2026 Name: Rawdon Gascoigne Signature : <i>Rawdon Gascoigne</i> Position: Appellant's Agent	Signed on behalf of LPA: Date: 6 Febraury 2026 Name: Sarah Hinchcliffe Signature: <i>Sarah Hinchcliffe</i> Position: Senior Planner

2. Appeal proposal

- 2.1 The application seeks planning permission for the demolition of the existing bowling facility and construction of a foodstore (Use Class E) with associated car parking, walking and cycling infrastructure improvements and landscaping at the site. Full details of the proposed development are presented in the drawings accompanying the submission which confirms:
- A new single-storey foodstore would be constructed;
 - A landscaping scheme would be delivered;
 - The provision of 102 car parking spaces (including 6 disabled spaces, 9 P&C spaces and 10 EV spaces); and
 - The provision of local accessibility and transport infrastructure improvements.
- 2.2 The proposed foodstore would comprise 1,949 sq.m GIA with a net sales area of 1,331 sq.m of which 1,001 sq.m (approx. 80% of net floor space) would be for convenience good sales. A figure of 250 sq.m (approx. 20% of net floor space) has been identified for comparison goods sales. A personal permission is not sought but the scheme is designed to accommodate a discount convenience retailer and the intended operator is Lidl.
- 2.3 The nearest Lidl foodstore was previously located at Drayton Road, approximately 5 kilometres (by road) east of the application site. This foodstore closed on 30 April 2023 and subsequently became a Co-op Funeral Services. Based on the information submitted by the Appellant, the parties agree that this store served a different catchment area to the proposed store; it did not serve the resident population of New Costessey.
- 2.4 Based upon the Greater Norwich Town Centres and Retail Study update 2020 the Drayton Road store was performing above average for its size. However, it is understood that the reason for its closure related to the size constraints of the site preventing it from being upgraded to a modern format in terms of the size of the store, with the associated required servicing and parking provision unable to be provided at this site. It is understood that Lidl has committed to an alternate site close to Drayton Road, on an existing retail park at Sweet Briar Road, which is subject to a live Reserved Matters Application.
- 2.5 It is agreed that one benefit of the scheme would be an increase in choice and competition by improving the range and choice of the retail offer within this area through the delivery of a new foodstore, which would further assist in allowing residents to shop locally and sustainably. The intended operator is Lidl. It is further understood that Lidl are actively seeking a replacement site for the Drayton Road store, as this part of the City is considered by them to be a different catchment. That store closed because of inherent

physical constraints of the site which would have precluded the site's redevelopment for a modern retail store.

- 2.6 The new foodstore would be located to the north west of the site, close to Dereham Road and would be oriented facing east, with the car park located immediately adjacent to the foodstore to the north and east of the site. The delivery bay is appropriately designed and would be located adjacent to the foodstore on the south elevation of the building.
- 2.7 Vehicular access to the store would be from Barnard Road via an existing priority junction. Both customers and heavy goods vehicles (HGV) would share the same vehicular access, as is common with many modern foodstores. The proposed car park would provide a total of 102 car parking spaces with 9 designated for parent and child, 6 being built to a disabled standard, and 10 accompanied by EV charging points. This is a reduction of 18 spaces to the 120 originally proposed, the reduction in spaces being at the request of the LPA. It is agreed that the number of spaces would be sufficient for the proposed use.
- 2.8 The proposed built form of the food store would in principle be of an appropriate contemporary design featuring a single height glazed entrance along the east elevation facing out on to the car park. Additional glazing is provided to the north elevation, close to Dereham Road.
- 2.9 A new, dedicated pedestrian and cycle link would be provided from Dereham Road to the north which would also provide links to the wider network to the north and south of the site and improve accessibility across Dereham Road, which has been the subject of recent works by Norfolk County Council with the intention of improving active travel in this area and across Norwich as a whole. The new pedestrian and cycle link as it passes through the site will remain unadopted.

