Special Meeting of the Development Management Committee

Members of the Development Management Committee:

Conservatives  Liberal Democrats
Mr J Mooney (Chairman)  Dr M Gray
Mrs L Neal (Vice-Chairman)

Mrs Y Bendle
Mrs F Ellis
Mr C Gould
Dr C Kemp
Mr G Minshull
Mr B Stone
Mrs A Thomas
Mr V Thomson

Pool of Substitutes
Mr P Broome  Mrs V Bell
Mr L Dale
Mr J Hornby
Dr N Legg
Mr B Riches
Mr G Wheatley

Pre-Committee Members’ Question Time
9.00 am  Colman Room

Agenda

Date
Wednesday 2 December 2015

Time
10.00 am

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

Contact
Owen Pugh  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 any submissions (including photos, correspondence, documents and any other lobbying material) should be received by the Council by noon the day before this meeting. We cannot guarantee that any information received after this time will be brought to the Committee’s attention.

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

2/12/2015
The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare Local Plan Documents to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy is broadly consistent with the National Planning Policy Framework (NPPF) and accompanying technical guidance and was adopted by South Norfolk Council in March 2011 (with amendments to the JCS being adopted in January 2014). It is the starting point in the determination of planning applications and as it is adopted, policies within the plan can be given full weight when determining planning applications.

The remaining ‘saved’ policies of the South Norfolk Local Plan (2003) also carry full weight in the determination process, unless officers specifically advise otherwise.

South Norfolk Council is also in the process of preparing various Local Plan Documents: the Site Specific Allocations and Policies Document, Area Action Plans for Wymondham and Long Stratton and the Development Management Policies Document. These documents will allocate specific areas of land for development, define settlement boundaries and provide criteria based policies giving a framework for assessing planning applications. None of these emerging Local Plan documents have yet been submitted for independent examination, and so the weight to be afforded to emerging policies and allocations is assessed on a case-by-case basis.

A further document which also forms part of the South Norfolk Development Plan is the Cringleford Neighbourhood Development Plan. The CNDP was formally ‘made’ (adopted) on 24 February 2014, and full weight can now be given to the policies of the CNDP when determining planning applications in Cringleford parish.

In a number of instances the Council has produced Supplementary Planning Documents which expand upon the policies of the Development Plan; these documents do not change policy or create new policy, but they are a material consideration in the determination of planning applications.

In accordance with legislation, planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations which are relevant to planning indicate otherwise.

The NPPF states that the purpose of the planning system is to achieve sustainable development. The core planning principles contained within the NPPF are summarised as:

- To be genuinely plan-led
- To drive and support sustainable economic development
- Seek high quality design
- Conserve and enhance the natural environment
- Encourage the effective use of land
- Conserve heritage assets
The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

**THEREFORE** we will:

- Acknowledge the strength of our policies,
- Be consistent in the application of our policy, and
- If we need to adapt our policy, we will do it through the Local Plan process.

Decisions which are finely balanced, and which contradict policy will be recorded in detail, to explain and justify the decision, and the strength of the material planning reasons for doing so.

**LOCAL COUNCILS**

**OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?**

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.
A G E N D A

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 7)

4. Planning Applications and Other Development Control Matters;
   (attached – page 9)
   (Please note that Appendix 4 to this report is NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

   To consider the item as listed below:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Planning Ref No.</th>
<th>Parish</th>
<th>Site Address</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2015/1482/O</td>
<td>WYMONDHAM</td>
<td>Wymondham Rugby Club and Land West of Elm Farm, Norwich Common, Wymondham</td>
<td>9</td>
</tr>
</tbody>
</table>

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.

6. Date of next scheduled meeting – Wednesday 9 December 2015
1. GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members 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 or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
(ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, 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, e.g. 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.

2. PUBLIC SPEAKING: PLANNING APPLICATIONS

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;
  - Local member
- Member consideration/decision.

TIMING: In front of you there are two screens which tell you how much time you have used of your five minutes. After four minutes the circle on the screen turns amber and then it turns red after five minutes, at which point the Chairman will ask you to come to a conclusion.

MICROPHONES: In front of you there is a microphone which we ask you to use. Simply press the left or right button to turn the microphone on and off

WHAT CAN I SAY AT THE MEETING? Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

3. FILMING AT COUNCIL MEETINGS: GUIDANCE

Members of the public and press are permitted to film or record meetings to which they are permitted access in a non-disruptive manner and only from areas designated for the public. No prior permission is required, however the Chairman at the beginning of the meeting will ask if anyone present wishes to record proceedings. We will ensure that reasonable facilities are made available to the public and press to assist filming or recording of meetings.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording is allowed as long as it is carried out in a non-disruptive manner.
**HEALTH AND SAFETY INFORMATION**

<table>
<thead>
<tr>
<th>Fire alarm</th>
<th>If the fire alarm sounds please make your way to the nearest fire exit. Members of staff will be on hand to escort you to the evacuation point</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile phones</td>
<td>Please switch off your mobile phone or put it into silent mode</td>
</tr>
<tr>
<td>Toilets</td>
<td>The toilets can be found on your right and left of the lobby as you enter the Council Chamber</td>
</tr>
<tr>
<td>Break</td>
<td>There will be a short comfort break after two hours if the meeting continues that long</td>
</tr>
<tr>
<td>Drinking water</td>
<td>A water dispenser is provided in the corner of the Council Chamber for your use</td>
</tr>
</tbody>
</table>

**PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**

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

<table>
<thead>
<tr>
<th>A</th>
<th>Advert</th>
<th>G</th>
<th>Proposal by Government Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>AD</td>
<td>Certificate of Alternative Development</td>
<td>H</td>
<td>Householder – Full application relating to residential property</td>
</tr>
<tr>
<td>AGF</td>
<td>Agricultural Determination – approval of details</td>
<td>HZ</td>
<td>Hazardous Substance</td>
</tr>
<tr>
<td>C</td>
<td>Application to be determined by County Council</td>
<td>LB</td>
<td>Listed Building</td>
</tr>
<tr>
<td>CA</td>
<td>Conservation Area</td>
<td>LE</td>
<td>Certificate of Lawful Existing development</td>
</tr>
<tr>
<td>CU</td>
<td>Change of Use</td>
<td>LP</td>
<td>Certificate of Lawful Proposed development</td>
</tr>
<tr>
<td>D</td>
<td>Reserved Matters (Detail following outline consent)</td>
<td>O</td>
<td>Outline (details reserved for later)</td>
</tr>
<tr>
<td>EA</td>
<td>Environmental Impact Assessment – Screening Opinion</td>
<td>RVC</td>
<td>Removal/Variation of Condition</td>
</tr>
<tr>
<td>ES</td>
<td>Environmental Impact Assessment – Scoping Opinion</td>
<td>SU</td>
<td>Proposal by Statutory Undertaker</td>
</tr>
<tr>
<td>F</td>
<td>Full (details included)</td>
<td>TPO</td>
<td>Tree Preservation Order application</td>
</tr>
</tbody>
</table>

Key to abbreviations used in Recommendations

<table>
<thead>
<tr>
<th>CNDP</th>
<th>Cringleford Neighbourhood Development Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.C.S</td>
<td>Joint Core Strategy</td>
</tr>
<tr>
<td>LSAAP</td>
<td>Long Stratton Area Action Plan – Pre Submission</td>
</tr>
<tr>
<td>N.P.P.F</td>
<td>National Planning Policy Framework</td>
</tr>
<tr>
<td>P.D.</td>
<td>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)</td>
</tr>
<tr>
<td>S.N.L.P</td>
<td>South Norfolk Local Plan 2003</td>
</tr>
<tr>
<td>S.S.A.P</td>
<td>Site Specific Allocations and Policies Document – Pre Submission</td>
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<tr>
<td>N.D.M.P</td>
<td>Development Management Policies Document – Pre Submission</td>
</tr>
<tr>
<td>WAAP</td>
<td>Wymondham Area Action Plan – Pre Submission</td>
</tr>
</tbody>
</table>
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<table>
<thead>
<tr>
<th>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the interest directly:</td>
</tr>
<tr>
<td>1. affect yours, or your spouse / partner’s financial position?</td>
</tr>
<tr>
<td>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</td>
</tr>
<tr>
<td>3. Relate to a contract you, or your spouse / partner have with the Council</td>
</tr>
<tr>
<td>4. Affect land you or your spouse / partner own</td>
</tr>
<tr>
<td>5. Affect a company that you or your partner own, or have a shareholding in</td>
</tr>
<tr>
<td>If the answer is “yes” to any of the above, it is likely to be pecuniary.</td>
</tr>
</tbody>
</table>

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

<table>
<thead>
<tr>
<th>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</td>
</tr>
</tbody>
</table>

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to an interest I have?

A  Have I declared it as a pecuniary interest?

OR

B  Does it directly affect me, my partner or spouse’s financial position, in particular:
   • employment, employers or businesses;
   • companies in which they are a director or where they have a shareholding of more
     than £25,000 face value or more than 1% of nominal share holding
   • land or leases they own or hold
   • contracts, licenses, approvals or consents

YES

The interest is pecuniary – disclose the interest, withdraw from the meeting by leaving
the room. Do not try to improperly influence the decision

If you have not already done so, notify the Monitoring Officer to update your declaration
of interests

NO

The interest is related to a pecuniary interest. Disclose the interest at the meeting.
You may make representations as a member of the public, but then withdraw from the room

YES

Does the matter indirectly affects or relates to a pecuniary interest I have declared, or a
matter noted at B above?

NO

The Interest is not pecuniary nor affects your pecuniary interests. Disclose the interest at the meeting. You may participate in the meeting and vote

YES

Have I declared the interest as an other interest on my declaration of interest form? OR

Does it relate to a matter highlighted at B that impacts upon my family or a close associate? OR

Does it affect an organisation I am involved with or a member of? OR

Is it a matter I have been, or have lobbied on?

