



Department for
Communities and
Local Government

Miss Leah Needham
Barton Willmore
The Observatory
Southfleet Road
Swanscombe
Kent DA10 0DF

Our Ref: APP/L2630/W/15/3007004

8 September 2016

Dear Miss Needham

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY WYMONDHAM RUGBY FOOTBALL CLUB, LANDSTOCK ESTATES LTD
AND LANDOWNERS GROUP LTD
LAND AT PARCEL A: WYMONDHAM RUGBY FOOTBALL CLUB, TUTTLES LANE
EAST;
PARCEL B: LAND WEST OF ELM FARM BUSINESS PARK;
PARCEL C: LAND NORTH OF CARPENTERS BARN, WYMONDHAM
APPLICATION REF: 2014/0799/O**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mrs Zoe Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC, who held a public local inquiry on 2 – 5 February 2016 into your clients' appeal against the decision of South Norfolk Council to refuse, by notice dated 8 January 2015, planning permission for the redevelopment of Parcel A for up to 90 residential dwellings including the demolition of existing Wymondham Rugby Club building and sports pitches, the closure of Tuttle Lane access and creation of a new primary access from Lavender Road; the development of Parcel B for up to 300 residential dwellings including the demolition of No.63 Norwich Common, creation of a new primary access from Norwich Common, secondary access from Becketts Grove and access corridor through land known as Carpenters Barn; the development of Parcel C for the replacement and provision of additional sports pitches including an artificial pitch, floodlighting, clubhouse and car parking with access achieved from land known as Carpenters Barn and Emergency Access from Melton Road. All parcels providing open spaces, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks, in accordance with application ref: 2014/0799/O, dated 17 April 2014.
2. On 9 July 2015, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for residential development of over 150 units or sites of over 5 hectares which would significantly impact on the Government's

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objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. He has decided that the appeal should be allowed and planning permission granted. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR 3-5, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011, amendments adopted January 2014) (JCS), containing strategic policies which cover the period 2008 - 2026 and the South Norfolk Local Plan (October 2015) (SNLP) including the Wymondham Area Action Plan (WAAP) and the Development Management Policies Document (DMPD). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR 25-32.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance') as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Main issues

9. The Secretary of State agrees with the Inspector that the main issues are those set out at IR299 - 301.

Housing Land Supply

10. For the reasons given in IR302–311 the Secretary of State agrees with the Inspector that the Council cannot demonstrate a five year supply of land for housing and so, on the basis of the Framework paragraph 49, relevant policies for the supply of housing, which includes policy DM4.7 relating to the strategic gap, are to be considered out of date.

Wymondham Rugby Football Club (WRFC) relocation

11. The Secretary of State agrees with the Inspector for the reasons given at IR313-319 that the method of funding the WRFC relocation is not one to which he attaches weight.

The Strategic Gap – Policy DM 4.7

12. The Secretary of State agrees with the Inspector that the strategic gap policy does not seek to prohibit all development; rather it seeks to restrict it to developments or uses which essentially retain the sense of separation and openness (IR321). He also agrees that the policy is clear, the boundary intentional and that the Parcel B site was considered to fulfil a strategic gap function (IR322). Furthermore, for the reasons given in IR323-324, he agrees that the proposed residential development of Parcel B, within the strategic gap, would result in an area of undeveloped agricultural land becoming an urban area occupied by some 300 dwellings and the consequence would be a permanent loss of countryside of an essentially open nature. Like the Inspector, the Secretary of State is of the view that would conflict with Policy DM 4.7. However, this policy is out of date for the purpose of this appeal although the Secretary of State agrees this does not mean the policy should be totally disregarded, for the reasons given at IR303 and IR324.
13. Having carefully considered the Inspector's analysis at IR325-332 the Secretary of State agrees with the Inspector that there would be some visual harm to visual openness afforded by the strategic gap and in particular there would be harm to open space between the settlement and The Wong, a significant landscape feature. Though, for the reasons given in IR330 the Secretary of State also agrees that the site parameters plan and illustrative layout plan indicate that the part of the site nearest to The Wong would be used for open space/landscaping purpose and this would reduce the visual impacts of the housing development at this point. The Secretary of State acknowledges that it would be for the Council to consider the importance of the openness of this part of Parcel B at reserved matters stage.
14. The Secretary of State also agrees with the Inspector that there would be a cumulative impact of light pollution/spill from the proposed WRFC facility and Parcel B housing for the reasons set out at IR331. He further agrees the impact would persist for a considerable time and would have an urbanising influence on the strategic gap. However, he also agrees with the Inspector that the value of housing proposed would exist long after the lighting effects would have reduced to a more minor level as the landscaping becomes established (IR331).
15. Overall, the Secretary of State agrees with the Inspector's conclusion that despite being contrary to Policy DM 4.7 and the harms identified, the Parcel B site is an area, which if developed for housing, would not have such a significant impact on the separation between settlements as might arise at other points within the strategic gap. He also agrees that allowing development here would be easy to define and so would not set a precedent which would undermine the remaining strategic gap.

Other matters

16. For the reasons given by the Inspector at IR333 the Secretary of States gives the economic benefits of the proposal moderate weight, further limited by concerns about securing the WRFC facilities.

17. The Secretary of State agrees that the New Homes Bonus receipts do not attract weight in the planning balance (IR334). The Secretary of State further agrees for the reasons set out at IR335 that flood risk is neutral in the planning balance. For the reasons given at IR336, he gives negligible weight to ecological mitigation and enhancement. He similarly gives negligible weight to the provision of play space and sustainable drainage, for the reasons given at IR337. He gives neutral weight to the aim of meeting the code for Sustainable Homes Level, for the reasons given by the Inspector at IR338.
18. The Secretary of State gives modest weight to the disadvantages of a likely mismatch between the location of educational provisions and the proposed housing, for the reasons given at IR339-342.

Planning conditions

19. The Secretary of State has given consideration to the Inspector's analysis at IR295, the recommended conditions set out at Annex A to the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework.

Planning obligation

20. The Secretary of State has considered the Inspector's assessment of the planning obligations at IR 296-298. He agrees, for the reasons given, that the contributions toward the provisions set out in IR297 meet the CIL tests. However, for the reasons given at IR317-319 the Secretary of State agrees with the Inspector that the contribution towards the proposed replacement WRFC facility would not meet the CIL tests and he thus gives no weight to it in reaching his decision.

Planning balance and overall conclusion

21. For the reasons given above, the Secretary of State considers that Parcel B would conflict with the development plan in respect of Policy DM 4.7 and so with the development plan as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
22. As the Council cannot demonstrate evidence of a five year supply of land for housing, the Secretary of State concludes that Policy DM 4.7 is out-of-date and therefore reduces the weight that can be attached to the conflict with this policy. In line with the presumption in favour of sustainable development at paragraph 14 of the Framework, he considers that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
23. The Secretary of State therefore concludes that in terms of the three elements of planning for sustainable development weighing against the proposal there would be some harm caused by an erosion of the strategic gap but the extent and location would not have significant social or cultural repercussions given the remaining strategic gap area would still serve to provide a separating function. He considers there will be modest harm to the enjoyment of the countryside routes and some social harm resulting from a loss in confidence by some of the community in the robustness of a recently adopted

plan, but that is explained by the fact that aspects of the plan are out-of-date. With regard to the environmental element of sustainability, he considers there would be a moderate impact as a result of development on greenfield land in part of an area designated as a strategic gap, taking into account the lack of a 5 year housing land supply. He also affords some modest weight to the disadvantages associated with a likely mismatch between the location of educational provisions and proposed housing.

24. Weighing in favour of the proposal the Secretary of State affords significant weight to the social benefits of the provision of housing and significant weight to the economic benefits derived from the scheme in terms of the development responding to the needs of the economy. While he considers that it would be unacceptable to lose the benefit of the specific allocation for the WRFC relocation without adequate alternative provision he does not attach weight to the funding of the relocation via the housing as the CIL provisions prevent this. He considers other matters raised as benefits are either negligible or neutral in the planning balance.
25. Overall, the Secretary of State considers that, taking these matters together, the adverse impacts do not significantly and demonstrably outweigh the benefits. On that basis he concludes the development would be a sustainable one and the material considerations are such that a decision other than in accordance with the development plan would be warranted.

Formal decision

26. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your clients' appeal and grants planning permission for Land at Parcel A: Wymondham Rugby Football Club, Tuttle Lane East; Parcel B: Land West of Elm Farm Business Park; Parcel C: Land North of Carpenters Barn, Wymondham for the redevelopment of Parcel A for up to 90 residential dwellings including the demolition of existing Wymondham Rugby Club building and sports pitches, the closure of Tuttle Lane access and creation of a new primary access from Lavender Road; the development of Parcel B for up to 300 residential dwellings including the demolition of No.63 Norwich Common, creation of a new primary access from Norwich Common, secondary access from Becketts Grove and access corridor through land known as Carpenters Barn; the development of Parcel C for the replacement and provision of additional sports pitches including an artificial pitch, floodlighting, clubhouse and car parking with access achieved from land known as Carpenters Barn and Emergency Access from Melton Road. All parcels providing open spaces, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks, in accordance with application ref: 2014/0799/O, dated 17 April 2014, and subject to the conditions set out at Annex A.
27. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
28. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

29. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
30. A copy of this letter has been sent to South Norfolk Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

Authorised by Secretary of State to sign in that behalf

Richborough Estates

Annex A - Conditions

Conditions that apply to all parcels of land

Time limit

- 1) Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission. The development hereby permitted should be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason for the condition:

As required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Reserved Matters

- 2) No development in relation to a phase of the development hereby granted outline permission shall take place until the plans and descriptions giving details of the reserved matters referred to below have been submitted to and approved in writing by the local planning authority for that phase.

These plans and descriptions shall relate to:

Appearance, scale, landscaping and layout of the dwellings and rugby club facility together with the precise details of the type and colour of the materials to be used in their construction.

Reason for the condition:

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy.

Accord with Plans

- 3) The development shall be constructed in accordance with the following drawings unless otherwise agreed through reserved matter applications:

Site Boundary Plan (Ref. 22368/16 Rev C)

Land Ownership Plan (Ref. 22368/33)

Parameters Plan – Land Use, Green Infrastructure and Access (Ref: 22368/12 Rev K)
(Demonstrating extent of Parcel A, Parcel B and Parcel C)

Parameters Plan – Building Heights (Ref: 22368/13 Rev L)

Access Drawing - Parcel A Primary Access Lavender Road (Ref: 589 03/108)

Access Drawing - Parcel B Primary Access Norwich Common (Ref: 589 03/101)

Access Drawing – Parcel B Secondary Access Becketts Grove (Ref: 589 03/106)

Access Drawing – Parcel C Primary Access and Link from Parcel B (Ref: 589 03/107)

Access Drawing - WRFC Emergency Access T-Junction at Melton Road Ref: 589/03/102 Rev B)

Reason for the condition:

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy.