3. Site description

- 3.1 The application site is located within the Bowthorpe area of Norwich, which is to the northwest of the city centre. The site is 1.02 hectares in size and is part of a wider existing employment area, which currently consists of an estate with industrial storage / distribution and a small number of leisure uses. There is a hotel on the adjacent site and a public house on the opposite side of Barnard Road; both are located outside of the defined employment area. The hotel is not currently open to the general public. The pub has recently undergone refurbishment. The site itself and the existing building is in leisure use as a bowling alley (Namco Funscape is the operator) and has been since the estate was first constructed in respect of the appeal site. The bowling alley is currently operational but the current operator advises that it is not financially viable to them in the medium / long term, such the tenant has indicated they wish to vacate, further details of which were in the appeal application. The LPA recognises the submissions raised by the operator as part of the application/appeal.
- 3.2 The two Google Earth extracts below show; **Figure 1:** the site in the context of Norwich City Centre **Figure 2:** the site (indicated with a red marker) in the context of its immediate surroundings

Figure 1. The site in context of Norwich City Centre

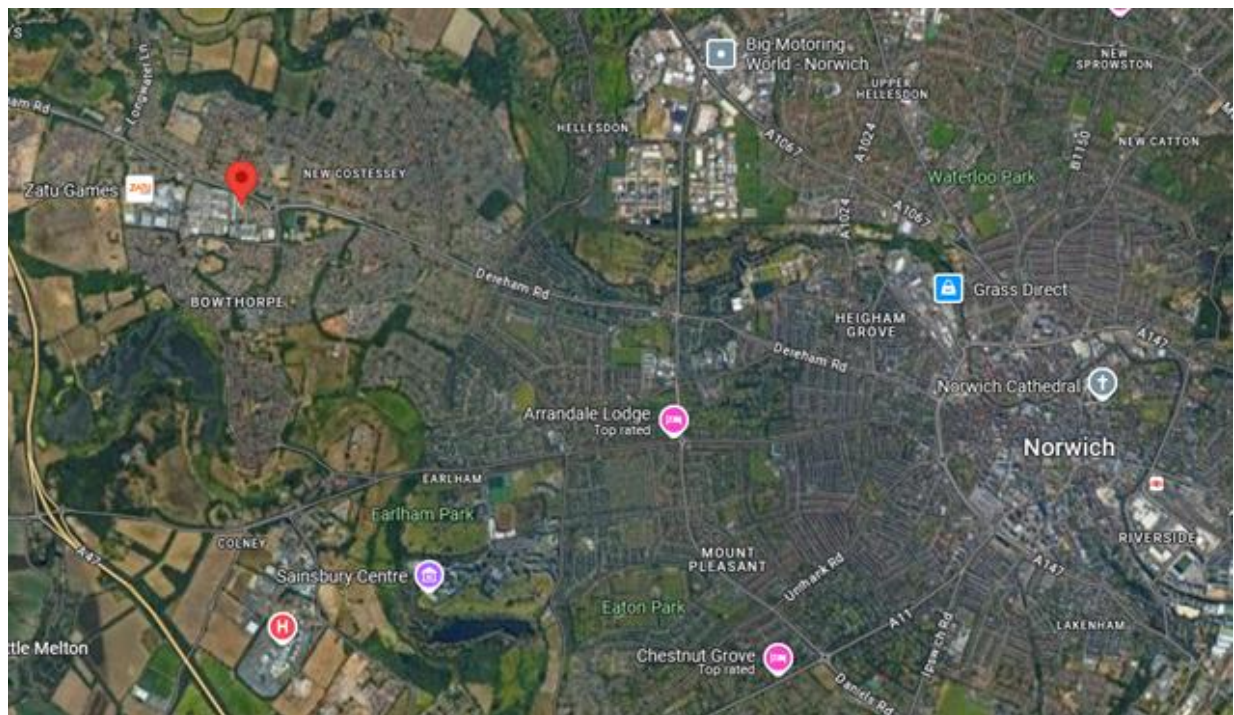
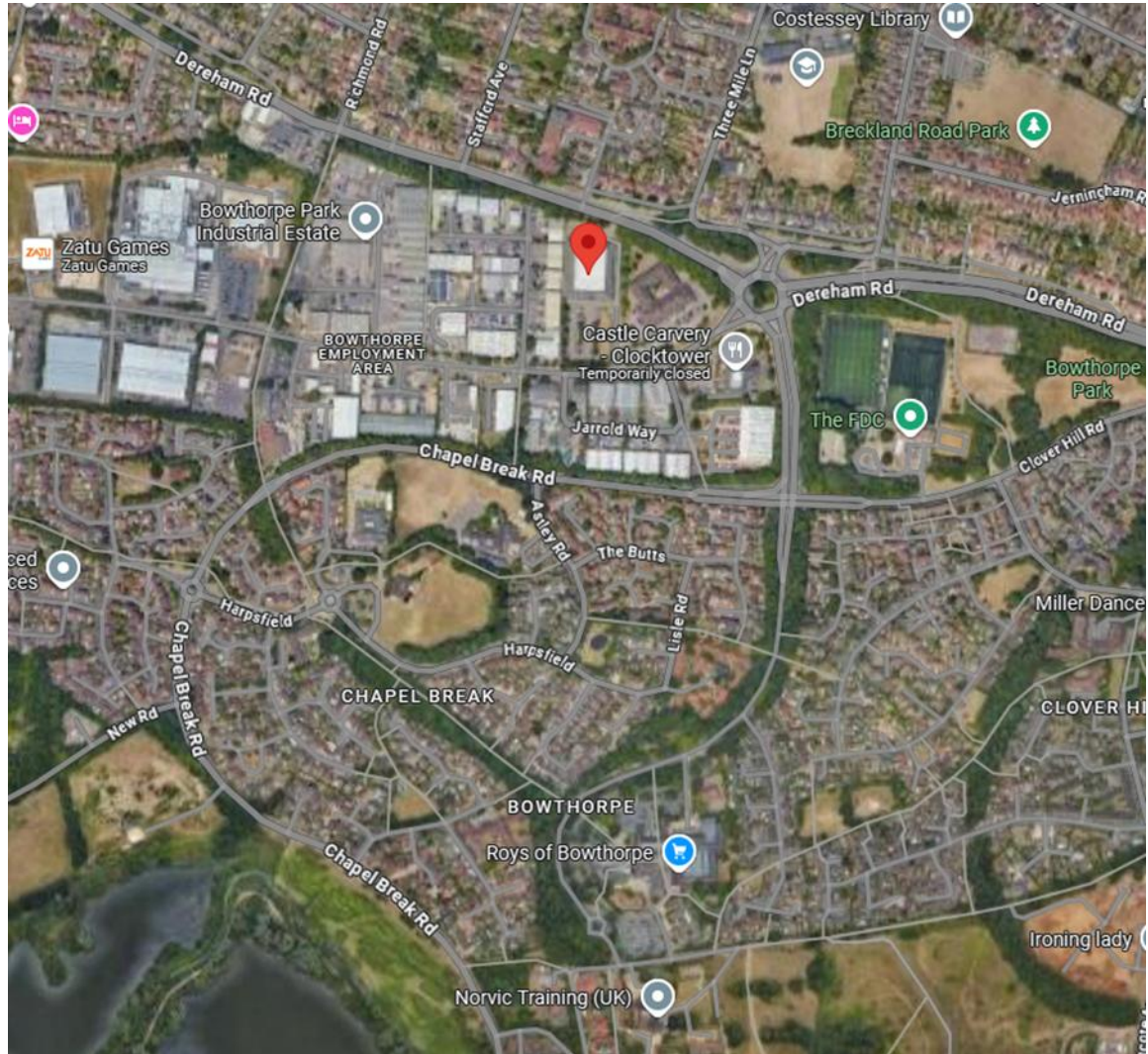