NO

You are unlikely to have an interest. You do not need to do anything further.
PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Growth & Localism

Major Application

1. Appl. No : 2015/1482/O
Parish : WYMONDHAM

Applicants Name : Wymondham Rugby Football Club, Landstock Estates Ltd & Landowners Group Ltd.
Site Address : Wymondham Rugby Club And Land West Of Elm Farm Norwich Common Wymondham Norfolk
Proposal : Outline application with all matters reserved (except for access) for up to 90 dwellings at Tuttles Lane, including the demolition of existing Wymondham Rugby Club buildings and sports pitches, closure of existing access and creation of vehicular access from Lavender Road; up to 300 residential dwellings at Norwich Common with multiple access points, including the demolition of 63 Norwich Common; a replacement rugby club (use class D1) with sports pitches including an artificial pitch, floodlighting, clubhouse, car parking and accesses including an emergency only access from Melton Road; and associated works including open space, sustainable urban drainage systems, landscaping, infrastructure and earthworks.

Recommendation : Refusal
1 Development within strategic gap
2 Unsustainable development

Authorisation for officers to defend the appealed application 2014/0799 on the ground outlined in this report.

1. Planning Policies

1.1 National Planning Policy Framework
NPPF 01 : Building a strong competitive economy
NPPF 03 : Supporting a prosperous rural economy
NPPF 04 : Promoting sustainable transport
NPPF 06 : Delivering a wide choice of high quality homes
NPPF 08 : Promoting healthy communities
NPPF 10 : Meeting the challenge of climate change, flooding and coastal change
NPPF 11 : Conserving and enhancing the natural environment
NPPF 12 : Conserving and enhancing the historic environment

1.2 Joint Core Strategy
Policy 1 : Addressing climate change and protecting environmental assets
Policy 3 : Energy and water
Policy 4 : Housing delivery
Policy 5 : The Economy
Policy 6 : Access and Transportation
Policy 7 : Supporting Communities
Policy 8 : Culture, leisure and entertainment
Policy 9 : Strategy for growth in the Norwich Policy Area
Policy 10 : Locations for major new or expanded communities in the Norwich Policy Area
1.3 South Norfolk Local Plan
Development Management Policies
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk
DM1.3: The sustainable location of new development
DM1.4: Environmental Quality and local distinctiveness
DM2.9: Rural tourist and recreational destinations
DM3.2: Meeting rural housing needs
DM3.8: Design principles
DM3.11: Road safety and the free flow of traffic
DM3.12: Provision of vehicle parking
DM3.13: Amenity, noise and quality of life
DM3.14: Pollution, health and safety
DM3.15: Outdoor play facilities/recreational space
DM3.16: Improving level of community facilities
DM3.17: Improving the level of local community facilities
DM4.2: Sustainable drainage and water management
DM4.6: Facilities for the collection of recycling and waste
DM4.7: Strategic gaps between settlements within the Norwich Policy Area
DM4.8: Protection of Trees and Hedgerows
DM4.9: Incorporating landscape into design
DM4.10: Heritage Assets

1.4 Wymondham Area Action Plan
WYM 4: Retirement Care Community on Wymondham Rugby Club Site
WYM 8: General Green Infrastructure requirements for new Developments within Wymondham AAP Area
WYM 9: General Green Infrastructure requirements for new development in the north of Wymondham
WYM 12: Protecting existing Recreation of Amenity Land in Wymondham
WYM 13: New Recreation provision in Wymondham
WYM 14: Relocation of Wymondham Rugby Club

1.5 Supplementary Planning Document
South Norfolk Place Making Guide 2012

2. Planning History

2.1 2013/2033 Scoping Opinion for up to 450 dwellings and relocation of Wymondham Rugby Football Club
Environmental Impact Assessment Required

2.2 2014/0799 Outline application for up to 90 dwellings at Tuttles Lane, including the demolition of existing Wymondham Rugby Club buildings and sports pitches and closure of existing access; up to 300 residential dwellings at Norwich Common with multiple access points, including the demolition of 63 Norwich Common; a replacement rugby club (use class D1) with sports pitches including an artificial pitch, floodlighting, clubhouse, car parking and accesses including an emergency only access from Melton Road; and associated works including open space, sustainable urban drainage systems, landscaping, infrastructure and earthworks.
Refused and subject to appeal by way of a Public Inquiry starting 2nd February 2016.
3. **Consultations**

3.1 **Parish Councils:**
- Wymondham Town Council: Refuse
  Contrary to Policy and concerns over provision of education places
- Great Melton Parish Council: Refuse due to strategic gap, risk of flooding, pollution from light, noise and traffic, use of emergency access for all traffic, inadequate local health services, alternative solutions not fully explored.
- Hethersett Parish Council: Oppose the application which will encroach on the strategic gap, increase congestion on B 1172 and no mitigating transport plan put forward. Site is outside Local Plan area.

3.2 **District Member**
To be reported if appropriate

3.3 **Anglian Water (AW) Services Ltd**
- No assets owned by AW on site
  Wymondham water recycling centre will have available capacity
  Sewerage system at present has available capacity
  Surface water outside jurisdiction

3.4 **Environment Agency**
No objections subject to conditions on location of bungalows outside flood zone 2, finished floor levels, surface water drainage scheme,

3.5 **Natural England**
- Statutory nature conservation sites - no objection based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- Protected species
  We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration

3.6 **National Planning Case Unit**
No comments received

3.7 **Sport England**
Sport England raises no objection to this proposal as in principle it meets exception E4 of our playing fields, subject to the re-imposition of previously imposed conditions relating to phasing and site survey/pitch implementation.

3.8 **Rugby Football Union**
Support proposed relocation. Facilities need expansion to accommodate level of activity in club. New clubhouse required to provide changing facilities to be RFU/Sport England compliant and to meet safeguarding obligations. Benefit to club and wider community. Meet need of Playing Pitch Strategy (GNGB, 2014).

3.9 **Highways England**
Recommend conditions be attached to any planning permission

3.10 **NCC Highways**
No objections if application were to be approved subject to conditions relating to:
- Maintenance of streets
- Details of roads, footways and cycleways, visibility splays, access, parking and turning areas
- Construction traffic management plans
- Wheel cleaning facilities
• Offsite highway works including roundabout on Norwich Common and improvements to Greenland Avenue.
• Interim and full travel plan
• Provision of vehicular access, no outward opening gates, space for coaches/light good vehicles and cycle parking relating to Parcel C (rugby club)

3.11 NCC Planning Obligations Coordinator
Outline of CIL contributions likely to be sought for libraries and on-site requirements for fire hydrants secured through condition.

Green infrastructure (GI) should be provided in line with local policy. These include connections into the GI network, public rights of way and ecological features. Maintenance and management may be required through a contribution/commuted sum.

These specifically should include impacts on footpath Wymondham FP26 which runs adjacent to the site and crosses the site in a number of locations. A contribution may be sought for improvements along part or all of the route.

3.12 NCC Children’s Services
Concerns raised over secondary school capacity as detailed further in the report. No issues raised in relation to nursery and primary sector subject to CIL contributions.

3.13 NCC Public Rights Of Way
No objection in principle concerns regarding the amount of growth in this area and lack of informal public recreational access opportunities outside the site boundary.

3.14 NCC Minerals And Waste Planning Officer
No comments received

3.15 NCC Lead Local Flood Authority
Object - lack of information on risk of flooding from runoff from site, no comments received

3.16 Norfolk Fire Service
No comments received

3.17 Historic Environment Service
Geophysical surveys carried out and results submitted prior to determination

Amended comments recd - 01/10
Works can be carried out under conditions
Written scheme of investigation to be submitted
No development to take place other than in accordance with written scheme
Development not occupied until investigations have been completed

3.18 Police Architectural Liaison Officer
Concerns relating to the final design and layout of development to ensure safe and secure development.

3.19 Norfolk Wildlife Trust
No comments received

3.20 SNC Landscape Officer

Significant trees and hedges on site will need to be adequately considered at the reserved matters stage when designing layout of site. Conditions should be appended to any consent issued relating to tree protection, no removal of hedges and trees unless otherwise
Affordable housing would need to be secured for 33% of the total 390 units, with a tenure split within this of 85% social rented and 15% intermediate ownership.

The location of open spaces and play spaces not clear on current plans and information limited, further detailed plans required to comment further on proposals.

No heritage assets directly affected by proposed development, Wymondham Abbey the most significant listed building near development but existing suburban development has diminished views of Abbey and setting will not directly be affected.

Layout of residential parcels of land could be improved to be less urban in character and recognise the historic interest of the surrounding landscape to a better degree, should the application be approved reserved matters would require further consideration.

Concern at building heights about 2 storey on this edge of countryside development. Scale not a reserved matter but should be noted if any consent granted.

No objections subject to conditions on contamination and noise during construction.

No comments received

No comments received

No comments received

No comments received

No comments received

Green infrastructure should be provided in line with requirements within Wymondham Area Action Plan (WAAP). Ecological links and buffers to the nearest green infrastructure, improved habitat connectivity, improved public access to open countryside, and improvement to quality of County Wildlife Sites should be considered. Policy WYM9 of the WAAP specifically refers to green infrastructure projects of creation of footpaths and cycleways in the locality, enhancement of the setting of Kett’s Oak and planting of hedgerows/parkland trees along Tuttle’s Lane to create an ecological corridor. A key concern is the lack of public accessibility to recreational opportunities in north of Wymondham, which is being exacerbated by increasing levels of growth in the locality. Increased pressure on sensitive sites to south of town. Enhanced public access to open countryside and proposals to maintain, protect and enhance green infrastructure should be provided. Open space should be provided as part of the development and development should facilitate access to open space and green areas through a
networks of footpaths. The missing link of the cycleway between Hethersett and Wymondham should also be provided.

