Special Meeting of the Development Management Committee

Members of the Development Management Committee:

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<tr>
<th>Conservatives</th>
<th>Liberal Democrats</th>
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<tr>
<td>Mr J Mooney (Chairman)</td>
<td>Mr T East</td>
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<tr>
<td>Mr D Blake (Vice-Chairman)</td>
<td>Dr M Gray</td>
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<td>Mr C Foulger (Vice Chairman)</td>
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<td>Mrs F Ellis</td>
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<td>Mr C Gould</td>
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<td>Dr C Kemp</td>
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<td>Mr L Hornby</td>
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<td>Mrs L Neal</td>
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<td>Mr T Palmer</td>
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Pool of Substitutes

Leslie Dale
Nigel Legg
Brian Riches
Vivienne Bell

Pre-Committee Members’ Question Time

1.00pm – 1.30pm Cavell Room

Agenda

Date
Friday 22 June 2012

Time
2.00 pm

Place
Council Chamber
South Norfolk House
Swan Lane
Long Stratton Norwich
NR15 2XE

Contact
Caroline Heasley   tel (01508) 533685
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE

Email: democracy@s-norfolk.gov.uk
Website: www.south-norfolk.gov.uk

Please note that the order of the agenda may change at the discretion of the Chairman, so it is advisable to arrive at the commencement of the meeting if you are intending to speak.

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

19/06/2012
AGENDA

1. To report apologies for absence and identify substitute voting members (if any);

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;
   (Please see flowchart and guidance attached, page 5)

4. Planning Applications and Other Development Control Matters;
   To consider the applications as listed below: (report attached – page 7)

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
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<tbody>
<tr>
<td>1</td>
<td>2012/0839/O</td>
<td>WYMONDHAM</td>
<td>Land north-west of Carpenters Farm, Norwich Common</td>
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5. Sites Sub-Committee;

   Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.
# Details of Planning Accreditation

<table>
<thead>
<tr>
<th>Conservative Councillor</th>
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<th>Liberal Democrat Councillor</th>
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<td>P Allen</td>
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<td>T Lewis</td>
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<td>B McClenning</td>
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<th>Accreditation Expiry Date</th>
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<tr>
<td>K Weeks</td>
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Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
  - The town or parish council - up to 5 minutes for member(s) or clerk;
  - Objector(s) - any number of speakers, up to 5 minutes in total;
  - The applicant, or agent or any supporters - any number of speakers up to 5 minutes in total;
- Member consideration/decision.

**GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE**

The following suggested guidelines are put forward to assist Members in providing a context in which to assess whether a Site Panel visit is required.

Site visits may be appropriate where:

(i) The particular details of a proposal are complex and/or the intended site layout/relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;

(ii) The impacts of new proposals on neighbour amenity eg shadowing, loss of light, physical impact of structure etc, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;

(iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;

(iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, eg because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether the interest is a personal one only or one which is also prejudicial. The declaration should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote. If it is a prejudicial interest, a member has the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. A member can participate fully where the interest is shared with the majority of residents in that particular ward. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Is (or should) the Interest be registered in the Register of Members' Interests?

If not, whose well being or financial position is affected to a greater extent than the majority of other people in the ward?

<table>
<thead>
<tr>
<th>Your own</th>
<th>A family member</th>
<th>A close associate</th>
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<tbody>
<tr>
<td>Any person or body who has employed or appointed your family member/close associate</td>
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<tr>
<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
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<tr>
<td>Any company in which your family member/close associate has shares with a face value more than £25,000</td>
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<tr>
<td>Any of the following in which you hold a position of general control or management: outside organisations, other public authorities, charities, pressure groups, political parties or trade unions</td>
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Does the interest:

(a) affect your financial position or the financial position of a person or body described above? (If Yes the interest may be prejudicial)

(b) relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described above? (If Yes the interest may be prejudicial)

(c) relate to scrutiny by the Overview and Scrutiny committee of a decision you were party to? (If Yes the interest is prejudicial)

(d) relate to the functions of the council in respect of housing (except your tenancy), statutory sick pay, an allowance, payment or indemnity given to members, any ceremonial honour given to members, or setting the council tax or a precept under the Local Government Finance Act 1992. (If Yes the interest is NOT PREJUDICIAL)

PREJUDICIAL INTEREST

If you answered Yes to (a) or (b) is the interest one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that that it is likely to prejudice your judgement of the public interest? If Yes the interest is PREJUDICIAL

If you answered Yes to (c) the interest is PREJUDICIAL

If prejudicial do you intend to attend the meeting to make representations, answer questions or give evidence?