Figure 2. The site in its immediate context of Bowthorpe and Costessey



- 3.3 The existing unit on the site has been operated by Namco Funscape since 2006 as a traditional bowling alley, a small arcade and an area for playing pool, function room with bar, ancillary food and drink offer. Consents were granted for mezzanine/additional accommodation historically to expand and provide conferencing facilities, but these were not implemented. Within the site there is also a large, dedicated car park, accessed off Barnard Road, which is the spine road for the surrounding Bowthorpe Employment Area. The car park extends to the front of the building. The area to the rear was designed to provide servicing although access is now prevented to this area through the siting of additional storage and waste containers.

4. Planning policy context

Development Plan

- 4.1 The Development Plan for the site comprises:
- The Greater Norwich Local Plan 2024.
 - Norwich Development Management Policies Local Plan 2014
- 4.2 The Greater Norwich Local Plan was adopted in March 2024, during the course of the application's determination and superseded the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, amended 2014.
- 4.3 The site is designated as being within Bowthorpe Employment Area in the Development Plan Development Management Policies, Policy DM16: Supporting the needs of business.
- 4.4 There are no other site-specific designations.
- 4.5 The decision notice refers to the following policies, which are therefore the main policy basis for the decision:
- DM1 – Sustainable development principles for Norwich.
 - DM7 – Trees and development.
 - DM22 – Planning for and safeguarding community facilities.
 - DM28 – Encouraging sustainable travel.
- 4.6 In addition, the further Policies of the Development Plan below are also relevant to the determination of this appeal:

GNLP

- GNLP1 - The growth strategy.
- GNLP2 - Sustainable communities.
- GNLP3 - Environmental protection and enhancement.
- GNLP6 - The economy.
- GNLP7.1 - The Norwich Urban Area, including the fringe parishes.

DMPLP

- DM1 - Achieving and delivering sustainable development.
- DM2 - Ensuring satisfactory living and working conditions.
- DM3 - Delivering high quality design.
- DM5 - Planning effectively for flood resilience.
- DM6 - Protecting and enhancing the natural environment.
- DM7 - Trees and development.
- DM11 - Protecting against environmental hazards.
- DM16 - Supporting the needs of business.
- DM18 - Promoting and supporting centres.
- DM20 - Protecting and supporting city centre shopping.
- DM21 - Protecting and supporting district and local centres.
- DM22 - Planning for and safeguarding community facilities.
- DM28 - Encouraging sustainable travel.
- DM29 - Managing car parking demand in the city centre.
- DM30 - Access and highway safety.
- DM31 - Car parking and servicing.
- DM33 - Planning obligations and development viability.

4.7 Additional national planning policy and legislation considered relevant to the appeal proposals include:

- National Planning Policy Framework.
- National Planning Practice Guidance (“PPG”).
- Conservation of Habitats and Species Regulations 2017, as amended.

4.8 On 16 December 2025, the Government published a consultation document, National Planning Policy Framework: proposed reforms and other changes to the planning system. It does not constitute Government policy or guidance. As a consultation document, it may also be subject to change. Accordingly, the parties agree that it presently attracts limited weight.