Phasing

- 4) No development shall take place until a detailed scheme of phasing for the construction of the dwellings, the sports facilities, highways and areas of open space across the comprehensive development hereby approved (that being the housing sites on Parcels A and B and the sports provisions on Parcel C) has been submitted to and approved in writing by the local planning authority. The scheme shall include a schedule identifying the order of commencement and completion of each phase of construction and the order of commencement and completion within each phase of construction. The development shall be carried out in accordance with the approved scheme of phasing.

Reason for the condition:

To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, including sporting provision, access and supporting/servicing facilities are in place relevant to each phase before further development is undertaken, in the interests of good planning having regard to policy 20 of the adopted Joint Core Strategy (2011, amended in 2014) and policy WYM 14 of the Wymondham Area Action Plan.

No Tree or Hedges Removed

- 5) Prior to the commencement of development on any of the Parcels of land a landscaping plan showing trees to be retained shall be submitted to and approved in writing by the local planning authority. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837 Trees in Relation to Construction.

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason for the condition:

To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Contamination

- 6) The development hereby permitted shall not commence on any phase until an investigation and risk assessment has been completed in accordance with a scheme to be first agreed in writing by the local planning authority for that phase to assess the nature and extent of any contamination on the site to which that phase relates, whether or not it originates on the site to which that phase relates. The written report(s) shall include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

(iii) an appraisal of remedial options if required,

(iv) a detailed remediation scheme to bring the site to which that phase relates to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site to which that phase relates will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Note

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for the condition:

This condition is required to be pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are identified early in the development process and minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

7) The development hereby permitted shall not commence on any phase until:

- a) the approved contamination remediation scheme has been carried out in full on that phase;
- b) a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the local planning authority.

Reason for the condition:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out on that phase safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

Unknown Contamination

8) If, during development of any phase, contamination not previously identified is found to be present then no further development shall be carried out on that phase until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with to the local planning authority and has obtained written approval from the

local planning authority for that remediation strategy. The remediation strategy shall be implemented as approved.

Reason for the condition:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM3.14 of the South Norfolk Development Management Policies Document 2015.

Flood Risk

- 9) No bungalows or ground floor apartments shall be located within Flood Zone 2 as shown on plan 05/002 in the appendices of the Flood Risk Assessment Addendum.

Reason for the condition:

This condition is required to be pre-commencement as these details will influence the way in which development will proceed on site, with particular respect to surface water disposal which needs to be undertaken at an early stage to ensure there is an acceptable strategy to minimise the possibilities of flooding in accordance with Policy 1 of the Joint Core Strategy.

- 10) Prior to the commencement of the development hereby permitted on a phase details of the finished floor levels for that phase which shall be set at least 300mm above the appropriate 1 in 100 year flood level including climate change shall be submitted to the local planning authority in writing. These details shall then be implemented and retained as such on that phase.

Reason for the condition:

This condition is required to be pre-commencement of any development as these details will influence the way in which development will proceed on site, with particular respect to surface water disposal which needs to be undertaken at an early stage to ensure there is an acceptable strategy to minimise the possibilities of flooding in accordance with Policy 1 of the Joint Core Strategy.

Foul Water

- 11) There shall be no residential development within 15 metres of the boundary of any sewage pumping station.

Reason for the condition:

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Conditions for Parcel A Wymondham Rugby Football Club, Tuttle Lane East, Wymondham

Landscaping

- 12) No occupation of any dwelling within Parcel A shall take place until full details of the implementation programme, management and maintenance of both hard and soft

landscape works in relation to that phase have been submitted to and approved in writing by the local planning authority. The details shall be carried out as approved for Parcel A.

If within a period of five years from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, is destroyed, dies or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and 4.9 of the South Norfolk Development Management Policies Document 2015, which need to be agreed at a pre-commencement stage to guide development across the site and protect existing landscape features.

Tree Protection Plan

- 13) No works or development shall take place within Parcel A until a Tree Protection Plan (and accompanying Method Statement[s] if appropriate) for Parcel A has/have been submitted to and approved in writing by the local planning authority. The submitted details are to be guided by the recommendations set out in BS5837 Trees in Relation to Construction. All approved tree protection measures are to be installed prior to the commencement of development work on Parcel A.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. The following activities may not be undertaken at any time within the identified Construction Exclusion Zones and fenced areas:

- the storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment;
- raising of lowering of ground levels;
- installation of underground services, drains etc.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Ecology Mitigation and Enhancement Measures

- 14) No works shall commence on Parcel A (including clearance works but with the exception of tree protection works) until full details of the ecology and biodiversity mitigation and enhancement measures to be undertaken as part of the scheme and timing for their implementation for Parcel A, which shall include a lighting plan and a habitat management plan and which shall identify the maintenance measures for a minimum of 10 years and who shall implement these for this duration, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented in accordance with the agreed timetable and retained as such thereafter.

Reason for the condition:

This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm in accordance with Policy 1 of the Joint Core Strategy 2014 and Section 11 of the National Planning Policy Framework.

Materials

- 15) With the exception of any site clearance works, site investigation works and tree protection works, no development of Parcel A shall take place until details, including samples and colours, of the materials used in the construction of the external surfaces of Parcel A of the development have been submitted to and approved in writing by the local planning authority. The materials to be used in the development shall be in accordance with the approved details.

Reason for the condition:

This condition is required and to be agreed pre-commencement to enable the Local Planning Authority to ensure appropriate colour, tone, texture and appearance of the materials to be used are agreed at an early stage to avoid later delays to the development to ensure the satisfactory appearance of the a major development site, as required by Policy 2 of the Joint Core Strategy.

Highways

- 16) Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining public highway in accordance with the details to be approved in writing by the local planning authority.

All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan and timetable to be approved in writing by the local planning authority prior to the commencement of development within Parcel A.

Reason for the condition:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development, and to ensure highway safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

- 17) No development shall take place on Parcel A, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period on Parcel A. The Statement shall include provision for:

- i) the parking of vehicles of site construction workers,
- ii) wheel washing facilities,
- iii) measures to control the emission of dust, dirt, noise and vibration during construction,
- iv) highway routings to control and manage construction traffic.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies DM3.11 and DM3.13 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

Cycle and Waste Storage

18) With the exception of any site clearance works, site investigation works and tree protection works no development shall take place on Parcel A until details of the following on site provisions for Parcel A have been submitted to and agreed in writing with the local planning authority:

- bicycle storage for residents; and
- waste and recycling bin storage and collection facilities.

No occupation of any dwelling within Parcel A shall take place until any approved bicycle storage and parking and servicing facilities serving that dwelling has been provided in accordance with the approved details and, once provided, they shall be retained as such thereafter.

Reason for the condition:

This condition is required to be pre-commencement to ensure a satisfactory development of the site which provides for adequate cycle parking and servicing provision for the development at an early stage in the development to avoid later alterations to the design and layout to accommodate these, in accordance with Policy 2 of the Joint Core Strategy (2011, amended 2014) and Policies DM 3.10 and 4.3 of the South Norfolk Development Management Policies Document 2015.

Fire Hydrant Provision

19) With the exception of any site clearance works, site investigation works and tree protection works, no development within Parcel A shall take place unless a scheme has been submitted to and agreed in writing by the local planning authority for the provision of fire hydrants (served by mains water supply on a minimum 90mm diameter main) for that phase. Two fire hydrants shall be provided in total across Parcel A. No dwelling within Parcel A shall be occupied until the hydrant servicing that dwelling has been provided and made operational to the written satisfaction of the local planning authority.

Reason for the condition:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Surface Water

20) Prior to commencement of development within Parcel A, in accordance with the submitted Flood Risk Assessment (Create Consulting Engineers Ltd ref: GS/GL/P13-589/07 Rev B dated March 2014) and the supplementary information dated 17

November 2015, detailed designs of a surface water drainage scheme for that phase incorporating the following measures shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling within Parcel A. The scheme shall address the following matters:

- I. The results of infiltration testing in accordance with BRE Digest 365 at a minimum of three representative locations across the proposed development area to be submitted for review.
- II. Discharge from the site into the watercourses shall be restricted to reported runoff rates in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham) with a total discharge rate from the entire site no greater than the reported 47.3l/s.
- III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. A minimum storage volume of 9,600m³ shall be provided in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham). The design of the attenuation basins shall incorporate an emergency spillway and appropriate freeboard allowances in line with best practice guidance.
- IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- V. Plans showing the routes for the management of exceedance surface water flow that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This shall include flood water which may arise from within the ordinary watercourses in the vicinity of the site.
- VI. Details of how all surface water management features have been designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason for the condition:

This condition is required to be pre-commencement as these details will influence the way in which development will proceed on site, with particular respect to surface water disposal which needs to be undertaken at an early stage to ensure there is an

acceptable strategy to minimise the possibilities of flooding in accordance with Policy 1 of the Joint Core Strategy.

Water Efficiency

21) The development hereby approved within Parcel A shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. No occupation of any of the dwellings within Parcel A shall take place until an assessment which relates to that dwelling has been submitted to and agreed in writing by the local planning authority. All completed water conservation measures identified shall be installed in accordance with the details as agreed.

Reason for the condition:

To ensure the development is constructed to an appropriate standard in accordance with Policies 3 and 20 of the Joint Core Strategy.

Renewable Energy

22) No development shall take place within Parcel A in pursuance of this permission until a scheme for generating a minimum of 10% of the predicted energy requirement of the development for all dwellings within Parcel A from decentralised renewable and/or low carbon sources (as defined in the National Planning Policy Framework 2012 or any subsequent version) has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling the approved scheme shall be implemented and made operational for that dwelling in accordance with the approved scheme and shall remain operational for the lifetime of the development on Parcel A.

Reason for the condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011. This is to be agreed in advance of commencement of development to ensure measures can be designed in at an early stage of development and to avoid unnecessary costs to the developer.

Archaeology

23) (a) No development shall take place within Parcel A until a Written Scheme of Investigation for Parcel A has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and;

1. The programme and methodology of site investigation and recording,
2. The programme for post investigation assessment of recovered material,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation,
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

and;

(b) No demolition/development within Parcel A shall take place other than in accordance with the Written Scheme of Investigation approved under part (a).