3.31 Representations

24 objections on the following issues:

- Application same as previous
- Inappropriate access
- Traffic issues on Tuttles Lane
- Traffic and parking issues on Greenland Avenue and Lavender Road
- Ignores area action plan
- Over-development in this area of Wymondham
- Roads to site not suitable
- Amenities and infrastructure of Wymondham insufficient for these extra people
- Too many houses in area
- Drainage at breaking point
- Is it the intention to close Tuttles Lane access before building starts which means construction traffic will go through Whispering Oaks.
- Against local plan, Wymondham action plan
- Is it retaining the strategic rural gap
- Capitalising on the sale of farm land
- Safety of play area
- Eyesore and dwarf the current buildings
- Overlooking
- Concerns over drainage
- Loss of views
- Increased noise from population and traffic
- Problems for emergency vehicles getting to the site
- Unjustified development in open countryside
- South Norfolk does have a 5 year land supply
- Rugby pitches, lighting, car parks etc is a suburban intrusion in open countryside
- "Low value for wildlife" untrue
- Will only emergency vehicles use emergency access from Melton Road or upgraded to regular access
- Astonished small market town needs a club of proposed size
- Destroy street character
- Loss of farm land for growing food
- Not seen Rugby Club fund raising or being the heart of the community
- Number of developments already approved but not built which will impact on infrastructure and services

44 letters of support on the following issues:

- Benefits the community
- Club provides a safe haven for young people
- Wymondham needs housing and leisure facilities
- Club too small to cope with numbers using facilities
- Allowing new homes in Wymondham elsewhere and depriving the club the opportunity to create a wonderful facility for local people,
- Acknowledged shortage of housing and sporting facilities in this expanding area
- Inadequate facilities at existing club
- Rising obesity epidemic requires action and this proposal conforms to that aim
- Club helps ex-service members integrate back into the community
- Facilities to be used by other members of the community
4 Assessment

Site description and proposal

4.1 The application seeks outline planning permission for development across three parcels of land within Wymondham which are referred to as Parcels A, B and C and identified on the plan attached as Appendix 2.

Each parcel consists of, and proposes, the following:

Parcel A

4.2 The site is approximately 3.84ha in size and lies to the north of Tuttles Lane East on the northern edge of Wymondham. The site is accessed via Tuttles Lane East and is presently the home ground of Wymondham Rugby Football Club (WRFC). The facility consists of multiple pitches with associated clubhouse and on-site parking.

4.3 To the north of the site is an area of open countryside with residential dwellings further afield (Downham Grove). To the east of the site is a large section of the open space associated with the Whispering Oaks development and a number of residential dwellings from this development are located towards the south-eastern part of this boundary along with further properties accessed directly from Tuttles Lane East, Lavender Road and Fuscia Court. To the south-west, between Parcel A and the Tuttles Lane East carriageway is a wooded area which is used as overspill parking. To the west of the site is the Homestead Nursery Centre and Caravan Storage Depot.

4.4 It should be noted that Parcel A currently benefits from an extant permission for use as a retirement care community facility comprising two x two bedroom retirement homes, 66 x two bedroom retirement apartments, an 80 bedroom nursing home, on-site admin and staff facility and communal facilities (restaurant, bar, surgery, pharmacy, shop etc) application number 2012/1883. This proposal was granted permission on the basis that it was enabling development, and at the time planning permission was granted the proposal was asserted by the applicant to be sufficient to fund the relocation of WRFC.

4.5 Under this current application it is proposed to construct 90 dwellings on Parcel A and these would be accessed via Lavender Road which adjoins Greenland Avenue and in turn Tuttles Lane East. The development would necessitate the demolition of the existing buildings associated with WRFC and the loss of the existing pitches. The existing access onto Tuttles Lane which serves WRFC would be permanently closed. The outline nature of the proposal means that there are no details of layout or house types for this parcel of land,
however, a thorough Design and Access Statement accompanies the application providing guidance on how the site is envisaged to be developed.

Parcel B

4.6 The site is approximately 12.07 ha in size and lies to the north-west of Norwich Common on the north-eastern edge of Wymondham. The site predominantly consists of agricultural land along with a residential dwelling known as 63 Norwich Common, which is a detached dwelling with associated outbuildings. To the north is open countryside, including an area known as "The Wong" which is a rectangular area of mature trees which runs northwards from the site. To the east is a further area of open countryside including a small pocket of trees, and the Elm Farm Business Park which consists of a collection of premises occupied by a number of commercial enterprises. This represents the "entrance" to Wymondham as approached from Hethersett. To the south are a number of residential dwellings accessed via the adjacent Norwich Common carriageway (B1172) including a scheme for 11 dwellings (application reference 2013/1533). To the west of the site is the Becketts Grove residential development, which is presently under construction and nearing completion. Parcel B is allocated in the adopted Wymondham Area Action Plan (WAAP) as site WYM14 for WRFC to relocate to, in line with the extant planning permission.

4.7 It is proposed under this current application to construct 300 dwellings on Parcel B. Furthermore, there is also the site known as Carpenters Barn to the west which benefits from outline approval for 350 dwellings (app ref. 2012/0839). Development will shortly commence on phase 1 of this site (app. Ref. 2014/1969), with reserved matters for phase 2 currently being considered (2015/1405).

4.8 Under this current application Parcel B would be developed for 300 dwellings and would be accessed via Norwich Common (B1172). The development would necessitate the demolition of an existing dwelling known as 63 Norwich Common. The outline nature of the proposal means that there are no details of layout or house types for this parcel of land, however, a thorough Design and Access Statement accompanies the application providing guidance on how the site is envisaged to be developed.

Parcel C

4.9 The site is approximately 13.56ha in size and lies between Melton Road to the north-west and Norwich Common (B1172) to the south-east in the open countryside outside of Wymondham. To the north, east and west are areas of open countryside. To the south is the approved Carpenters Barn residential development as detailed above. This site is not allocated for any uses in the adopted WAAP.

4.10 Development of this parcel of land is proposed to facilitate the relocation of WRFC from their existing site on Tuttles Lane (Parcel A). The development would provide sports pitches including an artificial pitch, floodlighting, clubhouse and associated parking. The relocated WRFC would be accessed via a continuous route through the adjacent Carpenters Barn development which adjoins Parcel B which in turn adjoins the Norwich Common carriageway (B1172). The relocated WRFC could also potentially be accessed through the Becketts Grove development if a link between it and the adjacent Carpenters Barn development is secured. There is also provision to include an "emergency access" onto Melton Road. The outline nature of the proposal means that there are no details of the proposed clubhouse, however, an indicative layout sets out the likely arrangement of pitches and position of the clubhouse.

4.11 By way of background an identical application was determined by the Council in January 2015 (app. ref. 2014/0799) and this is now the subject of an appeal. The decision notice for this application is attached as Appendix 3 to this report. It should be noted that this matter would have to come before members with a reconsidered recommendation in light of the material changes in land supply and the adoption of the Local Plan documents in October 2015 even if this second application being considered here had not been submitted. Officers need to reflect on the current position of this appeal, and any material changes to the planning considerations since the last decision was issued.
4.12 In light of the current appeal on this application if members agree to the recommendation, the ongoing appeal will be defended on the grounds outlined in this report, and the Statement of Common Ground updated accordingly to reflect this material change and updated position.

Current policy background

4.13 Planning law requires that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions.

4.14 Parcels A and B lie outside of the development boundary for Wymondham and as such their development as proposed would be contrary to Policy DM1.3 of the Development Management Policies Document (DMPD). By way of clarification, Policy DM1.3 does not apply to Parcel C as residential development is not proposed on this land. However, it is necessary to have regard to the contents of paragraph 49 of the NPPF insofar as it makes it clear that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, the relevant policies for the supply of housing should not be considered up-to-date. There is not currently a 5 year housing land supply within the Norwich Policy Area, with a 4.39 year supply at April 2015 and consequently Policy DM 1.3 insofar as it imposes a blanket restriction on housing development outside of a development boundary is not considered up-to-date. The policy remains up to date in relation to non-housing development, however.

4.15 Policy DM 1.3 allows development in the open countryside where there are overriding benefits in terms of economic, social and environmental dimensions as addressed in policy DM1.1. This policy seeks to ensure the Council take a positive approach to development to meet objectively assessed need, that the Council will take a proactive approach to find solutions to development proposals and to secure development that improves the economic, social and environmental conditions of the area.

4.16 Paragraph 49 also stresses that applications for residential development should be considered in the context of the presumption in favour of sustainable development.

4.17 The NPPF confirms that sustainable development has three dimensions, economic, social and environmental, and defines these as the economic, social and environmental roles. It goes on to stress that these are not to be undertaken in isolation, because they are mutually dependent. Paragraph 6 of the NPPF provides that paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice. The NPPF also sets out 12 principles for delivering sustainable development.

4.18 Paragraph 14 of the NPPF confirms that the presumption in favour of sustainable development for decision-making means approving proposals which accord with the development plan without delay, or where the development plan is absent, silent or relevant policies are out of date (as is the case here when looking at those relating to housing supply) approving the scheme unless the harm significantly and demonstrably outweighs the benefits when seen against the policies of the NPPF as a whole, or, refuse where the proposal conflicts with specific policies within the NPPF (such as policies relating to sites protected under the Birds and Habitats Directives, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority), designated heritage assets or locations at risk of flooding or coastal erosion).