5. Agreed matters

In principle Matters

- 5.1 On 30th January 2026 at the CMC for this appeal, the Council confirmed that, having reviewed its position, it would not seek to defend the first and second RfR, having previously confirmed that it would not defend the other reasons for refusing planning permission. The matters in agreement and disagreement between the parties have regard to this position.
- 5.2 The following matters are agreed:
- The principle of convenience retail development on the site is acceptable when assessed against relevant Local and national policy. The proposal complies with Local Plan Policy DM16: Supporting the needs of business and would generate temporary (during construction) and permanent jobs connected to the proposed convenience store.
 - The proposal complies with local and national policies relating to town centre development and specifically the retail sequential and impact tests as follows:
 - **Retail Sequential Test**
There are no sequentially preferable sites within the catchment area (as agreed with the LPA at pre-app stage, and subsequently) of the appeal proposals that are both suitable and available for the appeal proposals. The retail sequential test is passed.
 - **Retail impact on investment in centres**
 - The appeal proposals would not have a significant adverse impact on existing, committed and planned public and private investment in centres within the catchment area of the appeal proposals.
 - **Retail impact on vitality and viability**
The appeal proposals would not have a significant adverse impact on town centre vitality and viability, including local consumer choice and trade in centres within the wider retail catchment (as applicable to the scale and nature of the scheme). To the contrary, the proposals would increase local customer choice.
 - Notwithstanding the Appellants primary position that Policy DM22 is not applicable to the proposal, the parties agree that the Appellant has demonstrated that all reasonable efforts have been made to preserve the facility and that it would not be economically viable, feasible or practicable to retain the building for its existing use, as per part b) of Policy DM22. Consequently, criteria b) is complied with.
 - Whilst the Council conclude that the proposal is technically in conflict with part c) of Policy DM22, the weight to be ascribed to this conflict with the policy overall is reduced due to the proposal's accordance with part b) and agreement that evidence presented by the Appellant demonstrates that

the marketing exercise required by part c) would be highly unlikely to result in the identification of a viable interested party.

Highways Matters

- Having reviewed its position and in considering the position agreed by the Highway Authority with the Appellant in the Highways SoCG, the Council (a) will not defend RfR3 and (b) will not defend RfR4 and as such the parties agree that, subject to agreeing suitable conditions, the proposal would accord with DM1, bullet 3 and DM28 of the DMPLP, part 1 of policy 2 of the GNLP and paragraphs 110,115 and 117 of the Framework as they apply.
- The site is in an existing urban area, which is well connected to Norwich City Centre by both car and non-car modes. It is sufficiently accessible for the proposed use
- A separate technical Highways Statement of Common Ground has been agreed with Norfolk County Council as Highways Authority. Whilst the Highways Statement of Common Ground provides a position of agreement with Norfolk County Council on the issue of fallback, this is not an agreed position with Norwich City Council as LPA.
- The Highways Authority has no objection to the appeal application, subject to appropriate conditions.
- The proposal includes a suitable package of improvements to pedestrian and cyclist connectivity from the Derham Road corridor and the Barnard Road corridor.
- The proposed cycle and pedestrian link between the site and Dereham Road was requested by the Highways Authority at the pre-application stage and is of significant benefit in relation to sustainable travel both to and from the site itself, but also for the wider area.
- Extensive pre-application discussions took place between the Appellant and the Highways Authority, and the Highways Authority had no objection to the appeal application, subject to appropriate conditions.
- The proposed site layout has been designed with pedestrian accessibility to and permeability within the site as a priority and where it is absent at present which is a reflection of the age of the existing buildings and layout that exists on site at present.

Arboricultural Matters

- An assessment of the site for its arboricultural merits was undertaken in accordance with British Standard 5837 (2012) 'Trees in Relation to Design, Demolition and Construction – Recommendations'.
- The site is devoid of internal tree cover with all trees being located around the peripheries of the site. This cover ranges in quality from high (category A) to low (category C), including trees of moderate quality (category B). Most of the tree stock was classified as either moderate or low quality. There were no specimens regarded as unsuitable for retention (category U) recorded.
- T8 was the only specimen which was categorised as being of high quality.