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to my interests?
A Does it affect my entries in the Register of Interests?

**OR**
B Does it affect the well being or financial position of me, my family or close associates; or my family's or close associates'
- employment, employers or businesses;
- companies in which they are a director or where they have a shareholding of more than £25,000 face value;
- business partnerships; or
C Does it affect the well being or financial position of the following organisations in which I hold a position of general control or management:
- other bodies to which I have been appointed or nominated by the council;
- other public authorities;
- charitable bodies;
- bodies whose main purpose is to influence public opinion or policy

More than the majority of other people in the ward?
D Is Overview and Scrutiny considering a decision I made? If so you have a prejudicial interest.

Disclose the existence & nature of your interest

If the interest is financial or relating to a regulatory issue e.g. planning permission?

**NO**

You have a personal interest in the matter

**YES**

You may have a prejudicial interest

The interest is prejudicial
withdraw from the meeting by leaving the room (after making representations, answering questions or giving evidence).
Do not try to improperly influence the decision

This matter relates to
- housing (except your tenancy)
- statutory sick pay from the council
- an allowance, payment or indemnity given to members
- any ceremonial honour given to members
- setting the council tax or a precept

Would a member of the public – if he or she knew all the facts – reasonably think that personal interest was so significant that my decision on the matter would be affected by it?

**NO**

The interest is not prejudicial you can participate in the meeting and vote

**YES**
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Development and Environment

Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert

A Advert
AD Certificate of Alternative Development
CA Conservation Area
CU Change of Use
D Reserved Matters (Detail following outline consent)
F Full (details included)
H Householder – Full application relating to residential property
C Application to be determined by County Council

G Proposal by Government Department
HZ Hazardous Substance
LB Listed Building
LE Certificate of Lawful Existing development
LP Certificate of Lawful Proposed development
O Outline (details reserved for later)
RVC Removal/Variation of Condition
SU Proposal by Statutory Undertaker

Key to abbreviations used in Recommendations

S.P Structure Plan
S.N.L.P South Norfolk Local Plan
P.D Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified).
J.C.S Joint Core Strategy
N.P.P.F National Planning Policy Framework
1. **Appl. No**: 2012/0839/O  
**Parish**: WYMONDHAM

**Applicants Name**: Landstock Estates Ltd & Landowners Group  
**Site Address**: Land north-west of Carpenters Farm, Norwich Common, Wymondham

**Proposal**: Proposed residential development (Class C3) up to 350 dwellings with associated access on Land at Carpenters Barn, Norwich Common, Wymondham. To include the infrastructure associated with the residential development, public open space and new vehicular and pedestrian access routes.

**Recommendation**: Authorise Director of Development and Environment to Approve

1. Outline planning permission time limit
2. Reserved matters
3. Maximum of 350 dwellings
4. Element of single storey dwellings
5. Masterplan to be agreed
6. Water efficiency scheme to be agreed
7. Landscape/replacement planting
8. Programme of archaeological evaluation
9. Surface water strategy to be agreed
10. Contamination report to be submitted
11. Any remediation measures to be carried out
12. Pollution control during construction
13. Details of roads, footpaths etc. to be submitted
14. Wheel washing facilities
15. Off-site highway improvements
16. Works in accordance with agreed specification
17. Traffic regulation order
18. Residential travel plan to be agreed
19. No occupation before travel plan implemented
20. Existing trees/hedges to be protected
21. Levels to be agreed
22. 10% renewable energy on site
23. Trees hedges to be maintained
24. Foul water strategy to be agreed
25. Biodiversity mitigation and enhancement measures

Subject to Section 106 Agreement in respect of affordable housing, off site highway works, education and library contributions, older children /adult open space and community facilities

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1. **Introduction**

1.1 Members may recall that on 2 December 2011 planning application (2010/1241) was refused by a special meeting of the Planning Committee. The application had originally been approved on 28 September but before a decision notice could be issued the Chairman requested that the decision to approve be reconsidered in the light of appeal decisions at Winchester and Sandbach issued by the Secretary of State. Following reconsideration of the application Members resolved to refuse the application.