4.19 With the above in mind, the following is an assessment of the scheme and consideration of whether the scheme represents sustainable development as defined within the NPPF. This
4.20 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development should be seen as the golden thread running through both plan making and decision taking. On this basis it is necessary to establish whether the current proposal represents sustainable development in the context of the NPPF as a whole. If the benefits of the proposal are not significantly and demonstrably outweighed by its adverse effects when assessed against the NPPF as a whole, it will be sustainable development and benefit from the presumption in favour. The following seeks to establish this.

4.21 Firstly, it is considered appropriate to establish the benefits of the scheme which will in turn be included in the following assessment. These are set out as follows:

- The scheme would provide 390 new homes, including 33% affordable housing units at a mix and tenure that complies with the requirements of Policy 4 of the JCS in terms of affordable housing provision. The Council’s Housing Enabling and Strategy Officer has no objection to the proposal in respect of the affordable housing provision offered, although the Council has sought reassurances this will be delivered on site.
- The scheme would facilitate the relocation of WRFC to a larger home to meet their current and future aims by means of significantly increased and improved sports facilities which will be capable of providing for the needs of clubs other than WRFC and other individuals.
- The applicants have identified they would deliver a footway/cycleway link between Hethersett and Wymondham to facilitate a safe access which would be of benefit to the wider community in providing a safe link between the two settlements. However this footway/cycleway is identified to be delivered through the Norwich Area Transportation Strategy, with Local Growth Fund monies. Therefore limited weight can be attributed to this benefit as part of this application.

4.22 The key benefits are therefore the delivery of the relocated rugby club and additional housing; these matters are considered further in the report.

4.23 The three dimensions of sustainable development will now be considered in turn. Each of the three assessments also includes reference to other policies as necessary.

**Economic implications**

4.24 Paragraphs 18 -22 of the NPPF highlight the government’s commitment to securing sustainable economic growth, and defines the economic role as:

> “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure.”

In planning policy terms:

4.25 Joint Core Strategy (JCS) Policy 9 (Strategy for growth in the Norwich Policy Area), Policy 10 (Locations for new major development in the Norwich Policy Area) and Policy 19 (The hierarchy of centres) highlight that Wymondham is identified as a key area for growth.

4.26 The DMPD contains section headings which replicate the three roles of sustainable development as referred to in the NPPF. The section applicable to the economic role contains Policy 2.1 which supports development proposals which provide for or assist the creation of new employment opportunities, inward investment and or provide for the adaptation and expansion of existing business.

4.27 It is evident that adopted policies as set out above are consistent with the aims of the NPPF in terms of economic implications in highlighting the importance of economic growth and
that a location such as Wymondham will play a key role in achieving this objective.

4.28 In relation to the economic implications of the scheme, in the short and medium term, the construction of 390 dwellings and the rugby facility would make a contribution to the local economy. This would be via the associated construction works which could employ local tradesman and also through the inevitable associated spend in the locality, such as in shops. Income for the Council through New Homes Bonus and Council Tax should also be noted as economic benefits.

4.29 In the medium and long term, the relocated WRFC would offer enhanced facilities on those presently available at WRFC (sited on Parcel A) and as such would make a contribution in economic terms (for example through a facility for events) and would also create some limited employment opportunities within the club.

4.30 Also in the medium and long term, the occupants of the new dwellings and the strong likelihood of increased membership at the WRFC would likely lead to increased spending within the locality. This needs to be balanced against the fact that the allocated WYM4 retirement care community would have included an element of employment, which is not part of the application proposals.

4.31 The application has indicated that a relocated, open and operational rugby club would be secured on Parcel C prior to the occupation of the 80th dwelling on Parcel B. This would be secured through a Section 106 agreement. This agreement would also ensure the rugby club can remain at Parcel A until Parcel C is open and operational to ensure that the club has an operational site throughout.

4.32 In summary, it is considered that the scheme would be of economic benefit to the local area and meets local and national policy in this respect.

Social implications

4.33 The NPPF confirms the social role as:

“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations: and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

4.34 Paragraphs 18-22 of the NPPF highlight the Government’s commitment to economic growth which in turn contributes towards creating strong, vibrant and healthy communities. Paragraphs 29 – 41 confirm the Government’s commitment to promoting sustainable transport which assists with improved health, paragraphs 47 – 55 highlight the need to deliver high quality housing and paragraphs 69 – 78 highlight the need to promote healthy communities.

4.35 The Planning Practice Guidance (PPG) (paragraphs: 001-005 Reference ID: 53-001-20140306) on health and wellbeing highlights that built and natural environments are major determinants of health and wellbeing. The PPG (paragraph: 001 Reference ID: 37-001-20140306) also identifies open space, sports and recreation facilities, public rights of way and local green space to highlights the important role open space plays in contributing to health and wellbeing.

4.36 In local planning policy terms JCS Policy 7 on Supporting communities expects new development to maintain or enhance the quality of life and wellbeing of communities.

4.37 Policies WYM8 and WYM9 in the WAAP identify how green infrastructure would assist in achieving health and wellbeing. Policy WYM13 on new recreation provision in Wymondham and WYM14 on the relocation of WRFC both specifically relate to WRFC which currently, and as a consequence of this application, continue to play a role in achieving goals relating to health and wellbeing.
The Development Management Policies, as previously highlighted, contain section headings which replicate the three roles of sustainable development as referred to in the NPPF. The relevant policies from the section associated with the social role are 3.8 design principles applying to all development, 3.13 amenity, noise and quality of life, 3.14 pollution, health and safety, 3.15 outdoor play facilities and recreational space and 3.16 improving the level of local community facilities.

From a policy perspective, it is clear that both local and national policy are consistent in seeking to improve the quality of life for everyone, and highlight the important role housing plays in this, as well as providing services and facilities that reflect people’s needs. It is also important to be able to access these services and facilities.

The provision of 390 houses would help to meet the needs of present and future generations in terms of providing housing where there is a recognised need and this is considered to represent a significant benefit in the absence of a five year supply of deliverable housing land. Whilst not all 390 houses would be delivered within five years, the applicants’ opinion is that 345 would be and this is considered to be a significant benefit, in acknowledgement of the Government’s aim to significantly boost the supply of housing as set out in paragraph 47 of the NPPF. As an example, this was reflected in the appeal decision for Chapel Lane, Wymondham (2012/1434) where the Secretary of State endorsed the views of the Inspector in concluding that:

“Given the acknowledged shortfall in housing, the provision of up to 70 further dwellings, of which 33% would be affordable, is a material consideration to which substantial weight should be given.”

In terms of the weight to be accorded to providing new homes on the application site, it is considered that this is now significantly greater than was expressed in the consideration of the previous application on the site (2014/0799) insofar as the Council cannot now demonstrate a 5 year supply of deliverable housing sites in the Norwich Policy Area (NPA), unlike when 2014/0799 was determined in January 2015. Other factors which influence the effect the weight to be accorded to the housing benefit of the proposal include the extent of the shortfall, how long it is likely to persist, the extent to which the Council can take alternative steps to address it and the contribution which the proposal will make to reducing that deficiency.

The applicants have stated they consider the land supply for the Norwich Policy Area should be measured using the housing supply methodology known as the Sedgefield approach (to make up the backlog of housing in the next five years) and applying 20% buffer (as required under NPPF paragraph 49 where there has been persistent under delivery). The Council’s recently published figures of 1st April 2015 identify a 4.39 year supply in the NPA. The Greater Norwich authorities consider the appropriate methodology for calculating this supply to be the Liverpool approach (to make up the backlog over the remaining period of the Local Plan, in other words to 2026) but also applying a 20% buffer (the Council now accepts that there has been persistent under-delivery of housing). To give some context on the number of dwellings required to meet the five year supply, an additional 1,669 dwellings are required under the Council’s methodology.

The Council is satisfied that the Liverpool methodology is more appropriate than Sedgefield. Detailed reasoning for this stance is set out in the 2014/15 Greater Norwich Housing Land Supply Update (November 2015), but in essence the use of the Liverpool approach is supported by the Joint Core Strategy Inspector in 2013 and the South Norfolk Local Plan Inspector (Site Allocations Document and Wymondham Area Action Plan) in 2015. The remaining Greater Norwich Local Plan documents allocating sites – the Long Stratton Area Action Plan, the Broadland Site Allocations Plan and the (Broadland) North East Growth Triangle Area Action Plan – have all been prepared and are being examined using the Liverpool approach and the Council believes it is likely that, if/when adopted, the use of the Liverpool methodology will be supported by the relevant inspectors.
4.44 The application of the Liverpool approach also results in more than a doubling of recent delivery rates, which will represent the significant boost to housing supply required by the NPPF. Further, the application of the Liverpool approach will also deliver housing numbers over and above the JCS minimum requirements to 2026, and still shows a slowing of development in the later years of the Plan period i.e. does not push significant amounts of the delivery to the last years of the plan.

4.45 The applicant’s assessment of housing land supply using the Sedgefield methodology would disclose that the land supply in the Norwich Policy Area is around 3.5 years. Officers do not accept that use of the Sedgefield methodology is appropriate in the Norwich Policy Area and therefore it is not accepted that this assessment is realistic. However, for the purposes of ensuring an objective assessment of the merits of the current proposal, the overall balance will be undertaken by reference to the Council’s assessment of land supply but separately assuming that the Appellant’s assessment is accepted. It stands to reason that, were the applicant’s position on housing land supply methodology accepted, the shortfall would be significantly higher (around 5,000 dwellings short), and consequently the time taken to address the shortfall would be longer.