(c) The development on Parcel A shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for the condition:

This condition is required to be pre-commencement to ensure the potential archaeological interest of the site is investigated before development could potentially disturb any matters of heritage interest in accordance with Policy 2 of the Joint Core Strategy and Policy DM4.11 of the South Norfolk Development Management Policies Document 2015.

Conditions for Parcel B Land West of Elm Farm Business Park, Wymondham

Landscaping

24) No occupation of any dwelling within Parcel B shall take place until full details of the implementation programme, management and maintenance of both hard and soft landscape works in relation to Parcel B have been submitted to and approved in writing by the local planning authority. The details shall be carried out as approved for Parcel B.

If within a period of five years from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, is destroyed, dies or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and 4.9 of the South Norfolk Development Management Policies Document 2015, which need to be agreed at a pre-commencement stage to guide development across the site and protect existing landscape features.

Tree Protection Plan

25) No works or development shall take place within Parcel B until a Tree Protection Plan (and accompanying Method Statement[s] if appropriate) for Parcel B has/have been submitted to, and approved in writing by the local planning authority. The submitted details are to be guided by the recommendations set out in BS5837 Trees in Relation to Construction. All approved tree protection measures are to be installed prior to the commencement of development work on Parcel B.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. The following activities may not be undertaken at any time within the identified Construction Exclusion Zones and fenced areas:

- the storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment:
- raising of lowering of ground levels;
- installation of underground services, drains etc.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Ecology Mitigation and Enhancement Measures

- 26) No works shall commence on Parcel B (including clearance works but with the exception of tree protection works) until full details of the ecology and biodiversity mitigation and enhancement measures to be undertaken as part of the scheme and timing for implementation for Parcel B, which shall include a lighting plan and a habitat management plan which shall identify the maintenance measures for a minimum of 10 years and who shall implement these for this duration, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented in accordance with the agreed timetable.

Reason for the condition:

This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm in accordance with Policy 1 of the Joint Core Strategy 2014 and Section 11 of the National Planning Policy Framework.

Materials

- 27) With the exception of any site clearance works, site investigation works and tree protection works, no development of Parcel B shall take place until details, including samples and colours, of the materials used in the construction of the external surfaces for Parcel B of the development have been submitted to and approved in writing by the local planning authority
The materials to be used in the development shall be in accordance with the approved details.

Reason for the condition:

This condition is required and to be agreed pre-commencement to enable the Local Planning Authority to ensure appropriate colour, tone, texture and appearance of the materials to be used are agreed at an early stage to avoid later delays to the development to ensure the satisfactory appearance of the a major development site, as required by Policy 2 of the Joint Core Strategy.

Highways

- 28) Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining public highway in accordance with the details to be approved in writing by the local planning authority.

All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing by the local planning authority prior to the commencement of development within Parcel B.

Reason for the condition:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development, and to ensure highway safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

29) No development shall take place on Parcel B, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period on Parcel B. The Statement shall include provision for:

- i) the parking of vehicles of site construction workers,
- ii) wheel washing facilities,
- iii) measures to control the emission of dust, dirt, noise and vibration during construction,
- iv) highway routings to control and manage construction traffic.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies DM3.11 and DM3.13 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

30) Notwithstanding the details indicated on the submitted drawings no works shall commence within Parcel B until a detailed scheme for the off-site highway improvement works as indicatively on Create Consulting Engineers drawings numbered 03/101 (Parcel B Primary Access Norwich Common) and 03/201 (Parcel B access roundabout Norwich Common) have been submitted to and approved in writing by the local planning authority.

Prior to the first occupation of any dwelling within Parcel B the approved the off-site highway improvement works for Parcel B Primary Access Norwich Common (reflecting Drawing Nos 03/101) shall be completed to the written satisfaction of the local planning authority.

Prior to the occupation of the 100th dwelling within Parcel B the approved off-site highway improvement works Parcel B access roundabout Norwich Common (reflecting Drawing No 03/201) shall be completed to the written satisfaction of the local planning authority.

Reason for the Condition:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor and to ensure that the highway network is adequate to cater for the development

proposed in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

Travel Plan

- 31) Prior to the commencement of the construction of the first dwelling within Parcel B hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the local planning authority.

No part of the development hereby permitted within Parcel B shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the local planning authority.

Reason for the Condition:

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy DM 3.10 of the South Norfolk Development Management Policies Document 2015.

Cycle and Waste Storage

- 32) With the exception of any site clearance works, site investigation works and tree protection works no development shall take place on Parcel B until details of the following on site provisions for Parcel B have been submitted to and agreed in writing with the local planning authority:

- bicycle storage for residents; and
- waste and recycling bin storage and collection facilities.

No occupation of any dwelling within Parcel B shall take place until any approved bicycle storage and parking and servicing facilities serving that dwelling has been provided in accordance with the details as agreed and, once provided, they shall be retained as such thereafter.

Reason for the condition:

This condition is required to be pre-commencement to ensure a satisfactory development of the site which provides for adequate cycle parking and servicing provision for the development at an early stage in the development to avoid later alterations to the design and layout to accommodate these, in accordance with Policy 2 of the Joint Core Strategy (2011, amended 2014) and Policies DM 3.10 and 4.3 of the South Norfolk Development Management Policies Document 2015.

Fire Hydrant Provision

- 33) With the exception of any site clearance works, site investigation works and tree protection works, no development within Parcel B shall take place unless a scheme has been submitted to and agreed in writing by the local planning authority for the provision of fire hydrants (served by mains water supply on a minimum 90mm diameter main) for Parcel B. Two fire hydrants shall be provided in total across Parcel B. No dwelling within

Parcel B shall be occupied until the hydrant servicing that dwelling has been provided and made operational to the written satisfaction of the local planning authority.

Reason for the condition:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Surface Water

34) Prior to commencement of development within Parcel B, in accordance with the submitted Flood Risk Assessment (Create Consulting Engineers Ltd ref: GS/GL/P13-589/07 Rev B dated March 2014) and the supplementary information dated 17 November 2015, detailed designs of a surface water drainage scheme for that phase incorporating the following measures shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling within Parcel B. The scheme shall address the following matters:

- I. The results of infiltration testing in accordance with BRE Digest 365 at a minimum of three representative locations across the proposed development area to be submitted for review.
- II. Discharge from the site into the watercourses shall be restricted to reported runoff rates in line with the updated drainage strategy summary table (P15-589 – Elm Farm Wymondham) with a total discharge rate from the entire site no greater than the reported 47.3l/s.
- III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. A minimum storage volume of 9,600m³ shall be provided in line with the updated drainage strategy summary table (P15-589 – Elm Farm Wymondham). The design of the attenuation basins shall incorporate an emergency spillway and appropriate freeboard allowances in line with best practice guidance.
- IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- V. Plans showing the routes for the management of exceedance surface water flow that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include flood water which may arise from within the ordinary watercourses in the vicinity of the site.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason for the Condition:

This condition is required to be pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are identified early in the development process and minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

Foul water

- 35) No development shall commence on Parcel B until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied within Parcel B until the works have been carried out in accordance with the approved foul water strategy.

Reason for the Condition:

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Water Efficiency

- 36) The development hereby approved within Parcel B shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. No occupation of any of the dwellings within Parcel B shall take place until an assessment which relates to that dwelling has been submitted to and agreed in writing by the local planning authority. All completed water conservation measures identified shall be installed in accordance with the details as agreed.

Reason for the condition:

To ensure the development is constructed to an appropriate standard in accordance with Policies 3 and 20 of the Joint Core Strategy.

Renewable Energy

- 37) No development shall take place within Parcel B in pursuance of this permission until a scheme for generating a minimum of 10% of the predicted energy requirement of the development for all dwellings within Parcel B from decentralised renewable and/or low carbon sources (as defined in the National Planning Policy Framework 2012 or any subsequent version) has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling the approved scheme shall be implemented and made operational for that dwelling in accordance with the approved scheme and shall remain operational for the lifetime of the development on Parcel B.

Reason for the condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011. This is to be agreed in advance of commencement of development to ensure measures can be designed in at an early stage of development and to avoid unnecessary costs to the developer.

Archaeology

- 38) (a) No development shall take place within Parcel B until a Written Scheme of Investigation for the Parcel B site has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and;
1. The programme and methodology of site investigation and recording,
 2. The programme for post investigation assessment of recovered material,
 3. Provision to be made for analysis of the site investigation and recording,
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 5. Provision to be made for archive deposition of the analysis and records of the site investigation,
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

and;

(b) No demolition/development within Parcel B shall take place other than in accordance with the Written Scheme of Investigation approved under part (a).

(c) The development on Parcel B shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for the condition:

This condition is required to be pre-commencement to ensure the potential archaeological interest of the site is investigated before development could potentially disturb any matters of heritage interest in accordance with Policy 2 of the Joint Core Strategy and Policy DM4.11 of the South Norfolk Development Management Policies Document 2015.

Conditions for Parcel C Land North of Carpenters Barn, Wymondham

Landscaping

- 39) Prior to commencement of the use hereby permitted within Parcel C full details of the implementation programme, management and maintenance of both hard and soft landscape works in relation to Parcel C shall have been submitted to and approved in writing by the local planning authority. The details shall be carried out as approved.

If within a period of five years from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, is destroyed, dies or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and 4.9 of the South Norfolk Development Management Policies Document 2015, which need to be agreed at a pre-commencement stage to guide development across the site and protect existing landscape features.

Tree Protection Plan

40) No works or development shall take place within Parcel C until a Tree Protection Plan (and accompanying Method Statement[s] if appropriate) for Parcel C has/have been submitted to and approved in writing by the local planning authority. The submitted details are to be guided by the recommendations set out in BS5837 Trees in Relation to Construction. All approved tree protection measures are to be installed prior to the commencement of development work to implement Parcel C.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. The following activities may not be undertaken at any time within the identified Construction Exclusion Zones and fenced areas:

- the storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment;
- raising or lowering of ground levels;
- installation of underground services, drains etc.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Ecology Mitigation and Enhancement Measures

41) No works shall commence on Parcel C (including clearance works but with the exception of tree protection works) until full details of the ecology and biodiversity mitigation and enhancement measures to be undertaken as part of the scheme and timing for implementation for Parcel C, which shall include a lighting plan and a habitat management plan which shall identify the maintenance measures for a minimum of 10 years and who shall implement these for this duration, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented in accordance with the agreed timetable.

Reason for the condition:

This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable

harm in accordance with Policy 1 of the Joint Core Strategy 2014 and Section 11 of the National Planning Policy Framework.

Materials

- 42) With the exception of any site clearance works, site investigation works and tree protection works, no development of Parcel C shall take place until details, including samples and colours, of the materials used in the construction of the external surfaces of Parcel C have been submitted to and approved in writing by the local planning authority. The materials to be used in the development shall be in accordance with the approved details.