1.2 The decision notice was issued on 6 December 2011 and an appeal was subsequently lodged. A Local Inquiry to determine the appeal is scheduled for 10 – 13 July.
1.3 This application is a resubmission of planning application 2010/1241 (as amended). The proposal is identical but documentation has been amended to take into account the provisions of the National Planning Policy Framework (NPPF), which was published in March.

2. The Site and Proposal

2.1 The site has a total area of 18.1 hectares and is situated to the north of Norwich Common at the north-eastern edge of Wymondham. It lies immediately to the rear of a site which was granted outline planning permission on appeal for 323 dwellings and up to 460 sq. metres of retail space. A detailed application for the 323 dwellings was approved by the Planning Committee on 17 August 2011. Work commenced on the site earlier this year and building appears to be proceeding at a healthy rate.

2.2 The site, which is shown on the plan attached as appendix 1, is currently in agricultural use. The land rises slightly from south to north and hedges and trees define the south, west and north boundaries. Other than the hedges/trees there are no features on the site itself. To the west of the site lies the small cluster of properties that comprise Downham Grove. To the east are a public footpath/permissive path, Carpenters Barn and two other properties. The site also abuts the site granted planning permission for the relocation of Wymondham Rugby Club.

2.3 As with planning application 2010/1241, this application is in outline form with all matters, other than access, reserved for future approval. The 350 dwellings would be accommodated on a net developable area of 11.5 hectares at an average density of 30.3 dwellings per hectare. In addition the scheme proposes 2.02 hectares of open space and a landscape buffer of 3.07 hectares. Access would be gained through the Persimmon development to the south and would require revisions to the access and junction arrangements onto Norwich Common. An indicative plan is attached as appendix 2.

3. Planning History

3.1 2010/1241 Residential development (Class C3) up to 350 dwellings with associated access Refused and appeal pending

4. Planning Policy

4.1 National Planning Policy Framework

4.2 Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk

- Policy 2 – Promoting Good Design
- Policy 3 – Energy and Water
- Policy 4 – Housing delivery
- Policy 7 – supporting communities
- Policy 10 – locations for major new or expanded communities in the Norwich Policy Area
4.3 Saved Policies of South Norfolk Local Plan (SNLP)

- ENV 2 – Areas of open land which maintain a physical separation between settlements within the Norwich Policy Area (part consistent)
- ENV 8 – Development in the open countryside (part consistent)
- ENV 15 – Species protection
- IMP 2 – Landscaping
- IMP 3 – Protection of important spaces (part consistent)
- IMP 8 – Safe and free flow of traffic
- IMP 9 – Residential amenity
- UTL 15 – Contributions to recreation and community facilities
- TRA 1 – Provision of pedestrian links
- TRA 7 – Off site highway improvements

The assessment of this application gives due weight to the saved policies in the South Norfolk Local Plan referred to above as they remain consistent or part consistent with the NPPF.

5. Consultations

5.1 Wymondham Town Council: Refuse
- Outside development boundary and contrary to ENV 2
- Erode gap between Hethersett and Wymondham
- Contrary to SP1 as does not protect historic character and setting of Wymondham
- Contrary to SP4 and IMP 7 as will put unacceptable strain on public and social infrastructure
- Contrary to SP 6 - does not provide, sustain or promote small businesses or address localised unemployment problems
- Contrary to ENV 8 – does meet any of criteria
- Contrary to ENV 21 – will result in loss of agricultural land
- Contrary to IMP 8 – concerns over safe and free flow of traffic on heavily congested road network
- Applicants should await completion of Area Action Plan