4.46 Paragraph 4.41 notes that the existing land supply position is not the only consideration for this matter. Whilst the Councils cannot demonstrate a five year land supply at present in the NPA, the early adoption of three other Local Plan documents (the Long Stratton AAP, expected early 2016, the Broadland Site allocations Document, expected early 2016, and the North East Growth Triangle, expected spring 2016) will enable more sites to be counted within the five year supply in the relatively near future. This will significantly reduce the shortfall, and may see the Councils able to claim a 5-year land supply (using the Liverpool approach) in 2016.

4.47 Paragraph 5.5 below explains why, in the view of officers, the overall recommendation of refusal of this application remains the same, irrespective of whether the Council’s land supply position of 4.39 years (applying the Liverpool approach) is accepted, or the applicant’s view of about 3.5 years (applying the Sedgefield approach).

4.48 The applicant has confirmed their commitment to provide 33% affordable housing which complies with the requirements of Policy 4: Housing delivery of the JCS, and with a mix of house types and tenure which meet local need as recognised by the Housing Strategy and Enabling Officer. Financial information on the viability of the scheme has been submitted by the applicants (Appendix 4). The applicants have requested that this information is kept confidential and so is exempt from publication with this report. Further information on viability has been requested from the applicants to ensure that the scheme would be viable to deliver these affordable units along with the other benefits of the scheme. Information has been submitted by the applicants indicating the total value of revenue from the dwellings, which in the applicant’s view will ensure the affordable units can be provided. Additional information has been requested from the applicants on viability, and at present the Council has insufficient information to fully consider this element of the scheme.

4.49 It should be noted that the viability assessment has been submitted as confidential information by the applicants. The Applicant has asked that this information will be presented to Members on confidential papers and any discussion would need to be held without the public present.

4.50 Whilst the applicants have committed to provide the full affordable housing requirement, it should be noted that the proposals do not include the retirement care community which is allocated under WAAP Policy WYM4. The WAAP supporting text notes this is different from care home provision, which is allocated in various locations across the district; therefore it represents the loss in the potential range and diversity of housing being provided through the Local Plan.

4.51 It is clear that the site lies on the north-eastern edge of Wymondham which has an extensive range of facilities and services which are all easily accessible by a wide range of
modes of transport (public transport, cycling, walking and private vehicles).

However, there are longstanding concerns surrounding the ability to access the key facility of secondary education within the town, with Wymondham High Academy (WHA) predicted to be unable to cope with further growth beyond that already committed to within the catchment of WHA.

**Education issues**

It is considered that being able to access a key facility such as secondary education is an important material consideration in reaching a decision on a planning application and this was supported by the South Norfolk Local Plan Inspector’s report September 2015 which states at paragraph 78 that:

“It is reasonable that decisions regarding the distribution of housing should have regard to the existing location and capacities of secondary schools, plans and options for their expansion and potential travel patterns for students.”

And

“The relationship between school places planning and the distribution of housing development is, therefore, a legitimate consideration when planning for sustainable development.”

The consultation response from Norfolk County Council (NCC), as Local Education Authority (LEA), has confirmed the concerns that after thorough consideration of capacity at Wymondham High Academy (WHA) there are significant concerns over additional pupils from significant housing growth. This is echoed in the South Norfolk Local Plan Inspector’s report September 2015 at para 92 which states that the County Council (as LEA):

“…consider that, as a matter of planning judgement, there is a reasonable prospect that the extended school might be at, or close to, full capacity towards the end of the plan period. Consequently, the addition of any significant additional housing above what is now planned for could result in the school being over-subscribed.”

On the basis of the above factors it is likely that WHA could not provide places for the entire likely number of children brought about by the development, which is likely to be approximately 90 - 100 pupils of secondary school age based on current multipliers being used by NCC in this area, when having regard to existing and committed growth within the WHA catchment.

It should also be noted that WHA is an Academy, which is self-governing and has its own admission authority, so the LEA cannot control or direct its pupil intake. Working with the LEA, WHA has produced a masterplan which, considering the constraints of the land-locked site has identified its maximum capacity with future expansion plans to accommodate 2050 pupils. This would accommodate the children from the development already committed in the WAAP, but places for children from additional (unallocated) developments cannot be guaranteed. WHA has confirmed through the recent Local Plan examination process that it has no intention of expanding further beyond 2050 pupils.

Whilst acknowledging the above concerns, it is recognised by the LEA that Hethersett Academy lies within a reasonable travel distance of the application site, provided that a footpath/cycleway is provided between Hethersett and Wymondham, and as such it is considered appropriate to consider whether places can be made available at this school, having due regard to existing and committed growth within its catchment. However, the capacity available at this school – which will be expanded to accommodate planned growth - has been allocated to the existing committed growth at Hethersett, Cringleford and other parishes within its catchment as noted in paragraph 102 of the South Norfolk Local Plan Inspector’s report (September 2015):
“In Hethersett, proposals are being developed to expand the Academy to accommodate students from the significant levels of proposed new housing in Hethersett, Cringleford and Mulbarton. Land is available, or can be made available, to allow this to happen. However, at this stage in the school planning process, it is not certain whether there would be any surplus places over the lifetime of the plan to accommodate students from Wymondham, even if there might be now. Indeed, the County Council predicts that there will not be any spare capacity. Consequently, I am not persuaded that there are currently realistic options to accommodate additional students from Wymondham outside the settlement.”

4.58 It has been noted that there is short term capacity available at Hethersett Academy. Whilst children from the proposed development could in theory use this capacity in the short term, this would lead to issues in the longer term with the planned growth in Hethersett Academy catchment and so it is not considered to be an appropriate solution to the capacity shortfall.

4.59 On the basis of the above it is considered that there is some concern over the availability of spaces at suitably located schools for residents of Wymondham beyond known growth, although it is acknowledged that there is no absolute certainty that this will happen. Paragraph 105 of the Inspector’s report which states that:

“...planning school places several years ahead in a population location where a significant amount of new housing is proposed inevitably carries a degree of uncertainty. It is also the case that the higher multipliers relied upon by the Council are based on just one development in Wymondham, albeit a relatively large and recent one. Over time the assumptions about pupil multipliers may or may not provide to be accurate and trends relating to the existing housing stock and new housing may become clearer...”

4.60 Reference has also been made to the possibility for Wymondham College to be relied upon in meeting education needs within the locality. NCC have agreed that around 270 secondary age children who live within the Wymondham High Academy catchment attend Wymondham College and have concluded that this pattern is likely to continue. It has been suggested that Wymondham College has scope to expand and on a large site, but as a self-governing Academy there are no current plans for any growth, they could not be required to expand and therefore there can be little certainty about whether this could or will occur in the future. This was agreed through the Statement of Common Ground on education provision through the examination of the Wymondham Area Action Plan.

4.61 However, given the close proximity of the application site to Wymondham High Academy, in reality it is unlikely to be the children from this development which would be displaced if the school is over subscribed. Wymondham High Academy has an extensive catchment area and includes a number of outlying villages such as Ashwellthorpe, Barford, Barnham Broom, Deopham, Kimberley, Marlingford, Morley, Runhall, Tacolneston, Wicklewood, Wramplingham, Wreningham and Forncett End. After children with special educational needs and those in “public care”, the schools admissions criteria gives priority to those children who are due to transfer and live in the area served by the school but goes on to state that if all children cannot be offered a place the highest priority will be given to children living nearest to the school and that this will be measured on a straight line ‘crow fly’ basis using Ordnance Survey data. This means that it may not necessarily be all children from the same feeder primary school that would not be able to access a place at Wymondham High, as admissions would be based on where the children live and not which primary school they attend. This could lead to social sustainability concerns as it may end up with a situation where the children in small village communities end up going to a number of different non-Wymondham high schools (contrary to parental desire), leading to social cohesion and travel impacts.

4.62 The Local Plan Inspector concluded, in paragraph 106 of the Inspector’s Report, that the matter of education should be reviewed through a local plan review:

“It will, therefore, be necessary to review the planning and provision of school places in the
light of any new housing requirement that extends beyond the current plan period and as planned housing development comes forward, including in Wymondham, Hethersett and Cringleford. This would allow appropriate long term decisions to be made about the location of new housing having regard to the planning of school places (and vice versa). This is a further matter which justifies an early review of the plan, particularly given the potentially lengthy lead in times necessary to plan for additional school places, should they be needed.”

4.63 The Council (and the LEA) agrees that the issue of secondary school capacity across South Norfolk and beyond is an important longer term issue, and it will be considered in the forthcoming Greater Norwich Local Plan and other Local Plans elsewhere in Norfolk.

4.64 For the purposes of clarification, NCC has confirmed that there are no such concerns relating to nursery, infant and junior schools in terms of capacity, given that capacity in the town will be supplemented by a complete new school at Silfield towards the south of Wymondham.

4.65 In this instance however the harm associated with insufficient capacity of secondary education places would be through a loss of social cohesion from pupils needing to travel further to a school and the potential increased use of private car to travel to school. This however needs to be balanced against the social benefits that the rugby club would provide, as considered further below.

4.66 Benefit of rugby club

The extent of the facilities being provided has been considered. In response from the Rugby Football Union it was noted that the club is capable of delivering a programme of activity of between RFU Model Venue 2 and 3 (which is based on the number and type of teams the club already have), however the current facilities do not match this club capacity. For the level of club activity the proposed facilities are considered to be reasonable, based on the information provided by the RFU. The facilities being provided are therefore considered to be reasonable. It should also be noted that a report was commissioned by the Greater Norwich Growth Board and provided by Neil Allen Associates in 2015, which sought to identify the indoor and outdoor sport facility requirements across the three Greater Norwich councils. This report identified the need for additional sporting pitches in this part of the Greater Norwich area. This development would help address this need although a multi-use games area has been identified to be provided through the expansion of Wymondham High Academy, as detailed in the school’s recent masterplan. As noted above the provision of sport facilities would deliver health and wellbeing benefits as sought through the Planning Practice Guidance and National Planning Policy Framework.