Reason for the condition:

This condition is required and to be agreed pre-commencement to enable the Local Planning Authority to ensure appropriate colour, tone, texture and appearance of the materials to be used are agreed at an early stage to avoid later delays to the development to ensure the satisfactory appearance of the a major development site, as required by Policy 2 of the Joint Core Strategy.

Highways

- 43) Prior to the first use of the development hereby permitted within Parcel C the emergency vehicular access onto Melton Road shall be provided and thereafter retained at the position shown on the approved plan (Drawing No 589/03/102B) in accordance with a specification that shall first have been approved in writing by the local planning authority. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 44) Prior to commencement of the use hereby permitted within Parcel C any access gate or other means of obstruction for Parcel C shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to provide a visibility splay to the highway boundary.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

- 45) No works shall commence within Parcel C until a scheme for the parking of cycles on Parcel C has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development within Parcel C is first occupied or brought into use and thereafter retained for this purpose.

Reason for the Condition:

This condition is required to be pre-commencement to ensure a satisfactory development of the site which provides for adequate cycle parking provision for the development at an early stage in the development to avoid later alterations to the design and layout to accommodate these, in accordance with Policy 2 of the Joint Core Strategy (2011, amended 2014) and Policies DM 3.10 and 4.3 of the South Norfolk Development Management Policies Document 2015.

46) No development shall take place on Parcel C, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period on Parcel C. The Statement shall include provision for:

- i) the parking of vehicles of site construction workers,
- ii) wheel washing facilities,
- iii) measures to control the emission of dust, dirt, noise and vibration during construction,
- iv) highway routings to control and manage construction traffic.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies DM3.11 and DM3.13 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

Fire Hydrant Provision

47) With the exception of any site clearance works, site investigation works and tree protection works, no development within Parcel C shall take place unless a scheme has been submitted to and agreed in writing by the local planning authority for the provision of fire hydrants (served by mains water supply on a minimum 120mm diameter main) for that phase. One fire hydrant shall be provided in total for Parcel C. No part of Parcel C shall come into use until the hydrant for Parcel C has been provided and made operational to the written satisfaction of the local planning authority.

Reason for the Condition:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Surface Water

48) Prior to commencement of development in Parcel C, in accordance with the submitted Flood Risk Assessment (Create Consulting Engineers Ltd ref: GS/GL/P13-589/07 Rev B dated March 2014) and the supplementary information dated 17 November 2015, detailed designs of a surface water drainage scheme for that phase incorporating the following measures shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented prior to the first use of the development on Parcel C. The scheme shall address the following matters:

- I. The results of infiltration testing in accordance with BRE Digest 365 at a minimum of three representative locations across the proposed development area to be submitted for review.
- II. Discharge from the site into the watercourses shall be restricted to reported runoff rates in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham) with a total discharge rate from the entire site no greater than the reported 47.3l/s.
- III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. A minimum storage volume of 9,600m³ shall be provided in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham). The design of the attenuation basins to incorporate an emergency spillway and appropriate freeboard allowances in line with best practice guidance.
- IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- V. Plans showing the routes for the management of exceedance surface water flow that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This shall include flood water which may arise from within the ordinary watercourses in the vicinity of the site.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason for the Condition:

This condition is required to be pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are identified early in the development process and minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

49) No development shall commence on Parcel C until a foul water drainage strategy for that phase has been submitted to and approved in writing by the local planning authority. No development within Parcel C shall be occupied until the works have been carried out in accordance with the approved foul water drainage strategy.

Reason for the Condition:

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Renewable Energy

50) No development shall take place within Parcel C in pursuance of this permission until a scheme for generating a minimum of 10% of the predicted energy requirement of the development for all buildings within Parcel C from decentralised renewable and/or low carbon sources (as defined in the National Planning Policy Framework 2012 or any subsequent version) has been submitted to and approved in writing by the local planning authority. Prior to the use of any development within that phase the approved scheme shall be implemented and made operational in accordance with the approved scheme and shall remain operational for the lifetime of the development on Parcel C.

Reason for the Condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011. This is to be agreed in advance of commencement of development to ensure measures can be designed in at an early stage of development and to avoid unnecessary costs to the developer.

Archaeology

51) (a) No development shall take place within Parcel C until a Written Scheme of Investigation for Parcel C has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and;

1. The programme and methodology of site investigation and recording,
2. The programme for post investigation assessment of recovered material,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation,
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

and;

(b) No demolition/development within Parcel C shall take place other than in accordance with the Written Scheme of Investigation approved under part (a).

(c) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for the Condition:

This condition is required to be pre-commencement to ensure the potential archaeological interest of the site is investigated before development could potentially disturb any matters of heritage interest in accordance with Policy 2 of the Joint Core Strategy and Policy DM4.11 of the South Norfolk Development Management Policies Document 2015.

External Lighting

52) No external lighting within the development hereby permitted on Parcel C shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) have first been submitted to and approved in writing with the Local Planning Authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason for the Condition:

In the interests of the amenities of local residents and to minimise light pollution in accordance with Policy DM3.13 of the South Norfolk Development Management Policies Document 2015.

Hours of use of the Rugby Club

53) Prior to the first use of the rugby club hereby permitted on Parcel C, the hours of operation shall be submitted to and agreed in writing with the local planning authority. The agreed hours of use shall then be adhered to for the duration of use of the development.

Reason for the condition:

In the interests of the amenities of local residents in accordance with Policy DM3.13 of the South Norfolk Development Management Policies Document 2015.

Restrict Generator, Compressor, Chilling Unit or Cooling Fan on site

54) No generator, compressor, chilling unit or cooling fan shall be installed on Parcel C without precise details of the equipment for Parcel C first being submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason for the Condition:

In the interests of the amenities of local residents in accordance with Policy DM3.13 of the South Norfolk Development Management Policies Document 2015.



The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 8 June 2016

Town and Country Planning Act 1990

Appeal by Wymondham Rugby Football Club, Landstock Estates Ltd & Landowners
Group Ltd

South Norfolk Council

Richborough Estates

Inquiry held on 2-5 February - site visit made on 9 February 2016

Parcel A: Wymondham Rugby Football Club, Tuttle Lane East, Wymondham

Parcel B: Land West of Elm Farm Business Park, Wymondham

Parcel C: Land North of Carpenters Barn, Wymondham

File Ref: APP/L2630/W/15/3007004

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Abbreviations:

AAP	Area Action Plan
AGP	Artificial Grass Pitch
AOD	Above Ordnance Datum
AMR	Annual Monitoring Report
BDC	Broadland District Council
CIL	Community Infrastructure Levy
DfE	Department for Education
DMPD	Development Management Policies Document
dpa	dwellings per annum
ECRU	Eastern Counties Rugby Union
EIA	Environmental Impact Assessment
ES	Environmental Statement
FP	footpath
FRA	Flood Risk Assessment
GNA	Greater Norwich Area
GNDPPPS	Greater Norwich Development Partnership Playing Pitch Strategy 2014
GNGP	Greater Norwich Growth Programme
HSoCG	Housing Statement of Common Ground
JCS	Joint Core Strategy
LCA	Landscape Character Area
LVIA	Landscape and Visual Impact Assessment
NCC	Norfolk County Council
NCCCS	Norfolk County Council Children's Services
NPA	Norwich Policy Area
OAN	Objectively Assessed Need
PROW	Public Right of Way
RFU	Rugby Football Union
SAM	Scheduled Ancient Monument
SNSSAPD	South Norfolk Site Specific Allocations and Policies Document
SPD	South Norfolk Place Making Guide SPD
SoCG	Statement of Common Ground
SoS	Secretary of State
sqm	Square metres
SHMA	Strategic Housing Market Assessment
The Act	Planning and Compulsory Purchase Act 2004
The appellants	Wymondham Rugby Football Club, Landstock Estates Ltd & Landowners Group Ltd
The Council	South Norfolk Council
The Framework	The National Planning Policy Framework
The Local Plan	South Norfolk Local Plan (October 2015)
The planning guidance	The National Planning Practice Guidance
VSoCG	Viability Statement of Common Ground
WAAP	Wymondham Area Action Plan
WHA	Wymondham High Academy
WRFC	Wymondham Rugby Football Club

File Ref: APP/L2630/W/15/3007004

Parcel A: Wymondham Rugby Football Club, Tuttle Lane East

Parcel B: Land West of Elm Farm Business Park

Parcel C: Land North of Carpenters Barn, Wymondham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wymondham Rugby Football Club, Landstock Estates Ltd & Landowners Group Ltd against the decision of South Norfolk Council¹.
- The application Ref: 2014/0799/O, dated 17 April 2014, was refused by notice dated 8 January 2015.
- The development proposed is the redevelopment of Parcel A for up to 90 residential dwellings including the demolition of existing Wymondham Rugby Club building and sports pitches, the closure of Tuttle Lane access and creation of a new primary access from Lavender Road; the development of Parcel B for up to 300 residential dwellings including the demolition of No.63 Norwich Common, creation of a new primary access from Norwich Common, secondary access from Becketts Grove and access corridor through land known as Carpenters Barn; the development of Parcel C for the replacement and provision of additional sports pitches including an artificial pitch, floodlighting, clubhouse and car parking with access achieved from land known as Carpenters Barn and Emergency Access from Melton Road. All parcels providing open spaces, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks.

Summary of Recommendation: I recommend that the appeal be allowed.

Preliminary and Procedural Matters

Determination

1. The Secretary of State has directed that, in exercise of powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act, that he shall determine the appeal because it involves proposals for residential development of over 150 units or sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Changes to the Reasons for Refusal

2. Prior to the Inquiry, but after the application was determined by the South Norfolk Council (the Council), the Council adopted a new Local Plan and associated development plan documents. As a consequence the Council "revised" its reasons for refusal on 2 December 2015. There is no formal provision for such an approach. However, I have had regard to the "revised" reasons which the Council has offered on the basis that this represents updated evidence and not that the parties were aware of that revised position.

¹ I note that correspondence varies between the name South Norfolk District Council and South Norfolk Council. As the latter appears on letterheads I have used that title in this Report but the two are interchangeable.