- None of the assessed trees were considered as ancient or veteran trees in accordance with accepted methodologies.
- The Tree Survey and Arboricultural Implications Assessment dated 14 April 2025 including a Tree Constraints Plan – Existing, Tree Constraints Plan - Proposed and Arboricultural Impact Assessment (AIA) was submitted as part of the planning application and it was deemed fit for the purpose of setting out the Arboricultural baseline.
- To facilitate the pedestrian / cycle access off Dereham Road, four trees subject to a TPO will require removal. Tree Officer consultation comments state that ‘the loss of 4 oaks on the northern boundary [is considered] to be acceptable if we (the Council) could secure a 3 for 1 replacement plan’. This request is achieved by the appeal proposals.
- Local Plan Policy DM7 relates to the loss of protected trees or hedgerows. The biomass replacement requirement stated in Policy DM7 is not quantified and a ratio of trees being lost compared to the number of new trees provided by way of replacement is often used by agreement. In this case, the Tree Officer requested a 3 for 1 replacement. Compliance with this policy therefore requires an informed judgment and pragmatic approach rather than the application of metric.
- It is agreed that several of the trees associated with the appeal site are afforded statutory protection through a Tree Preservation Order (TPO). Neither of the TPOs had been served before the application was submitted. The listed Orders are confirmed. These are:
 - City of Norwich Tree Preservation Order Number 613. Confirmed 25 July 2024. The provisional order was served during the determination period of the application.
 - City of Norwich Tree Preservation Order Number 634. Confirmed 1 August 2025. The provisional order was served following the determination of the application.

Design

The design of the proposed building is appropriate for its intended use.

Fall-back

- There is a real prospect (more than theoretical) fall-back position which would mean that the existing bowling unit could be lawfully converted to retail use without the need for planning permission, as both uses fall within Use Class E. The applicable case law which sets out the approach to be taken to the consideration of fallback within decision making is:
 - R v Secretary of State for the Environment and Havering BC [1998] Env LR 189;
 - Gambone v Secretary of State for Communities [2014] EWHC 952 (Admin); and
 - Mansell v Tonbridge and Malling [2016] EWHC 2832 (Admin).
- That the existing building is not restricted by planning conditions and permitted development rights have not been removed; therefore the use of the existing building as a bowling alley now falls within the wider Class E use class and, in principle, could be changed to retail use as a permitted change without the need for planning permission.

- The fall-back position should be afforded weight in the decision-making process; however notwithstanding any disagreement between the parties on the weight (the Appellant attributes significant weight and the LPA attributes limited weight, as recorded in Matters Not Agreed) , the parties agree that this is immaterial as the overall benefits of the proposal outweigh any conflict with the Development Plan.

Planning Balance

- The parties agree that the following are benefits of the scheme in planning terms. The weight that each party attributes to each benefit is detailed in the next section, as there are some points of minor disagreement. The parties agree that any harm alleged by the Council is outweighed by the benefits, irrespective of the minor differences in weight attributed:
 - The redevelopment of a previously developed site;
 - provision of a foodstore within a highly populated location;
 - provision of short term (construction) and long term (retail) jobs;
 - the provision of electric charging points, for use by the public;
 - the provision of improvements to existing pedestrian and cycle access to the site, including a new dedicated pedestrian and cycle link which address deficiencies in the existing network; and
 - the management of the existing landscape, additional landscaping and tree planting ;
- There were no objections from statutory consultees, subject to suggested standard conditions.
- A holding objection was raised by the landscape officer; however, the Officer's Report states that the proposals would broadly accord with policy DM3 (DMPLP) and Policy 2 (GNLP) requiring appropriate provision of landscaping and green infrastructure.
- In addition, the appeal proposal would have an acceptable impact on the following, subject to necessary planning conditions (as referred to in the Officer's Report, paragraph 192):
 - Character and appearance of the area;
 - residential amenity;
 - highway safety;
 - flooding and drainage; and
 - ecology / biodiversity;
- That the Proposal complies with the Development Plan as a whole and that there are no material considerations that outweigh that conclusion.
- There are no matters which give rise to the need for a Planning Obligation.

6. Matters not agreed

6.1 Notwithstanding agreement between the parties that the appeal should be allowed; the following remain the areas of disagreement between the Appellant and the Council:

- That notwithstanding the description of the area as an industrial estate, the estate in reality comprises a mix of wide ranging employment and leisure uses and is therefore properly described as a mixed use area.
- Whether the existing building is a community facility.
- The relevance of Policy DM22 to the proposed development and whether the proposal is in conflict with it.
- Whether the proposal technically accords with part c) of DM22 (if DM22 is applicable).
- That in accordance with Local Plan Policy DM7 part b), the appeal scheme has allowed for a substantially improved overall approach to the design and landscaping of the proposed development such that benefits of bringing forward improved accessibility would outweigh the harm resulting from the loss of the four protected trees .
- Whether the Appellant has sufficiently demonstrated that the introduction of a pedestrian and cycle link from the Site to Dereham Road could only come forward in a circumstance where protected trees are lost.
- The weight afforded to the fall-back position (Appellant – significant; LPA –limited).