5.2 Hethersett Parish Council: Refuse
- Premature in advance of site specific consultation process being completed
- Land supply should not be treated as material consideration following recent decisions by Secretary of State
- Would erode gap between Wymondham and Hethersett
- Outside development boundary for Wymondham
- No application of this type should be considered in advance of Wymondham Action Plan

5.3 District Member: To be reported if appropriate

5.4 Highways Agency: No objection subject to condition re Travel Plan

5.5 NCC Highways: No objections subject to conditions (to include upgrade of Tuttles Lane roundabout and dualling of Tuttles Lane East between Tuttles Lane roundabout and Harts Farm roundabout prior to occupation) and Section 106 agreement in respect of a Travel Plan
5.6 Environment Agency : No objections subject to conditions in respect of
- Scheme of surface water drainage to be agreed
- Scheme to assess contamination (if any) to be agreed
- Pollution control during operations

5.7 Anglian Water Services Ltd : No objections subject to conditions
- Strategy in respect of foul drainage to be agreed
- Scheme of surface water drainage to be agreed

5.8 Natural England : No objections
- Does not affect any statutory protected sites or landscapes
- Standing advice should be followed

5.9 Historic Environment Service : No objection subject to a programme of archaeological evaluation being agreed

5.10 Sport England : Reiterate comments made on earlier application
- Concern that there is no allocation for formal outdoor sport
- Council should consider requesting financial contribution towards improvements to existing indoor facilities in area

5.11 Norfolk Police : Holding objection
- Request contribution towards delivering police services

5.12 Housing Strategy Manager : No objections and welcomes that all affordable housing will achieve level 4 of the Code for Sustainable Homes

5.13 Wymondham Heritage Society : To be reported

5.14 Planning Obligations Co-Ordinator : To be reported

5.15 Environmental Services : No objection subject to conditions
- Scheme of surface water drainage to be agreed
- Management of drainage systems

5.16 Planning Policy : To be reported

5.17 Public Right of Way : To be reported

5.18 Ecologist : No objections subject to conditions relating to biodiversity and ecological enhancements

5.19 Local Residents : Objections
- Proposal same as that already refused
- Nothing has changed since previous decision
- Cynical to put in another application
- Nothing in NPPF changes position
- Outside development boundary
- Contrary to ENV 8 of SNLP
- Council should support smaller more sustainable developments spread around town
- Precedent for further development
- No need for more houses – empty properties on Whispering Oaks
- Inadequate infrastructure to support development
- Already too many houses in town
- Schools/doctors surgery already overcrowded
- Not enough employment opportunities in town
- Should await results of Wymondham Area Action Plan
- Loss of agricultural land
- Will result in urban sprawl
- Increased light pollution
- Intrusion into gap between Wymondham and Hethersett
- Erode green corridor
- Threatens natural environment
- Put at risk threatened species and fragile natural habitats
- Should not use greenfield sites when brownfield sites available
- Site too far away from Town Centre
- Increase traffic on B1172 - Tuttles Lane roundabout congested at peak times
- Detrimental to highway safety
- Inadequate water supply to cater for existing development
- Problems with sewage
- Loss of privacy

6. **Assessment**

6.1 As Members will note from Section 4 above there are no technical objections to the scheme which cannot be addressed by the imposition of appropriate conditions. Policy 10 of the JCS identifies Wymondham as a sustainable location for development and indentifies Wymondham as a suitable location to accommodate a minimum of 2,200 dwellings in the plan period.

6.2 However, notwithstanding the above, the site is outside of the development boundary and within the gap between Wymondham and Hethersett. It is contrary to policy ENV 2 and ENV 8 and as such should be refused unless material considerations dictate otherwise.

6.3 There are material considerations which need to be considered and there has also been a change in circumstances since the application was refused in December 2011. These relate to the publication of the NPPF, its implications for housing land supply and developments relating to the Secretary of State's decisions in respect of the appeals at Winchester, Sandbach and St Austell which members relied on when refusing application 2010/1241.