EIA

3. The development required an Environmental Impact Assessment (EIA). As part of this process a screening opinion² was issued by the Council on 27 August 2013. A scoping report³ was submitted and considered by the Council on 9 January 2014⁴. An Environmental Statement (ES)⁵ was submitted with the planning application including a Non-Technical Summary⁶.
4. The parties agree that the ES met the requirements of the Town and Country Planning (EIA) Regulations 2011⁷ and I have no reason to disagree.
5. As part of the duplicate application, an update was undertaken on various sections of the ES, including the Ecology and Nature Conservation, Transport and Access and Socio-Economic chapters 14. The updates did not materially affect the conclusions of the original ES. These chapters, along with the full re-submitted ES were subject to appropriate consultation as part of the reconsidered application and no relevant statutory objections were raised. The updated chapters are therefore considered to be supplementary to the original ES⁸.

S.106 Agreement

6. A s.106 Agreement was submitted for consideration with the appeal proposals. That s.106 dated 12 February 2016, provides for:
 - Affordable housing at 33% of the total number of dwellings unless otherwise agreed by the Council,
 - 0.17ha of play space on Parcel A,
 - a minimum of 0.54ha play space on Parcel B,
 - 0.37ha of recreational space on Parcel A,
 - a minimum of 1.26ha of recreational space on Parcel B,
 - amenity areas in Parcel A and B,
 - funding towards the costs associated with the implantation of Approved Travel Plans based on £350 per dwelling for Parcel B,
 - provision of a footpath/footway and cycleway linking Parcel B and the existing footpath to Hethersett as part of the Hethersett Link Plan and that in the event to County Council delivers it via alternative funding such alternative specification as is then approved by the Council
 - the guaranteed provision of new Wymondham Rugby Football Club facilities on Parcel C and the retention of such facilities once completed. This is described in the definitions as "*means the scheme for Wymondham Rugby Football Club to be provided on Parcel C for Wymondham Rugby Football Club including plans reflecting and equivalent to the Rugby Club Plans including a 3G (third generation) 100m x 70m pitch and an additional three 100m x 70m pitches, one 90m x 60m pitch, four 60m x 43m pitches, one 45m x 22m pitch, one 60m x 30m pitch (unless otherwise agreed in writing by the District Council), the drawings and specifications showing but not limited to the layout and design of the rugby*

² Core Document (CD) CD8/1

³ CD8/2

⁴ CD8/3

⁵ CD2/3-2/8

⁶ CD2/9

⁷ CD4/9

⁸ CD2/31 –CD2/36

club facilities and pitches including details of any equipment, pitches landscaping paths access arrangements and funding of the rugby club and facilities".

7. The s.106 Agreement is explicit at 4.6 in stating that 'If the Secretary for State or the Inspector concludes that any of the Planning Obligations (or any part of a planning obligation) are incompatible with any line of the tests for planning obligations set out at Regulation 122 of the Community Infrastructure Regulations and accordingly attaches no weight to that Planning Obligation (or relevant part of a Planning Obligation) in determining the appeal then the relevant Planning Obligation (or any part of a Planning Obligation) as appropriate shall from the date of the decision letter immediately cease to have effect and the Landowners shall be under no obligation to comply with it or them.' This is not an unusual position but is a matter of particular relevance in this appeal.

Post Inquiry Matter

8. Following the end of the Inquiry a relevant Appeal Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG / Richborough Estates Partnership LLP v Cheshire East BC & SSCLG [2016] EWCA Civ 168) was handed down. Given this had some bearing on the main parties' cases, and as an outcome had been anticipated, the main parties were given the opportunity to comment on that judgement. Their responses are incorporated into their cases below.

The Site and Surroundings

9. As set out in the Statement of Common Ground (SoCG) Wymondham is located in the District of South Norfolk, in the County of Norfolk. Wymondham is an accessible market town, with a full range of services and facilities, located to the west of the A11 trunk road (Wymondham Bypass), which is of dual carriageway standard. The outskirts of Norwich lie approximately 7km to the northeast of the town. Wymondham is situated within the Norwich Policy Area (NPA) and is the only Main Town in the NPA in South Norfolk District.
10. The site lies in the north east part of Wymondham. Some of the site's boundaries adjoin existing built development, sites currently under construction, or sites that benefit from outline planning permission. The site boundaries also, in part, adjoin the open countryside and also the designated strategic gap between Hethersett and Wymondham.
11. The site extends across three parcels of land within Wymondham, referred to as Parcels A, B and C. The total site comprises 32.97ha falling within the ownership and control of the appellants.

Parcel A – The existing Wymondham Rugby Football Club Site

12. Parcel A is approximately 3.84ha and is located north of Tuttle Lane East. The site is accessed via Tuttle Lane East and is currently the home of WRFC which provides a club house, ancillary facilities, car parking, two senior rugby pitches and a number of mini pitches.
13. An existing watercourse divides Parcel A into two fields on a north south axis which includes an established hedge/tree line with a link bridge between the two. The southern boundary is defined by an established boundary of vegetation comprising a mature hedgerow and trees fronting onto Tuttle Lane East and the

rear gardens of existing residential properties that also front onto Tutttles Lane East. The eastern boundary of Parcel A is defined by a fence provided as part of the adjoining Whispering Oaks residential scheme situated beyond the eastern boundary and a section of open space. Lavender Road which is within the Whispering Oaks scheme leads up to the edge of the fence line in the south east corner of this Parcel.

14. The northern boundary is defined by vegetation in the north eastern edge of this Parcel which thins towards the north western edge. Beyond the northern boundary lies open countryside and a series of agricultural buildings and residential dwellings known as Downham Grove. The western boundary is defined by further vegetation comprising mature hedgerow and trees. The Homesteads Nursery Centre and Caravan Storage Depot are located immediately beyond the western boundary.

Parcel B – Land West of Elm Farm Business Park

15. Parcel B is approximately 12.07ha and lies to the north west of Norwich Common. This Parcel predominately consists of agricultural land but also includes No.63 Norwich Common, a residential property and prefabricated outbuilding fronting onto Norwich Common. This Parcel is divided into two main parts by a track and hedgerow running east west through the centre of the Parcel. Access to Parcel B is currently from private accesses, permissive paths or existing informal farmer's tracks.
16. The southern boundary is defined by existing vegetation comprising mature hedgerow and trees which back onto the rear gardens of existing residential properties that front Norwich Common. Immediately beyond the south west boundary of No.49 Norwich Common is a parcel of land currently being developed with 11 residential dwellings. The southern boundary extends to Norwich Common (B1172) at No.63 Norwich Common adjacent to Elm Farm Business Park.
17. The eastern boundary of Parcel B is defined by existing vegetation interspersed with mature trees. Approximately half way along the eastern boundary, a small woodland lies immediately east of the boundary. Beyond the south east corner lies Elm Farm Business Park, an office development that extends built development approximately a third of the way along the eastern boundary. Elm Farm Business Park has recently been granted planning permission for an extension and is within the development boundary of Wymondham as identified in the adopted Wymondham Area Action Plan (WAAP).
18. The northern boundary is defined by established vegetation. A permissive path connects the existing Public Right of Way footpath 26 (PROW FP26) to a further permissive path just beyond the north east corner. Beyond the northern boundary lies open countryside. Immediately beyond the north east corner is 'The Wong', an extensive and mature tree belt running northwards into open countryside. The northwest corner of Parcel B meets existing PROW FP26 as well as adjoining the Carpenters Barn site which has outline approval for residential development.
19. The western boundary is defined by interspersed vegetation including a large area of triangular woodland located immediately beyond the north east boundary. A group of residential dwellings known as Carpenters Barn is located immediately

south of this woodland and its curtilage forms a further part of the western boundary. The Parcel B boundary loops around the south of Carpenters Barn and also forms part of existing PROW FP26. Immediately beyond the access road to the west lies the residential development at Becketts Grove which is under construction.

Parcel C – Land North of Carpenters Barn Development

20. Parcel C is approximately 13.56ha in size and lies between Melton Road to the north-west and Norwich Common (B1172) to the south east. This Parcel is Greenfield land used for agricultural purposes. Access to Parcel C is currently either from private accesses, permissive paths, PROW FP26 or existing informal farmers tracks. Beyond the southern boundary, there is an existing belt of mature trees which separates Parcel C from the Carpenters Barn development to the South. The eastern and northern boundaries are defined by existing PROW FP26 which is also defined by existing vegetation and hedgerows. Another pocket of woodland is located immediately beyond the north-west corner of the Parcel. The western boundary has no defined edge.

Access Corridor

21. The access corridor (3.51ha) between Parcels B and C comprises greenfield land that has planning permission for residential development. The access corridor boundary allows for sufficient flexibility to accommodate any future road network proposed as part of the subsequent Reserved Matters scheme for Carpenters Barn.

Adjacent Developments

22. There are several developments in this part of Wymondham that have recently been completed, are under construction or approved as set out in the Planning History section of this Report.

Planning Policy

23. The Development Plan comprises the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011, amendments adopted January 2014) (JCS) and, the South Norfolk Local Plan (October 2015) (the Local Plan), including the Development Management Policies Document (DMPD) and WAAP.

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the development plan contains relevant policies, applications for development should be determined in accordance with the development plan unless material considerations indicate otherwise.

Joint Core Strategy for Broadland, Norwich and South Norfolk

25. The JCS was adopted by Broadland District Council (BDC), Norwich City Council and South Norfolk Council (the Council) originally in 2011, with amendments (relating to the BDC part of the NPA) adopted on 10 January 2014. The JCS forms part of the Local Plan for each district, containing strategic policies covering the period 2008-2026. The plan area covers Broadland, Norwich and South Norfolk, excluding those areas administrated by the Broads Authority. The JCS sets the spatial strategies for the Greater Norwich Area (GNA), including the

NPA which is planned to accommodate approximately 33,000 of the 36,820 planned homes under the strategy for the entire GNA within the plan period.

26. The following JCS policies are considered to be most relevant to the Appeal:
- Policy 01: Addressing Climate Change and Protecting Environmental Assets
 - Policy 02: Promoting Good Design
 - Policy 03: Energy and Water
 - Policy 04: Housing Delivery
 - Policy 05: The Economy
 - Policy 06: Access and Transport
 - Policy 07: Supporting Communities
 - Policy 08: Culture, Leisure and Entertainment
 - Policy 09: Strategy for Growth in the Norwich Policy Area
 - Policy 10: Locations for major new or Expanded Communities in the Norwich Policy Area
 - Policy 19: The Hierarchy of Centres

South Norfolk Local Plan

27. Three South Norfolk Local Plan Documents were adopted on 26 October 2015. Two of those documents are relevant to this appeal, the WAAP and the DMPD.