4.67 With regard to the re-location of the WRFC, it is clear that there would be social benefits. It would not only improve the situation for present members/users, but also lead to the likely increase in members/users/visitors which would be of further benefit to the people of Wymondham and further afield. The re-location of the WRFC is supported by both Sport England and the Rugby Football Union (RFU).

4.68 The applicant has submitted information considering the key benefits of the scheme to include safe and accessible multi pitch sporting facility, a significant gain in quantity, quality and range of sports pitch provision, including a full size 3rd generation artificial pitch and 11 other grass pitches of varying sizes, improved facilities for other groups and clubs to access, a sustainable scheme based upon realistic income generation and usage.

4.69 It should be noted that the rugby club not only already have an existing ground, but also are supported by the Council in their relocation through a previous planning consent for a new ground with an enabling retirement care development on the existing site (parcel B currently benefits from an extant permission for a re-located rugby club 2012/1833 which remains so until 12th September 2016). WAAP Policy WYM14 also supports the relocation of WRFC to Parcel B and the redevelopment of the existing site for a retirement care community (WAAP Policy WYM4). However the applicant now states that this retirement care community scheme has not been delivered due to viability issues. In order to satisfy
the LPA that best endeavours have been made to deliver the current extant permission, the applicant has provided a viability assessment. Through the WAAP the existing site of the rugby club has been allocated a retirement care community (consistent with the permitted scheme), in part due to the education capacity constraints of the two high schools in Wymondham.

4.70 This report has been assessed by the LPA, and it is accepted that the quantum of development available from Parcel A as a retirement care scheme (existing WRFC) could not raise sufficient revenues to deliver the current extant scheme on Parcel B. The location of the proposed club under this application in Parcel C would be more remote from public transport connections, accessed through an area of existing housing leading. This location is less advantageous than Parcel B.

4.71 Furthermore, it is also claimed by the applicant that the quantum of development available from Parcel A (existing WRFC site) i.e. 90 market houses would not raise sufficient revenues to deliver the proposed re-located WRFC (Parcel C), and that the additional revenues which would be produced from Parcel B would be necessary to make the re-location to Parcel C viable. Subsequent information (Appendix 4) has been provided by the applicants to demonstrate in their opinion that the minimum number of dwellings is being provided on Parcel B to enable the redevelopment of the rugby club. Additional information has been requested from the applicants on viability, and at present the Council has insufficient information to fully consider this element of the scheme.

4.72 Information has also been provided by the applicants as to whether the extant permission for the retirement care facility could be revised to enable sufficient revenue to be generated in any way to deliver the rugby club (Appendix 4). The Council suggested the applicant consider providing 90 market dwellings with no affordable housing instead of the retirement care scheme. The applicants have not directly answered this question, instead suggesting the affordable housing provision for 390 dwellings under this current application could not be delivered in any other way (i.e. 33% provision of affordable dwellings required for 390 dwellings all delivered on parcel B with none on Parcel A).

4.73 The applicant is willing to enter into a Section 106 legal agreement to ensure the delivery of the new rugby facility early within the lifetime of the development. The occupation or 80 dwellings had on Parcel B has been suggested as the earliest delivery of an open and operational rugby club on Parcel C.

4.74 Other social considerations

4.75 The applicant would provide a level of open space that is satisfactory in the context of the Council's adopted guidance on open space and this would be secured as part of any reserved matters application and S106 legal agreement.

4.76 The provision of the rugby club can therefore be concluded to be a significant benefit to the local and district level. In relation to education issues, in the instance of this particular proposal the harm identified for education capacity has been weighed against the benefit of the improved relocated rugby club, and the social benefits this facility would provide. In this instance the harm caused by the lack of secondary education capacity is outweighed by the significant benefit of the proposed improved rugby club facility. It should be noted however that this situation is unique in that whilst there are education concerns an improved rugby club is being provided to give this conclusion in this instance.

4.77 Environmental implications

4.78 The NPPF confirms the environmental role as

“contributing to protecting and enhancing our natural, built and historic environment: and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”
Paragraph 17 of the NPPF identifies a core planning principle of decision making to be taking “account of different roles and character of different areas…” recognising the intrinsic character and beauty of the countryside…” Paragraphs 29 – 41 highlight promotion of sustainable transport modes and reduce the need to travel therefore reducing use non-renewable natural resources. Paragraphs 109 – 125 confirm the need to conserve and enhance the natural environment and paragraphs 126 – 141 confirm the need to conserve and enhance the historic environment.

The Planning Practice Guidance (PPG) section on conserving and enhancing the historic environment confirms the importance of protecting and enhancing the historic environment. The PPG section on the natural environment also highlights the need to recognise the intrinsic character and beauty of the countryside.

In local planning policy terms JCS Policy 1 (addressing climate change and protecting environmental assets) requires all development to be located and designed to use resources efficiently, minimise emissions and adaptable to climate change. Policy 3 (energy and water) seeks to minimise reliance on non-renewable energy sources. Policy 10 identifies “extensive levels of green infrastructure to create a ‘Ketts Country’ pastoral landscape, which will strengthen landscape setting of the town and strategic gaps, particularly towards Hethersett” within Wymondham.

Policies WYM8 and WYM9 of the WAAP deal with green infrastructure as referred to above in the report.

The Development Management Policies contain section headings which replicate the three roles of sustainable development as referred to in the NPPF. The relevant policies from the environmental section are DM4.2 sustainable drainage and water management, DM4.7 Strategic Gaps between settlements within the Norwich Policy Area, DM4.8 Protection of Trees and Hedgerows and DM4.10 Heritage Assets.

It is considered that national policy and local policy, both adopted and emerging, are consistent with the aim of Central government as expressed in national policy and guidance. The Development Management Policies and Wymondham Area Action Plan Policies have recently been adopted in October 2015, and through this process have recently been considered by the Planning Inspectorate to be consistent with the NPPF.

Strategic gap

Parcel B lies within the strategic gap, an area covered by Policy DM4.7 of the DMPD which confirms that:

“Development will be permitted in the Strategic gaps identified in the Policies Map, between the development boundaries of the Settlements listed below, where it would not erode or otherwise undermine the openness of the Strategic Gap, and complies with other Development Plan policies.”

For the avoidance of doubt, neither Parcel A or C is within the area allocated as Strategic Gap in the context of Policy DM4.7.

It should be noted that Policy DM4.7 is a focussed designation, applying to a limited land area, designed to ensure settlement separation, and so is not a housing land supply policy. On this basis, despite the absence of a five year land supply, this policy is not considered to be out of date. It should be noted that this policy has very recently been adopted, with the Planning Inspector endorsing the designation of Parcel B within the strategic gap.

The application includes a comprehensive Landscape and Visual Impact Assessment which considers the landscape impact of the scheme.

The Council requested that landscape consultancy, Chris Blandford Associates (CBA)
assess the proposal given their long term involvement on providing advice on this matter to the Council through the Local Plan production process.

4.90 The CBA study, published in 2012 identified that the purposes of strategic gap identification was to protect the setting and separate the identity of settlements and avoid coalescence, and retain existing settlement patterns by maintaining openness of the land.

4.91 The observations of CBA on this particular application are as follows and based upon assessment of the following documents, Design and Access Statement submitted with the application, Chapter 6, Landscape and Visual Impact Assessment of the Environmental Statement - April 2014 and South Norfolk Local Landscape Designations Review, Strategic Gaps Important Breaks – 2012:

“The countryside between Wymondham and Hethersett is predominantly flat and open with medium to large scale arable fields bordered by trimmed hedges with occasional hedgerow trees. In addition there are small woodland blocks/tree belts located mainly within the western part of the gap bordering Wymondham. The effectiveness of the countryside as a strategic gap is largely as a result of the lack of inter-visibility between the two settlements and the lack of intra-visibility (the ability to see both settlement edges from a single point). However given the relative openness of the landscape between Wymondham and Hethersett, the distance between the settlements is a key factor in maintaining openness and preventing settlement coalescence. Currently the strategic gap between Wymondham and Hethersett covers a distance of approximately 2.4km The Carpenter’s Barn Development site on the eastern side of Wymondham will reduce the effective gap by approximately 500m to just under 2km. The development of Parcel B will erode a further 400m leaving a significantly diminished gap of approximately 1.5km in width.

It is likely that new development within Parcel B on the scale envisaged, would result in inter-visibility between the settlements and intra-visibility from publicly accessible areas such as the permissive routes within the remaining gap. It would also result in a component of development “sprawl” as the development would extend the limits of the existing built development associated with the eastern boundary of Wymondham (including the Carpenter’s Barn Site) further into the rural landscape that provides the setting for Wymondham. In addition to the proposed residential development on Parcel B, the relocation of the Rugby Club on land known as Parcel C will add further impacts on the landscape of the gap. Whilst it is acknowledged that this type of development is not usually considered harmful to the ‘openness’ of the landscape, there are concerns over the scale of the planned development and in particular the associated infrastructure and lighting. In itself, the impact of the relocated sporting facilities on the function of the gap is unlikely to be significant, but it would result in a cumulative impact on the gap.

Given the significant further reduction in the width of the gap, resulting in the increase in visibility between the two settlements, loss of openness and erosion of rural setting to Wymondham it is considered that the function of the strategic gap would be significantly harmed by increasing settlement coalescence and reducing the openness of the landscape within the gap.”

4.92 It should be noted the above comments were made prior to the Local Plan examination, and Parcel C is no longer within the identified strategic gap in the adopted Local Plan.