6.4 Objections to the scheme have again been raised by the Town Council, Hethersett Parish Council and Local residents. In my opinion the critical matters that Members need to consider are

- The relevance of the Secretary of State’s decisions at Winchester, Sandbach and St Austell
- The publication of the NPPF and its significance in respect of the acknowledged deficit in South Norfolk’s housing land supply
- The gap between Wymondham and Hethersett
- Highways issues.
The relevance of the Secretary of State’s decisions at Winchester, Sandbach and St Austell

6.5 When refusing planning application 2010/1241 Members took into account recent appeal decisions at Winchester, Sandbach and St Austell which they considered indicated a shift away from the primacy of the 5 year supply and an increased emphasis on development decisions being taken in consultation with local communities through localism. However since the decision was taken to refuse application 2010/1241 the Secretary of States decisions on the applications at Winchester and Sandbach have been quashed on Judicial Review and can no longer be taken into account.

6.6 In the St Austell case the High Court has recently upheld the Secretary of State’s refusal of permission on prematurity grounds. However that decision has to be seen in the context that the 5 year supply position was not clear cut and the proposal represented some 35% - 40% of the total housing requirements for the whole district to 2030. Consequently it is not surprising that the Secretary of State found that to release it on appeal would materially harm the Plan process and that this was supported by the High Court.

6.7 In this case the JCS has identified Wymondham as a sustainable location that is required to accommodate a minimum of 2,200 dwellings within the plan period. The proposed development of 350 dwellings is approximately 16% of the proposed allocation for Wymondham and approximately 4% of the housing allocation requirement for the Norwich Policy Area part of the district. As such the factors applicable in the St Austell case are not relevant in this case.

NPPF and the supply of deliverable sites for housing

6.8 Since the previous application was refused the NPPF has been published and is a material consideration in assessing this application. The NPPF has at its heart a presumption in favour of sustainable development and in paragraph 14 states that for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be resisted

6.9 It is common ground that there is not a five year supply of deliverable sites within the Norwich Policy Area. When the previous application was refused it was considered that there was a 4.24 years supply of developable land available. However since that decision the position has changed and it is now considered that there is a 3.28 years supply. The decrease in the supply of housing land has occurred because although the number of housing completions in South Norfolk has remained strong, these have not been replaced by new sites across the Norwich Policy Area, especially in Broadland.

6.10 The NPPF has replaced Planning Policy Statement 3 – Housing but its requirements are similar in many respects. However in addition paragraph 47 of the NPPF has introduced a requirement for local planning authorities to “boost significantly the supply of housing” and at its second bullet point goes on to state:
• Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

6.11 The Council considers that it has not persistently under delivered on housing and that a 5% buffer should apply in South Norfolk. We are looking to address the district’s housing land supply through the Site Specific elements of the emerging Local Plan. Once the Local Plan is fully adopted the Council will be in a position to demonstrate a five year supply. However, at this moment, we do need to release some sites to allow the market access to a continuous supply of housing land, as required by the NPPF.

6.12 As there is not a sufficient supply of deliverable sites in the Norwich Policy Area paragraph 49 of the NPPF becomes relevant. This states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

As we do not have a supply of deliverable sites which meets the NPPF’s requirements the Council has to regard its policies for the supply of housing land as being out of date and as required by paragraph 14 of the NPPF grant planning permission unless it can be demonstrated that that the disadvantages of the scheme outweigh the advantages or there are specific policies in the NPPF which resist the development. The extent of the current deficit is a strong material consideration in favour of the proposal.

**Gap Between Wymondham and Hethersett**

6.13 The site is within the gap between Wymondham and Hethersett. The Landscape Character Assessment carried out in 2001 did stress the importance of the gap and the prevention of the coalescence of the two settlements. Policy ENV 2 is considered to be partly consistent with the NPPF and seeks to resist inappropriate development (which would include housing) within the gap. JCS Policy 10 also requires the additional development in Wymondham to be accommodated whilst maintaining the strategic gap to the north and northwest. In refusing the previous application Members were acutely aware of the importance that the local community place on the gap. Understandably they were anxious that its precise extent be established in consultation with the local community.