Wymondham Area Action Plan

28. The WAAP⁹ in accordance with the JCS, the WAAP's Housing objective is to allocate sites in Wymondham to deliver a minimum of 2,200 dwellings.
29. Parcels A and B are subject to Policies WYM 4 and WYM 14 respectively which reflects the extant permission for a Retirement Care Community (Parcel A) and relocated Rugby Club (Parcel B). Parcel A is within the Development Boundary. Relevant policies in the WAAP include:
- Policy WYM 4: Retirement Care Community on Wymondham Rugby Club Site
 - Policy WYM 8: General Green Infrastructure Requirements for New Development within WAAP Area
 - Policy WYM 9: General Green Infrastructure Requirements for New Development in the North of Wymondham
 - Policy WYM 13: New Recreation Provision in Wymondham
 - Policy WYM 14: Relocation Of Wymondham Rugby Club
30. Paragraphs 5.4 – 5.8 of the WAAP refer to new housing levels and identify constraints which are considered by the WAAP to limit the amount of development, namely in the strategic gap to the north and north east of the town, and around Wymondham Abbey and within the historic landscape setting of the town and the capacity of Wymondham High Academy (WHA).

Development Management Policies Document

31. The DMPD¹⁰ sets out more specific development management policies than the WAAP. Relevant policies in the DMDP include:

⁹ CD7/1

¹⁰ CD7/2

- Policy DM 1.1 Ensuring development management contributes to achieving sustainable development in South Norfolk
- Policy DM 1.2 Requirement for infrastructure through planning Obligations
- Policy DM 1.3 The sustainable location of new development
- Policy DM 1.4 Environmental Quality and local distinctiveness
- Policy DM 2.9 Rural tourist and recreational destinations
- Policy DM 3.1 Meeting housing requirements and needs
- Policy DM 3.2 Meeting rural housing needs
- Policy DM 3.8 Design Principles applying to all development
- Policy DM 3.10 Promotion of sustainable transport
- Policy DM 3.11 Road Safety and the free flow of traffic
- Policy DM 3.12 Provision of Vehicle Parking
- Policy DM 3.13 Amenity, noise and quality of life
- Policy DM 3.14 Pollution, health and safety
- Policy DM 3.15 Outdoor play facilities and recreational space
- Policy DM 3.16 Improving the level of community facilities
- Policy DM 4.2 Sustainable drainage and water management
- Policy DM 4.3 Facilities for the collection of recycling and waste
- Policy DM 4.4 Natural Environmental Assets – designated and locally important open space
- Policy DM 4.5 Landscape Character and River Valleys
- Policy DM 4.7 Strategic Gaps between settlements within the Norwich Policy Area
- Policy DM 4.8 Protection of Trees and Hedgerows
- Policy DM 4.9 Incorporating landscape into design
- Policy DM 4.10 Heritage Assets

Supplementary Planning Documents

32. In addition to the adopted and emerging Local Plan Documents, the Council has adopted the following South Norfolk Place Making Guide SPD (2012) (SPD)¹¹ which is a relevant material consideration.

National Planning Policy and Guidance

33. The National Planning Policy Framework (the Framework) and the National Planning Practice Guidance (the planning guidance) are material considerations in dealing with this appeal.

34. In particular paragraph 14 of the Framework is significant in terms of the approach to planning, it states:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking..”

“For decision-taking this means: approving development proposals that accord with the development plan without delay;”

35. The following sections of the Framework are particularly pertinent, although it is acknowledged that the Framework should be read as a whole:

- Achieving Sustainable Development (Pages 2 -5)

¹¹ CD6/4

- Core Planning Principles (Pages 5-6)
- Section 1 – Building a Strong Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 8 – Promoting Healthy Communities
- Section 11 – Conserving and Enhancing the Natural Environment
- Decision-taking
- Annex 1 – Implementation

Planning History

36. The planning history is complex because it relates to three sites and the land surrounding them.
37. *Parcel A: Wymondham Rugby Football Club (WRFC)* currently benefits from an outline planning permission for a retirement care community. This formed part of a hybrid application (Ref: 2008/2092/F)¹² approved in December 2009 that included the relocation of the Rugby Club to Parcel B and development for a retirement care community. An extension of time application was permitted in September 2013 (Ref: 2012/1883/F)¹³. Accordingly, the principle of development on this Parcel for built development has been established, including access from Lavender Road. Parcel A was proposed for 83 dwellings in the preferred options for the WAAP but changed to reflect the permitted care village at the Pre – Submission Version. The adopted WAAP identifies Parcel A as being located within the new development boundary and identified as a retirement care community (Policy WYM 4) reflecting the extant permission.
38. *Parcel B: Land West of Elm Farm Business Park* benefits from the same hybrid permission referred to directly above, and has full planning permission for a relocated Rugby Club. Parcel B lies outside of the development boundary and in the countryside and strategic gap as identified in the DMPD under Policy DM 4.7 'Strategic Gaps between Settlements within the Norwich Policy Area' and associated Map 4.7(2) and Policy DM1.3 'The sustainable location of new development'. It is identified in the adopted WAAP 'Relocation of Wymondham Rugby Club' under Policy WYM 14. Parcel B abuts the new Wymondham development boundary.
39. *Parcel C: Land North of Carpenters Barn Development.* In relation to Parcel C, part of the site of this appeal includes land known as Carpenters Barn which has permission for 350 dwellings. This parcel lies outside of the development boundary and within countryside.
40. *Whispering Oaks* (previously known as Greenland Avenue) was granted outline planning permission in 2003 with reserved matters approved in 2005 for 375 dwellings and associated infrastructure. The site has recently been completed.
41. *Beckets Grove* (previously known as Land North of Norwich Common) was originally submitted in August 2004 as an outline planning application. The proposal involved up to 300 dwellings and associated access and facilities. This application and whilst an appeal was lodged it was subsequently withdrawn. A

¹² CD9/1

¹³ CD9/2

further outline planning application was submitted in December 2007 for a proposed residential development (up to 323 units) and local centre (up to 460sqm). The application was refused in December 2008 on the basis the development would be contrary to Local Plan policies, the harm caused by the development, and its further precedential effect in respect of other such countryside outweighed the benefit of the site's contribution towards resolving the deficiency in the housing land supply in the NPA at that time. This was appealed (Ref: APP/L2630/A/09/2097802) and an Inquiry was held in the summer of 2009. The Secretary of State (SoS) recovered the appeal for determination. In November 2009 the SoS agreed with the Inspector's recommendation to allow the appeal¹⁴.

42. The SoS concluded that: "14. The proposal would be in line with relevant development plan policies and national planning policies, except with respect to local plan policies ENV2 and ENV8. The Secretary of State is satisfied, for the reasons given, that this conflict does not outweigh the broad compliance with the development plan in all other respects - including that it would help to meet housing need (including affordable housing need), and would be in a sustainable location. Having weighed the relevant matters in the balance, he concludes that there are no material considerations of sufficient weight which would justify refusing planning permission."
43. A reserved matters application for 323 dwellings was subsequently approved in September 2011 and the site is now complete except for 2 dwellings which will be completed to coincide with the completion of Carpenters Barn (relating to access arrangements and show home).
44. *Carpenters Barn* - An outline planning application was submitted at Carpenters Barn in July 2010 for up to 400 residential dwellings. The scheme was reduced to 350 dwellings and originally approved by members in September 2011. However, prior to the issue of a decision notice, the application was recalled by members and subsequently refused in December 2011. An appeal was lodged in December 2011. Prior to the start of the Inquiry, and in the light of a material change in circumstances at that time (particularly that the Framework was released), the planning application (for 350 dwellings) was resubmitted in April 2012. The Council subsequently approved the application in June 2012 and the appeal was withdrawn. A reserved matters application on part of the site (250 dwellings) was approved in May 2015¹⁵ and construction has commenced.
45. *Land West of 49 Norwich Common* - An outline application for 11 dwellings was submitted in December 2012 on Land West of 49 Norwich Common. This application was approved in July 2013, and a reserved matters application approved in November 2013¹⁶. The site is currently under construction.
46. *Land between the A11 Spinks Lane and Norwich Road* - An outline application for up to 275 dwellings was approved in October 2013. Development on this site commenced in October 2015.

¹⁴ CD10/1

¹⁵ CD9/13

¹⁶ CD9/6

47. *Elm Farm Business Park* - In September 2014, an outline application to extend Elm Farm Business Park was submitted¹⁷. This followed the identification of the expansion of the Business Park northwards in the then Proposed Submission WAAP (November 2013)¹⁸. The application was approved and dated 6 February 2015.

The Appeal Proposals

48. The Appeal is in respect of Outline Planning Application for *“Outline application for up to 90 dwellings at Tuttle 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”*
49. The application was submitted in outline with all matters reserved except for accesses.
50. A set of parameters plans was provided and submitted for determination. The parameters relate to matters such as building heights, land use and green infrastructure¹⁹. In addition, five access drawings have been submitted for determination²⁰ (CD2/25 – 2/29). An Illustrative Layout Plan was submitted for illustrative purposes only²¹.
51. Overall, the application seeks permission for a relocated Rugby Club and up to 390 residential dwellings as follows:

Parcel A: Redevelopment to provide up to 90 residential dwellings:

A site to accommodate the following, subject to reserved matters being agreed:

- Average density of 35dph (based on a gross residential developable area of 2.58ha)
- 33% Affordable Housing which equates up to 30 dwellings
- A new access is proposed from Lavender Road²² within the adjacent Whispering Oaks development
- Formal and informal open space

Parcel B: Development of up to 300 residential dwellings:

A site to accommodate the following, subject to reserved matters being agreed:

- Average density of 32dph (based on a gross residential developable area of 9.32ha)
- 33% Affordable Housing which equates up to 99 dwellings
- A new primary access is to be formed by way of a new roundabout from Norwich Common²³

¹⁷ CD9/12

¹⁸ CD7/1

¹⁹ CD2/23 and CD2/24

²⁰ CD2/25 - CD2/29

²¹ CD2/30

²² CD2/25

²³ CD2/26

- Secondary accesses are to be provided linking to adjacent developments in the south west corner to Becketts Grove²⁴ and in the northwest corner to Carpenters Barn²⁵
- Open space and landscaping

Parcel C: Relocated Rugby Club and Sports Pitches:

A site to accommodate the following, subject to reserved matters being agreed:

- A full size and floodlit 3rd Generation Artificial Grass Pitch (AGP) for senior and youth matches and for use as a training and match facility by other clubs and sports, e.g. football and educational demands
- A full size and floodlit senior natural turf rugby pitch for use as a match facility for WRFC
- Up to three additional adult grass rugby pitches that include training pitches and match pitches
- Up to two youth grass rugby pitches for matches
- Up to six mini junior grass rugby pitches
- Clubhouse up to a maximum size of 1,400 sqm gross external area which includes changing, multipurpose/ function and social facilities
- Parking for some 250 vehicles
- Access from Carpenters Barn²⁶ with emergency access from Melton Road²⁷
- Landscaping