4.93 Furthermore the Inspector of the recent local plan examination concluded that the visibility of the site Parcel B was not the only consideration when designating the strategic gap (paragraph 150):

“Built development on the ‘Carpenters Farm’ site would, therefore, have the potential to significantly intrude into the gap. This would be readily apparent from various locations along the surrounding permissive footpaths. However, as a general point, I am not convinced that visibility from a public vantage point is necessarily an essential prerequisite for including land within a gap. I appreciate that the site is proposed in the plan for rugby
4.94 This matter was extensively considered through the recent Local Plan examination. Parcel B was proposed by landowners for residential development as part of a larger allocation of 1,800 dwellings (and some other elements) in NE Wymondham, but landowners also proposed that, irrespective of this, that Parcel B (and some other areas of land) should be removed from the Strategic Gap. The Inspector accepted the landowners’ argument that Parcel C should be removed from the Strategic Gap, but did not accept that Parcel B should be removed from the Strategic Gap, and did not allocate any further land (including Parcel B) in NE Wymondham in the WAAP. Indeed as referred to above the Inspector made specific reference to the importance of retaining this land within the strategic gap.

4.95 Having regard to the above it is considered that significant landscape harm in the context of the strategic gap at a local and district level between Wymondham and Hethersett would occur.

4.96 The extent to which this harm could be mitigated has been considered, even though this application is only an outline proposal at present. It has been considered whether through reserved matters the layout of the development within Parcel B could mitigate the concerns. However, the principle of any residential development in the strategic gap to this scale, even when considering the policy compliant level of open space provided with the scheme, would still lead to a significant level of harm to the strategic gap. The harm of new buildings would be permanent, with limited ability to mitigate or reduce the impacts and no ability to remove this harm in future.

4.97 In terms of creating a high quality built environment, the outline nature of the proposal results in there being limited capacity to fully assess the quality of the built environment and the role this would play in creating a positive environment for future occupiers and visitors, however, there is no planning reason why this could not be secured at reserved matters stage. The Council’s Design Officer has confirmed that further regard would need to be had to the impacts of the scheme in visual terms, but that it is not unreasonable for this to be done via a suitably worded condition requiring the agreement of a Design Code before any reserved matters application is submitted. All comments raised by the Police Architectural Liaison Officer would be addressed at the reserved matters stage.

4.99 The County Ecologist, Council’s Listed Buildings Officer and Historic Environmental Services have no objections to the scheme subject to the imposition of appropriate conditions and securing green infrastructure contributions through a S106 agreement. In particular relation to the impact upon existing trees and hedges only, the Council’s Landscape Officer has confirmed that he has no objection subject to conditions.

4.100 With regard to drainage, the Environment Agency, Anglian Water and the Council’s Environmental Protection Team have all been consulted. They have all confirmed that there are no fundamental objections in respect of either foul or surface water drainage subject to the imposition of conditions. Furthermore, the Environmental Protection Team have confirmed they have no objection in terms of ground contamination subject to conditions.

4.101 The Lead Local Flood Authority (LLFA) has since taken over responsibility of being statutory consultee on surface water matters. The LLFA has raised an objection on the grounds of further information being required to demonstrate that the development would not lead to increased risk of flooding to other sites. The LLFA have recommended further infiltration testing and the further use of SUDS measures such as swales. The applicants have responded with further information which at the time of writing this the report the LLFA are reviewing. An oral update will be provided to the committee on this matter.

4.102 The applicant has confirmed their commitment to providing sources of decentralised and renewable or low carbon energy to cover at least 10% of the schemes expected energy
requirements and meeting the water efficiency requirements as required by Policy 3 of the JCS.

4.103 It is considered that the proposal would have no significant harmful impact upon ecology, trees, archaeology or any heritage assets or the locality in terms of drainage or contamination implications. However, it is considered that the proposed development in respect of Parcel B would cause significant harm to the character and appearance of the countryside which forms part of the strategic gap in the adopted Development Management Policies Document.

4.104 In terms of the environmental role, it is considered that aforementioned significant concern in respect of the detrimental impacts upon the strategic gap means that the proposal does not fulfil the environmental role of the NPPF.

Other issues

Traffic implications

4.105 The scheme has been assessed by both Highways England and Norfolk County Council in their capacity as Highway Authority.

4.106 Highways England has confirmed that it has no objection to the scheme in respect of implications for the nearby A11.

4.107 The Highway Authority has had extensive negotiations with the applicant concluding in an agreed position being reached. This position would provide the following improvements:

- The signalisation and re-shaping of Tuttles Lane roundabout,
- A footway/cycleway from a point close to the Becketts Grove development to David James Cars (Hethersett),
- A new roundabout providing access to the proposed residential development at Elm Farm and additional access to Becketts Grove and Carpenters Farm developments, and,
- A Travel Plan contribution of £150,000 which would enable the Elm Farm residential development to benefit from the travel plan initiatives that are currently being developed for the Becketts Grove development.

4.108 The above improvements would be delivered through conditions with the exception of the Travel Plan which would be via a S106 legal agreement. The applicant has confirmed that they have no objection to the aforementioned request.

4.109 Concern has been raised in relation to the creation of an emergency exit from the relocated rugby club (Parcel C) onto Melton Road. Whilst in highway safety terms, there is little justification for this, it does not create a significant level of harm in highway safety terms. However, in order to discourage the use of this for anything other than in an emergency this will be restricted to a 3.5m – 3.7m wide gravel track which will be gated. It is also proposed to attach a condition stating this is not to be used as an access under any circumstances apart from emergency service use.

4.110 As this application is at outline stage, all details relating to parking, cycle storage and refuse storage and collection areas would be considered at the reserved matters stage if the application were to be approved.

Residential amenity

4.111 A number of objections to the scheme have been received from local residents in the vicinity of Parcel A (the existing WRFC site) which express concern at vehicle movements associated with the re-development of the site into 90 homes, in terms of both construction traffic and post occupation vehicle movements from future residents and visitors, and how these would compromise levels of safety for pedestrians, lead to congestion and unacceptable noise levels. In terms of highway safety and traffic flows, the Highway
4.112 Authority has no objection to additional volumes of traffic going through the Whispering Oaks development.

4.113 In relation to the impact of residents of future development, reserved matters applications will consider and address issues of overlooking, outlook, daylight to existing residential dwellings, and matters such as noise and light pollution from the proposed rugby club. It is not considered that there would be any significant impacts that could not be adequately addressed at the reserved matter stage and through planning condition.

Discussion on sustainable development

4.114 Having considered the proposed scheme in the context of three roles of sustainability above, it is evident that paragraph 8 of the NPPF makes it clear that the dimensions to sustainable development are not to be undertaken in isolation, as they are mutually dependent. Therefore, in making a judgement on whether the scheme represents sustainable development, it is necessary to make a rounded judgement, based upon the merits and demerits of the scheme when considered against the aims of the NPPF.

4.115 With regard to this scheme, the scheme does present significant benefits, namely additional housing with a policy compliant level of affordable housing where a 5 year housing land supply cannot be demonstrated, and the re-location of an important local sporting facility. This contribution should be afforded substantial weight, with greater weight accorded to it if the applicant’s assessment of the housing land supply position is accepted.

4.116 The concerns relating to education are key considerations in this application, but the provision of an improved rugby club facility in this instance provides a unique set of considerations. The social benefits likely to be delivered by the relocated club are concluded to outweigh the harm identified in education terms in this instance. The residual benefit is entitled to substantial weight which adds to the factors in favour of the grant of permission.

4.117 The scheme would however result in very substantial harm to the strategic gap. The strategic gap is an important designation, recently endorsed through examination of the local plan where the matter was extensively discussed.

4.118 In the view of officers, the harm caused to the recently endorsed strategic gap between Wymondham and Hethersett outweighs the housing contribution, the social and sporting benefits of the proposed rugby club facilities and the other benefits. Due to the strategic importance of the gap in preserving openness and preventing coalescence of Wymondham and Hethersett, this is the case even if the applicant’s assessment of the housing land supply deficit is accepted. The importance of the strategic gap and the scale of harm which would result to it with the proposals are concluded to significantly and demonstrably outweigh the benefits.

Appropriate Assessment and Environment Impact Assessment

4.119 The proposals and submitted Environmental Statement have been considered against the Environmental Impact Assessment (EIA) Regulations 2011. The environmental, social and economic impacts have all been considered and are considered to be adequately addressed as detailed in the above report and subject to the recommended conditions.

4.120 This application is liable for Community Infrastructure Levy (CIL), the amount of which
would be calculated at the reserved matters stage.

4.121 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.

5. Conclusion

5.1 Planning law requires that applications must be determined in accordance with Development Plan, unless material considerations indicate otherwise, including having regard to the NPPF. It is evident that a balance has to be struck with regard to this proposal in reaching a recommendation.

5.2 The principle conflicts with development plan policies for this case relate to the fact the proposed development is outside of development boundaries and land within a designated strategic gap, under policies DM1.3 and DM4.7 of the Development Management Policies respectively. Policy DM1.3 allows developments if there are overriding social, economic or environmental benefits. The delivery of housing when there is a shortfall to the five year supply could be an overriding social benefit which would meet the requirement of policy DM1.3. However given the conflict with policy DM4.7 on the strategic gap, which was recently endorsed through local plan examination, the proposal is not in accordance with the development plan, meaning that planning permission should not be granted unless material considerations indicate otherwise.

5.3 The proposal would deliver significant social and economic benefits by providing a new rugby club facility with the benefits of expanded pitch and changing facility provision in a location that is reasonably accessible on foot to local services in the town and public transport to Wymondham and the Greater Norwich area. The additional housing would also deliver benefits in the absence of a five year supply of housing land in the Norwich Policy Area. Additional households would be likely to support local businesses, and would contribute towards local financial considerations for the Council. Substantial weight can be attached to these benefits. However, there remain some doubts in officers' minds as to the extent to which the scale of residential development is required to deliver the rugby club benefits but, for the purposes of the balance undertaken within this report, it is assumed that the scale is justified. Whether the applicant has evidence to demonstrate that to the satisfaction of the secretary of state is a matter which can be tested in the existing appeal.