6.14 Concerns have again been raised about intrusion in to the gap by local residents and the Parish Council. The Inspector when considering the appeal in 2009 did state that the land to the north and east did have a more rural and open character but her main conclusion was that the Council could not simply rely on existing landscape definitions in resisting proposals. In Paragraphs 205 - 207 the Inspector stated:

“But however the boundary was arrived at, it is the case that the appeal site is currently subject to the additional level of protection from inappropriate development afforded by Policy ENV 2. There is the clear expectation in the Local Plan, in the supporting text to ENV 7, that whilst the Development Limits will be reviewed, the policies designed to protect the District’s environmental assets (including policy ENV 2) would endure beyond the plan period.”
Having said that, I do not accept that because the issue of the gap was determined at the LP Modifications Inquiry, the ENV 2 boundary is now immutable. The 2008 RSS requires the Norwich Policy Area to provide a substantial level of new housing. Its environment policies, particularly policy ENV 2, reflect the shift in Government thinking, first set out in PPG 7 and now in PPS 7, for the inclusion of carefully drafted criteria based policies in LDD’s to protect local landscape character, outside the nationally designated, rather than rigid local designations. PPS 7 at paragraph 25 is very clear as to what is required of local planning authorities and ‘when reviewing their local area-wide development plans (they) should rigorously consider the justification for retaining existing local landscape designations’.

Thus whilst the draft policy in the JCS consultation refers to growth at Wymondham being achieved ‘whilst maintaining the strategic gap to the north and north east’ the GNDP as the plan making body will have to justify the maintenance of that gap with robust and credible evidence; a point made strongly by the Advisory Inspector in her February 2009 note. Both PPS 7 and RSS Policy ENV 2 refer to the need for there to be a robust assessment of the qualities of the local landscape and in the new plan making system, where strategies must be supported by evidence, it will not be enough to rely on the 2001 landscape assessment carried out to inform the LP Modifications which in any event did not establish any boundaries to the gap.

In summary the Inspector concluded that there has to be a continuous reassessment and justification for a particular landscape designation. They cannot simply be rolled forward from an existing local plan but have to take into account changing circumstances.

Whilst we have been aware of the need to review the evidence base supporting landscape protection policies we could not complete this work until the adoption of the JCS, the outcome of the legal challenge and the publishing of the final version of the NPPF. Once these occurred we commissioned landscape specialists to review the policies and evidence base for landscape designations. Their final report was received on 11 June and states at paragraph 3.2.3 and 3.2.4:

“This review has considered the potential Strategic Gaps in relation to current planning policy and the existing evidence base. Taking into consideration NPPF requirements and the Joint Core Strategy’s development and green infrastructure policy aims, it is considered that the maintenance of the Strategic gaps/Important Breaks policy in the Site Specific Policies and Allocations Development Plan Document is justified in policy terms.

The 2001 LUC reports states that the Landscape Character Assessment undertaken in the same year identified parts of the Landscapes within the Strategic Gaps as having a ‘sense of openness’, and that a number of these are identified as ‘very important’. However, as noted by the Planning Inspector in the a 2009 appeal decision for a planning application within a Strategic Gap, an up to date assessment is required that takes account of the changes that have taken place, or will take place, within the Strategic Gap. It is considered that the 2001 Landscape Character Assessment does not in itself provide sufficiently robust and credible evidence to justify maintaining the extent of the potential Strategic Gap/Important Gap boundaries shown in Figure 3.1. It is therefore recommended that further work, involving in-depth, detailed field-based assessment, is undertaken to ensure that only the land which can be clearly demonstrated to be necessary to achieve the policy’s aim is included within the Strategic Gap/Important Break boundaries. Ideally the assessment should be informed by the findings of an updated South Norfolk Landscape Character Assessment as recommended in Section 5.0.”
In summary the report is stating that while the Council’s aim of maintaining Strategic Gaps is justified we cannot place reliance on either Policy 10 of the JCS or ENV 2 of SNLP until we have defined the precise extent of the gap and to achieve this further evidence will be necessary. Consequently I consider that a refusal of intrusion into the gap cannot be justified because we cannot at this time say what the precise extent of the gap is or should be.