The "Revised Reasons for Refusal"²⁸

52. The "revised reasons for refusal" are:-

- (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 DM 4.7 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.²⁹*

These "revised reasons for refusal" vary from the reasons for refusal made by the Council in that the policy position has changed considerably and as there is no

²⁴ CD2/27

²⁵ CD2/28

²⁶ CD2/28

²⁷ CD2/29

²⁸ As explained at paragraph 2 these "revised reasons" which date from 2 December 2015 reflect updated evidence and not the Council's Decision Notice (CD3/2)

²⁹ The text is copied as drafted on the Development Management Committee Report for 2 December 2015 as reiterated in an e-mail to the Planning Inspectorate on 11 December 2015

longer a five year housing land supply in the NPA. As a result, the references to housing supply and the South Norfolk Local Plan 2003 have been removed. Thus Reason for Refusal No 1 of the 8 January 2015 decision is not pursued by the Council. Reason for Refusal No 2 of that refusal is pursued but on the basis of the new policy set out in the South Norfolk Local Plan Development Document and this forms "Revised Reason for Refusal No 1" as set out above. The Council no longer seeks to pursue the negative impacts on education as a main issue which were set out in Reason for Refusal No.3 as it considers that those harms would be outweighed by other benefits. Nor does the Council seek to make a prematurity case as set out in Reason for Refusal No.4 as the WAAP has now been adopted. The "Revised Reason for Refusal No.2" is a reworded and limited version of Reason for Refusal No.3, but without the education reference, and without the assertion that the NPA has a five year housing land supply. The Council is content to proceed on the basis of those matters omitted from the Reasons for Refusal and the appellants acknowledge that the new policy position is the appropriate one on which to determine the appeal.

Agreed Facts and Matters not in Dispute

53. *Policy Matters* - It is agreed between the parties that Wymondham is a sustainable location and is identified in the JCS as a 'main town'. It is the only main town in the South Norfolk part of the NPA. Parcel A lies within the development boundary for Wymondham as set out in the WAAP Policies Map. It is agreed that Parcel A was previously identified for an allocation of 83 residential dwellings in the Preferred Options of the emerging WAAP. It is also agreed that the principle of relocating the rugby club and development of Parcel A with built form is acceptable, by virtue of its extant permission for a retirement care community and by Policy WYM 4.
54. It is agreed that Parcel B lies outside but abuts the development boundary on its southern and western sides and is within countryside and the strategic gap. It is allocated as 'site for relocation of the Rugby Club' under Policy WYM 14. Both parties acknowledge that the Local Plan Inspector's Report states that the Carpenters Farm site (Parcel B) makes a significant contribution to the maintenance of the gap between settlements and the overall sense of openness within it³⁰.
55. Parcel C lies outside the development boundary and within countryside. It does not lie in the strategic gap. It is agreed that Parcel B was promoted on behalf of the appellants (and one other party) for predominantly residential development and Parcel C for, largely, WRFC to relocate to, as part of a wider residential-led mixed-use development for approximately 1,800 dwellings in north east Wymondham through the production and examination of the WAAP. The Local Plan Inspector did not recommend this area for allocation in the adopted WAPP (with the exception of Parcel B being allocated for WRFC to relocate to, as site WYM 14, as per the extant consent).
56. It is agreed that the appellants sought, during the production and examination of the South Norfolk Local Plan (the WAAP and the DMPD), to reduce the area covered by the pre-submission strategic gap between Wymondham and Hethersett, including, inter alia, the removal of Parcel B and Parcel C from the

³⁰ CD7/8 para 149

gap. It is agreed that the Local Plan Inspector concluded that Parcel C should be removed from the gap, but that Parcel B should remain in that gap, and this is the position in the adopted DMPD (Policy DM 4.7 and Map). It is also agreed that the Local Plan Inspector was assessing the soundness of the Plan under the context of 'Plan Making' in the Framework.

57. It is agreed that the proposed use of a rugby club in the countryside is not inappropriate. The relocation and the submitted proposals of WRFC to Parcel C is supported by Sport England and the Rugby Football Union (RFU).
58. The original committee report³¹ confirms that the Council accepts that the revenue generated from the sale of Parcel A for up to 90 dwellings with 33% affordable housing could not raise sufficient revenues to deliver the current extant scheme on Parcel B or Parcel C. This is reaffirmed in the re-determined committee report³².
59. *Affordable Housing* – The main parties agree that 33% provision is an appropriate level of affordable housing at a mix and tenure that complies with the requirements of Policy 4 of the JCS. The Council's Housing Enabling and Strategy Officer had no objection to the proposal in terms of affordable housing provision³³ on the basis of 33% being provided on both Parcel A and Parcel B. It is agreed there is a need for affordable homes.
60. *Education* - It is agreed that there is sufficient capacity of nursery, infant and primary school places given that the capacity in the town will be supplemented by a new school at Silfield, which is being delivered through the development of approximately 1,200 new dwellings in the south of Wymondham, allocation WYM3 under the WAAP. It is agreed that secondary education capacity is not a reason for refusal in the context of this scheme as a whole. It is agreed that if the appeal is allowed, Norfolk County Council Children's Services (NCCCS) could receive a share of the Community Infrastructure Levy (CIL) contributions. The appellants recognise the Council noted secondary education capacity as an issue in the committee reports for both applications 2014/0799 and 2015/1482. It is also recognised by the appellants that the Council, whilst noting the harm attached to this material planning consideration, does not rely on it as a reason for refusal in the light of the social, sporting and recreational benefits of the scheme.
61. *Provision of Open Space* – The main parties agree that the appeal proposals provide a satisfactory level of open space and play space as required by Local Plan Policy LE17³⁴. The cumulative open space provision satisfies the need generated by the proposed development and the provision of an expanded rugby football club facility. Sport England support the proposal and consider that a strong case has been demonstrated by the appellants for the need for the new WRFC facility³⁵.

³¹ CD3/1 para 4.2

³² CD3/8 para 4.70

³³ CD1/2 dated 12 May 2014

³⁴ CD6/2

³⁵ CD1/2 dated 28 May 2014

62. *Landscape* - The proposals would retain all existing high quality landscape features, such as areas of established woodland, tree belts and hedgerows on and adjacent to the parcels of land and ensure their long term management. In relation to the impact upon existing trees and hedges the impact is acceptable subject to appropriate conditions.
63. *Ecology and Arboriculture* - It is agreed there are no detrimental impacts on ecology and arboriculture. The development would retain and enhance the ecological value of the appeal site area. The closest statutory designation is Toll's Meadow, Wymondham Local Nature Reserve located some 3km from the appeal land. The appeal land parcels are dominated by arable fields considered to be of negligible ecological value. Ecological designations are considered unlikely to be affected by the development. Mitigation and enhancement measures have been proposed to mitigate any potential effects on identified habitats and fauna. The development proposals and mitigation measures have been designed to achieve compliance with relevant legislation and planning policy. Natural England has advised that the proposal is unlikely to affect any statutory protected sites or landscapes³⁶. The Council's Ecologist raised no objection to the scheme subject to the imposition of appropriate conditions³⁷.
64. *Flooding and Drainage* - It is agreed that the flood risk to the site is low and the proposed outline drainage strategy appropriate. The site is located within Flood Zone 1; an area at low risk of flooding and therefore not inappropriate in flood risk terms for the residential and leisure uses proposed. The Flood Risk Assessment (FRA) (including Drainage Strategy)³⁸ and the FRA Addendum Report³⁹ were carried out and are considered acceptable by the Environment Agency which raises no objection to the appeal proposals subject to the imposition of conditions. The Environment Agency, Anglian Water and the Council's Environmental Protection Team⁴⁰ all confirmed that there are no objections in respect of either foul or surface water drainage subject to the imposition of conditions. Furthermore, the Environment Agency and the Environmental Protection Team have confirmed they have no objection in terms of ground contamination subject to conditions.
65. *Highways* - The proposed sites would be served by 4 principal points of access. Access to Parcel A⁴¹ would be via Lavender Road which currently extends up to the boundary of Parcel A within the Whispering Oaks development. The primary access to Parcel B would be via a new roundabout on the B1172⁴² with an access through the Carpenters Barn development into Parcel C⁴³. Parcel C would have access through both Parcel B and Becketts Grove via Carpenters Barn. An emergency access would be provided from Parcel C onto Melton Road⁴⁴. This would be a low key emergency only route which would be gated. The proposed accesses are all acceptable to the Highway and Planning Authorities.

³⁶ CD1/2 dated 8 May 2014

³⁷ CD1/2 dated 16 September 2014

³⁸ CD2/4 and CD2/5

³⁹ CD2/19

⁴⁰ All in CD1/2 dated 2 June 2014, 4 June 2014 and 10 November 2014 respectively

⁴¹ CD2/25

⁴² CD2/26

⁴³ CD2/28

⁴⁴ CD2/29

66. A series of linked pedestrian and cycle routes would be incorporated to connect to adjoining developments, the town centre and the surrounding countryside. The Highways Agency has no objection to the appeal proposals in respect of highway implications for the A11 or Thickthorn Junction.
67. The following position has been agreed with the appellants and the Local Highways Authority and the following improvements would be provided through the proposal forming this appeal scheme:
- The signalisation and re-shaping of Tuttle Lane roundabout (exact design to be agreed at the appropriate stage)
 - A footway/cycleway from a point from the principal entrance (the roundabout) to site B to David James Cars (Hethersett)
 - A new roundabout providing access to the proposed residential development through 63 Norwich Common and additional access via the Becketts Grove and Carpenters Farm developments
 - A Travel Plan contribution of £150,000 which would enable wider residential development to benefit from the travel plan initiatives that are currently being developed for Becketts Grove. There are no highway related objections to the appeal proposals.
68. *Archaeology and Heritage* - A desk based Cultural Heritage and Archaeological Assessment⁴⁵ was prepared to assess the archaeological potential of the site. The site does not lie within a Conservation Area and there are no Scheduled Ancient Monuments (SAM). The nearest SAM (Moot Hill medieval ring moot) is located adjacent to the south west of the site and it is agreed the proposed development is likely to have a neutral impact on the setting of the SAM. The Norfolk County Council (NCC) Historic Environment Officer raised no objection to the appeal proposal⁴⁶ subject to a condition regarding the implementation of a programme of site investigation works. The Council's Listed Buildings Officer raised no objection to the appeal proposal⁴⁷ and considered that the proposal would not adversely impact any listed buildings, scheduled monuments, historic parkland or any non-designated heritage assets. It is agreed there are no archaeological or built heritage objections to the appeal proposals.
69. *Appropriate Assessment* - Both parties agree that the proposal would not affect the integrity of any internationally protected sites (Special Protection Areas, Special Areas of Conservation) individually or in combination with other permitted development and extant consents/permissions in the surrounding area. In accordance with Regulation 61 of the Conservation of Habitat and Species Regulations 2010 it is considered that the development would not have a significant impact on any protected habitats and accordingly an Appropriate Assessment of the development was not carried out.
70. *Noise and Air Quality* - The potential noise impacts of the appeal proposal are considered negligible and no mitigation measures would be required⁴⁸. Both parties agree that the sites are not situated within or near an existing Air Quality

⁴⁵ CD2/5

⁴⁶ CD1/2 dated July 2014

⁴⁷ CD1/2 dated 30 May 2014

⁴⁸ CD2/5

Management Area. No significant construction or operational air pollution impacts would be anticipated as a result of the development.