Planning Balance

- The Appellant and LPA attributes the following weight to the benefits of the scheme in planning terms. Where the LPA have attributed greater weight than the appellant has set out in their Statement of Case in respect of positive matters, the appellant does not object to that greater weight being considered a greater benefit of the proposal:
 - The redevelopment of a previously developed site (Both parties - moderate);
 - provision of a foodstore within a highly populated location (Appellant- substantial; LPA - significant);
 - provision of short term (construction) and long term (retail) jobs (Both parties - significant combined);
 - the provision of electric charging points, for use by the public (Appellant – minor; LPA - moderate);
 - the provision of improvements to existing pedestrian and cycle access to the site, including a new dedicated pedestrian and cycle link which address deficiencies in the existing network (Appellant – substantial; LPA significant);

- the management of the existing landscape, additional landscaping and tree planting Both parties - moderate); and
- 2% Biodiversity Net Gain (Appellant – moderate; LPA limited/minor).

7. Draft Appeal Document List

Original submission	Reference	Further information
Application forms and certificates	N/A	Revised to include Certificate C
CIL Forms 1&2	N/A	
Planning and Retail Statement	N/A	
Retail Addendum, 8 August 24 (to considered in conjunction with original Statement)	N/A	
Retail Impact Tables	N/A	Appended to Planning & Retail Assessment
Existing Topographical Survey ref:	19408-202-P-00	
Existing Topographical Survey ref:	19408-203-P-00	
Existing Site Plan	2218 SK 37	
Existing Elevations	2218 SK 36	
Site Location Plan	19408-200-P-01	
Existing Site Sections	19408-204-P-00	
Proposed Site Plan	19408 300- P-07	
Proposed Site Plan	19408-301-P-07	
Proposed Ground Floor Plan	19408-302-P-00	
Proposed Roof Plan	19408-303-P-00	
Soft Landscaping Plan	19408-306-P-06	
Hard Landscaping Plan	19408-307-P-06	
Proposed Elevations	19408-304-P-00	
Proposed Site Sections	19408-305-P-00	
Design and Access Statement	N/A	
Transport Assessment including Travel Plan	N/A	In addition to TA & TP: • Transport Technical Note & Appendices (dated 13 June 2024) (attachment 1 & 2 above) • RSA1 reports and drawing (attachments 3-5 above): - Stage 1 Safet Audit – Proposed Crossing Works - Stage 1 Safet Audit – Designer’s Response

		- Dereham Road Pedestrian Crossing drawing (ref: J000420-SK001C)
Air Quality Assessment	2306810-R02	
Noise Assessment	2306810-R01	
Preliminary Ecological Appraisal	V1.1 (Dec 2023)	
Biodiversity Net Gain Assessment & Metric	V3	
Tree Survey and Arboricultural Implications Assessment	V4	
Tree Constraints and Protection Plan	3103-25-V4 & 3104-25-V4	
Flood Risk Assessment	002791-JPL-ZZ-ZZ-RP-D-2001-A3-C03	
Drainage Strategy	002791-JPL-ZZ-ZZ-RP-D-2002-A3-C03	
Phase 2 Geo-Environmental Site Investigation	BRD4290-OR2-A	
Energy Statement	P01	

8. Draft Conditions

- 8.1 If the Inspector were minded to allow the appeal, a series of conditions would be required. The parties will work to agree a schedule of draft conditions, identifying where draft conditions are not agreed, and will submit these to the Inspector in advance of Inquiry opening.