Notwithstanding the above it is also necessary to consider how intrusive the development would be and whether it would alter people’s perception of the gap. The development will certainly be visible in glimpsed views from Hethersett. It will be seen in conjunction with the Persimmon development. It will also be visible from some locations on Melton Road, which runs to the north of the site. These views will be primarily restricted to views of the roofscape but will nevertheless erode to some extent the rural character of the area when viewed from these locations.

However, paragraph 14 of the NPPF makes it clear that permission for sustainable development should only be refused if the disadvantages of the development outweigh the advantages. The existing screening on the site (which would be supplemented by additional planting) and other natural features in the area do generally restrict views of the site and in my opinion the impact of the development on the character of the area is not so great that the disadvantages of the scheme in this respect would outweigh the weight that has to be given to the seriousness of the deficit in the five year supply.

Highways

Vehicular and pedestrian access will be onto Norwich Common with a secondary access through the Whispering Oaks development all of which will be constructed as part of the recently commenced Persimmon development. The development will be served by links to Wymondham for pedestrians and cyclists that will provide access to local facilities, such as shops and schools. In addition the outline consent for the site to the south includes provision for up to 460 square metres of retail space.

The access from Norwich Common will be via a new junction which provides for a right hand turn lane into the Persimmon development. Other off site works that will be required are the modification and signalisation of the Tuttles Lane roundabout and the dualling of Tuttles Lane East between the Tuttles Lane roundabout and the Harts Farm Road roundabout.

A number of objections have been received in respect of the impact on the local road network of traffic generated by the development. The developers are proposing a Travel Plan to reduce car usage and this approach is acceptable to both the Highways Agency and Norfolk County Council.

Objections have also been received from residents of Norwich Common whose properties are immediately next to the access to the Permission development. They are concerned that the right hand turn lane will make it more difficult and dangerous to exit their properties and that the increased width of the road at this point will restrict visibility. However Norfolk County Council has not raised any highway objections to the scheme and I consider that it is not possible to justify an objection on highway safety grounds.

Summary and conclusions

The site lies between Hethersett and Wymondham where inappropriate development is generally resisted and in addition is outside of the Development Boundary for Wymondham as defined in SNLP. The proposal is contrary to policy and in accordance with Section 38 (6) of the Planning and Compensation Act should be refused unless there are material considerations which dictate otherwise.
7.2 There is not a five year supply of deliverable sites within the Norwich Policy Area and in such circumstances the NPPF dictates that local plan policies for the supply of housing land have to be regarded as out of date. Where policies are out of date the Council must apply a presumption in favour of sustainable development.

7.3 The development is considered to be in a sustainable location and the NPPF states that planning permission should be granted for sustainable development unless the advantages outweigh the disadvantages.

7.4 Whilst the development would be visible from some locations in will be set behind the Persimmon development and will not be so intrusive in the gap that its impact in this respect would be sufficient to outweigh the weight that must be given to the seriousness of the five year supply deficit and the presumption in favour of sustainable development.

7.5 In my opinion there are no adverse impacts arising from the development that are sufficient either individually or collectively to outweigh the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. It is consequently recommended that planning permission be approved subject to the conditions and Section 106 Agreement as set out at the beginning of this report.

8. Reasons for approval

8.1 The development is contrary to Policies ENV 8 and ENV 2 of the SNLP. Policy 10 of the Joint Core Strategy also seeks to accommodate development in Wymondham while maintaining the gap between Hethersett and Wymondham. However further evidence is required before the precise extent of the gap can be established and consequently reliance is not placed on the above policies in this instance.

8.2 There is not a five year supply of deliverable sites within the Norwich Policy Area. The site is considered to be in a sustainable location and in such circumstances the contents of the NPPF are a strong material consideration in favour of the application.

8.3 The development will be set to the rear of existing properties and will be contained by a strong natural boundary to the rear which will be further strengthened. Some views of the development will be possible from Hethersett and Melton Road. However they are not considered to have such an adverse impact on the character of the area or the perception of the gap that it would outweigh the presumption in favour of the development.

8.4 Subject to appropriate conditions there are no technical objections to the scheme, which in all other respects (other than ENV 2 and ENV 8 of SNLP) complies with the relevant policies in the JCS and SNLP.

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