5.4 The issue of education capacity has been considered fully in this report. As noted within the Inspector’s Report into the South Norfolk Local Plan examination, notwithstanding the duties of the local education authority, the provision of education infrastructure is capable of being a material planning consideration which could influence the distribution of housing development. The harm associated with insufficient capacity of secondary education places would be through a loss of social cohesion from pupils needing to travel further to a school and the potential increase use of private car to travel to school. However, in the instance of this particular proposal this harm has been weighed against the social benefits of the relocated rugby club, and the social benefits this facility would provide. In this instance the harm caused by the lack of secondary education capacity is outweighed by the proposed rugby club facility in terms of the social role.

5.5 But the economic and social benefits of the proposal must be balanced against the harmful effects of the scheme, namely extending into the strategic gap as identified in the recently adopted South Norfolk Local Plan between Wymondham and Hethersett, would erode and undermine the openness between the two settlements and to the objectives of policy DM4.7. This significant environmental harm would significantly and demonstrably outweigh the economic and social benefits identified above and mean that the proposal would not represent sustainable development as defined within the NPPF when considered as a whole. Officers are of the view that even if the applicant’s assessment of housing land supply is accepted and in consequence even greater weight is attached to the housing benefits of the proposal; those greater benefits are still significantly and demonstrably outweighed by the harm identified.
For these reasons, material considerations do not indicate that planning permission should be granted for a proposal that is not in accordance with the development plan. The reason for refusal is as follows:

1. The development of Parcel B for 300 residential dwellings would erode and undermine the openness of the strategic gap between the two settlements of Wymondham and Hethersett, leading to significant harm to the strategic gap contrary to policy DM4.7 of the South Norfolk Local Plan Development Policies Document (Adopted 2015).

2. It is considered that the whilst the scheme fulfils the economic and social roles as set out in the NPPF, the scheme does not fulfil the environmental role by virtue of the adverse impact to the strategic gap which would significantly and demonstrably outweigh the benefits of a relocated rugby club, and additional dwellings and affordable dwellings. Therefore, on balance, the scheme is not considered to represent a sustainable development as defined in the National Planning Policy Framework (2012) when considered as a whole.

In addition, in light of the current appeal on the previous application if members agree to the recommendation, the ongoing appeal will be defended on the grounds outlined in this report, and the Statement of Common Ground updated accordingly to reflect this material change and updated position.

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REFUSAL OF OUTLINE PLANNING PERMISSION Ref: 2014/0799/O

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Dartford  
Kent  
DA10 0DF

Applicant  
WRFC, Landstock Estates Ltd And Landowners Group Ltd  
C/o Agent

Location: Wymondham Rugby Club And Land West Of Elm Farm, Norwich Common, Wymondham, Norfolk,

Proposal: Outline application for up to 90 dwellings at Tuttles Lane, including the demolition of existing Wymondham Rugby Club buildings and sports pitches and closure of existing access; up to 300 residential dwellings at Norwich Common with multiple access points, including the demolition of 63 Norwich Common; a replacement rugby club (use class D1) with sports pitches including an artificial pitch, floodlighting, clubhouse, car parking and accesses including an emergency only access from Melton Road; and associated works including open space, sustainable urban drainage systems, landscaping, infrastructure and earthworks.

Particulars of decision: The District Council hereby gives notice in pursuance of the Town and Country Planning Act 1990 that outline planning permission has been refused for the carrying out of development referred to above for the following reasons:

1. In the opinion of the Local Planning Authority the principle of residential development on Parcels A and B is not acceptable, by virtue of the site being outside existing and emerging development boundaries, there being a five-year land supply within the Norwich Policy Area and the development not therefore on balance being considered sustainable development. In the absence of an exception justification relating to affordable housing, agriculture, forestry or sustaining economic or social activity in the surrounding area the proposed development is not considered to be a sustainable form of development and is considered to be contrary to saved policies ENV8 and HOU4 of the adopted South Norfolk Local Plan (2003), policy 10 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amended in 2014) and paragraphs 14 and 55 of the National Planning Policy Framework (2012).

2. The development of Parcel B for 300 residential properties is considered to be inappropriate development which would erode and further reduce the strategic gap between Wymondham and Hethersett, result in inter-visibility between the settlements and intra-visibility from publicly accessible areas such as the permissive routes within the remaining gap, lead to a loss of openness and extend the limits of the existing built development associated with the eastern boundary of Wymondham further into the rural
landscape that provides the setting for Wymondham. In the absence of an exception justification relating to agriculture and forestry, essential facilities for outdoor sports and recreation, limited extension, alteration or replacement of existing dwellings, limited infilling or redevelopment of major existing developed sites identified in adopted plans, it is considered that the function of the strategic gap would be significantly harmed by increasing settlement coalescence and reducing the openness of the landscape within the gap and the development proposed on Parcel B conflicts with policy ENV2 of the South Norfolk Local Plan (2003) and policy 10 of the adopted Joint Core Strategy (2011, amendments adopted 2014).

3. The proposal has been assessed against the three dimensions of sustainable development as set out in paragraph 7 of the National Planning Policy Framework (NPPF) (2012), in acknowledgement of paragraph 49 of the NPPF which requires the consideration of housing applications in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF which confirms that the presumption in favour of sustainable development should be seen as a golden thread that runs through decision taking.

It is considered that the acknowledged benefits of the scheme namely the delivery of housing, including 33% affordable housing, the opportunity to re-locate Wymondham Rugby Football Club and the delivery of a footpath and cycleway link between Wymondham and Hethersett are outweighed by the negative impacts of the lack of available secondary school places within Wymondham or Hethersett and subsequent adverse impact on sustainable transport to schools and social cohesion of local communities, unacceptable development within the strategic gap and undermining of the Wymondham Area Action Plan, having due regard to the existence of a five year housing land supply within the Norwich Policy Area, and as such the scheme is not considered to represent sustainable development in the context of the NPPF when taken as a whole.

4. The proposed development represents a substantial development, which, if approved, would undermine the plan-making process in relation to the Wymondham Area Action Plan (Submission version 2013), which is presently at an advanced stage of preparation. The development, if approved at the present time, would potentially pre-determining matters relating to the scale and location of new development in Wymondham. To grant consent for the application sites now would therefore be wholly premature and highly prejudicial to the outcome of the plan-making process in respect of the Wymondham Area Action Plan (2013) and not in accordance with Planning Policy Guidance entitled "Determining a Planning Application" Paragraph 014 Reference ID: 21b-014-20140306.

1. NOTE : The application is not for a sustainable form of development when assessed in the context of the NPPF.

The applicant was advised of the refusal recommendation on the application. The authority can confirm that it does work in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with planning applications, however due to the conflict of the this particular proposal with adopted policy, and the NPPF, it is not possible to support the proposed development and seek a solution to the planning issues.

The attached notes also part of this decision notice.

On behalf of the Council

Date of Application: 17 April 2014
Date of Decision: 8 January 2015
Notes relating to decisions on Applications for Planning Permission or Listed Building Consent under the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990

Important
Any permission granted relates only to that required under the relevant Town and Country Planning or Listed Buildings and Conservation Areas Acts and does not include any other consent or approval required under any other enactment, bylaw, order or requisition.

Consent under the Building Regulations may be required for the proposal and work should not proceed until any necessary consent has been obtained. Please contact CNC Building Consultancy on (01508 535300) for more information.

1. Demolition of Listed Building

Attention is drawn to Section 8(1)-(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that total or significant demolition may not be undertaken (despite the terms of any consent granted by the Council) until notice of the proposed demolition has been given to English Heritage, Architectural Investigation Section, Brooklands Avenue, Cambridge CB2 2BU. English Heritage must be given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. The relevant form is available on request from the Council.

2. The needs of Disabled People

The Council must draw your attention to certain requirements for the needs of disabled people. Facilities including the means of access, parking, the provision of toilets and notices indicating such facilities, have to be provided in:

   a. any premises to which the public are to be admitted, whether or not on payment;
   b. office, shop, railway or factory premises in which people are employed;
   c. schools, universities and colleges.

Further information can be obtained by contacting the Council’s Building Control section.

For detailed guidance you are also recommended to refer to:

   i) The Chronically Sick and Disabled Persons Act 1970 (as amended by The Disabled Persons Act 1981, Sections 4, 7, 8 and 8a);
   ii) The British Standard Code of Practice on access for the disabled to buildings (BS 5810, 1979);
   iii) Design Note 18, ‘Access for the Physically Disabled to Educational Buildings’ published on behalf of the Secretary of State.
3. **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to refuse consent, permission or approval for the proposed development or works or to grant it subject to conditions, you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. If the application relates to minor commercial development (as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010) this should be submitted with 12 weeks of the date of this notice and in other cases within six months of the date of this notice. **Appeal forms and information on Appeal procedures can be obtained from The Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (0303 444 0000) or online at** [www.planningportal.gov.uk/planning/appeals/online/makeanappeal](http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal)

The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which **excuse the delay in giving notice of appeal**. The Secretary of State need not consider an appeal if it seems to the Secretary of State that permission for the proposed development could not have been given by the Council or could not have been given without the conditions imposed having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order and to any directions given under a development order.

4. **Purchase Notices**

If permission or Listed Building Consent to develop land or carry out works is refused or granted subject to conditions, whether by the Council or by the Secretary of State for the Environment, the owners of the land may claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of either Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. **Compensation**

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.