71. *Design* - The appeal relates to an outline application. Whilst the appeal is supported by an Illustrative Masterplan⁴⁹ this was submitted for illustrative purposes only and demonstrates one way in which future development could comply with the Parameters⁵⁰. Design is not a reason for refusal.
72. *Economic Benefits* – As part of the rebuttal process it is not disputed that proposed development would be likely to bring some local economic benefits from the construction phase. The appellants' calculations are not disputed either. These indicate some £5.1M per annum of economic benefit during the construction phase. Associated with this would be some 114 jobs per year during construction. The economic benefits of the housing, once occupied, is calculated at £16.8M per annum. It is assumed that, of 442 economically active residents, 415 would be in work. A total commercial and leisure spend of £7.6M is also set out. It is estimated that the WRFC facility would create 10 jobs (2 full-time and 8 part-time) plus a gross value added benefit of £116,110 per annum and some benefits associated with hiring out of facilities. The weight to be attached to this varies between the parties.

Housing Land Supply Matters

73. A Housing Statement of Common Ground (HSoCG) was submitted with the appeal documentation⁵¹.
74. For the purposes of this planning appeal, it is agreed that the Council cannot demonstrate a five year supply of land for housing as required by paragraph 47 of the Framework. It is therefore agreed that paragraph 49 is triggered. It is also agreed that the appropriate physical area upon which to assess the housing land supply position is the NPA as defined in the JCS.
75. It is agreed that the JCS set a target for the NPA of 32,847 dwellings, equating to 1,825 dwellings per annum (dpa) over the 18 year plan period or 9,125 over 5 years.
76. Since the base date of the JCS (2008) there has been a shortfall of 5,817 dwellings⁵².
77. The relevant five year period for this appeal is April 2015-March 2020. The JCS targets are a minimum. It is also agreed between the main parties that the 20% buffer set out in the Framework is applicable for the NPA.
78. The Housing Land Supply Assessment⁵³ estimates that the total supply of deliverable existing sites in the five year period April 2015 to March 2020 is 11,926 dwellings.
79. The main parties have agreed various scenarios for housing land supply requirements based on the period over which the shortfall should be made up

⁴⁹ CD2/30

⁵⁰ CD2/21-CD2/29

⁵¹ CD1/6

⁵² A table setting out completions and shortfall is included in the HSoCG CD1/6

⁵³ CD11/8

and on the point in the calculation at which the buffer should be added (whether the buffer should be applied to the shortfall or not)⁵⁴.

The Case for Wymondham Rugby Football Club, Landstock Estates Ltd & Landowners Group Ltd (the Appellants)

Introductory Matters

80. The appellants acknowledge that this appeal, like any other, should be determined in accordance with the development plan unless material considerations indicate otherwise. The Council admits that it is not able to demonstrate a 5 year housing land supply. The extent of the deficit is disputed. However, the HSoCG expressly accepts at paragraph 2.2 that *"it is agreed that NPPF Paragraph 49 is triggered and the Appeal is to be determined under this premise."* It follows that whatever the future holds in terms of housing land supply in South Norfolk, this appeal should be determined on the basis that the absence of the 5 year supply means the Development Plan housing policies are out-of-date despite the recent adoption of the WAAP and there is therefore a presumption that planning permission should be granted subject only to two potential caveats.
81. Of the two caveats identified in paragraph 14 of the Framework, one does not apply as no 'footnote 9' policies apply to the appeal proposals. Accordingly this appeal should be determined on the basis of a simple balance of adverse impacts set against benefits as paragraph 14 requires. It is only if the benefits are *'significantly and demonstrably'* outweighed that planning permission must be refused.
82. The appellants note that the word *'demonstrably'* is not redundant in the balancing exercise. It must be given its usual meaning (*demonstro - I show*) and if a Council wishes to overturn the presumption it must *'show'* what the adverse impacts are. It is not enough to speculate that something may not happen if there is no demonstration of its unlikelihood. The Council appears to have aimed to do so, through cross examination, by seeking to show that: the relocation might not happen; if it does, the facilities may not be adequate; Wymondham Rugby Football Club (WRFC) might have to make do in a no planning permission world; no figures were available for the Inquiry showing what WRFC might be able to deliver in a no planning permission world; and, the mechanism (until that point) mooted in the s.106 for a ceiling of 80 dwellings on Parcel B being occupied prior to WRFC being open on its new site⁵⁵ would not actually guarantee delivery of the new WRFC premises.
83. These issues were not identified as issues in the SoCG as matters not agreed⁵⁶ nor in the Viability SOCG (VSoCG)⁵⁷. However, if planning permission is granted WRFC witnesses have made clear that WRFC would do everything it can to complete its long awaited move, particularly having searched for a suitable viable relocation site for 12 years. The committee report referred to the proposed

⁵⁴ Tables 4.1 and 4.2 of the HSoCG

⁵⁵ S.106 Schedule 1 Part 5

⁵⁶ CD1/5

⁵⁷ CD1/11

facilities illustrated and regarded them as appropriate⁵⁸ and the VSoCG gives the cost of the total package as about £8.5m⁵⁹. There was no suggestion whatsoever at the time of that report that the proposals were over the top or in any way excessive.

84. If planning permission is not granted WRFC would have to try to deliver new facilities on the back of the extant Retirement Home planning permission. This suggestion ignores paragraph 2.2 of VSoCG which accepts "*the extant consent will not raise sufficient revenue*" and paragraph 2.5 of the same document which agrees the total package costs at over £8.6m and WRFC relocation costs alone at £5.5m. This makes a nonsense of querying the adequacy of the relocated facilities. Moreover, making do, the appellants say, is not consistent with the acceptance of the high need for relocation of WRFC in the short term as set out in the Greater Norwich Development Partnership Playing Pitch Strategy 2014 (GNDPPPS)⁶⁰ and which requires re-provision of at least as much as was provided at the old club.
85. The Council had not asked for details about what could be afforded without the appeal planning permission. However, the evidence before the Inquiry is that paragraph 2.2 of the VSoCG establishes that the facilities that the planning committee considered as part of the appeal application without demur could not be provided based on revenue from sale of the existing premises.
86. The suggestion that the s.106 would be ineffective in securing the new WRFC facilities is considered fanciful to the appellants. The WRFC are keen to progress and the landowner (still less the house builder buying the site) is not likely to provide just 80 units on a plot enjoying planning permission for 300.
87. The appellants consider that this illustrates that the obvious benefits of WRFC relocation cannot be made to go away. Equally, suggestions that the level of future housing supply (despite dismal past performance) result in an excess of planning permissions is not a demonstration of harm and ignores the imperative advice in paragraph 14 of the Framework to boost housing supply now when there is no 5 year supply. Indeed this is the agreed basis for consideration of this appeal. The Council has therefore failed to show harm on this front too. The appellants note that in terms of education as an issue, this is no longer a reason for refusal and harm has not been shown.

The Development Plan

88. The documents which the parties agree comprise the Development Plan are set out above. The appellants consider the following to be key to considerations in this appeal.

The JCS

89. The NPA is agreed to be the appropriate area for assessment of the housing land supply position⁶¹, and the plan period target is at least 32,847 dwellings for

⁵⁸ CD3/8

⁵⁹ CD1/11

⁶⁰ CD16/3

⁶¹ CD1/6 para 2.3

2008-2026, or 9,125 dwellings over a five year period (plus any shortfall)⁶².

From 2008/9 to 2014/15 a very substantial shortfall in housing delivery has come about which is agreed at 5,817 (there have been only 6,958 completions against a requirement of 12,775 – a 45% shortfall)⁶³. In the light of this persistent under delivery the LPA has properly acknowledged that the housing target should be supplemented by a 20% buffer.⁶⁴

90. There is only one main town in the South Norfolk part of the NPA according to JCS Policy 13 which is Wymondham. As such, it is agreed to be a sustainable location for additional housing development.⁶⁵ Policy 10 requires at least 2,200 dwellings to be provided in Wymondham during the plan period.
91. Policy 4 expects that affordable housing provision would be delivered through the mechanism of 5-9 dwellings 20%, 10-15 dwellings 30% and, 16 and above 33%. The appellants' evidence in shows a shortfall in a 'Local Location' Area against a large site target of 429 so far based on 5 sites in the Wymondham/Hethersett area which should have been delivered at the 33% rate. The Council sought to excuse the levels of affordable housing required (for example 15% at South Wymondham 1,230 units) on the basis of infrastructure requirements. The Council presumably was aware of this when it selected the sites and apparently placed little importance on meeting this aspect of objectively assessed need. The Council could not explain how this deficit would be made up now that the big permissions have been issued.

The WAAP

92. The appellants wish to clarify that the document with development plan status is the WAAP and not the Inspector's Report. The WAAP commits to delivery of at least 2,200 dwellings in Wymondham. The re-use of the existing WRFC premises for a care home is provided for in Policy WYM 4 and Policy WYM 14 identifies a site within the strategic gap as the potential location for WRFC. The Policy expressly allows for the possibility of other relocation sites being looked at on their merits. The importance of the strategic gap between Wymondham and Hethersett is emphasised in paragraphs 5.6 and 7.28 of the latter referring to Policy DM 4.7 (see below).
93. WAAP Chapter 11 and the WAAP Policies Map identify the development boundary for Wymondham. The text provides that "*Outside the development boundary proposals will be assessed against relevant policies in JCS and Local Plan.*" The original reasons for refusal relied upon breaches of South Norfolk Local Plan Policies ENV8 and HOU4 but breach of these Policies is no longer relied upon in the new reasons for refusal, indeed no complaint is made in the new reasons for refusal of Parcels B and C lying outside the WAAP development boundary. The Council's evidence accepts that the development on Parcel C accords with the Development Plan and development on Parcel A is not inappropriate.

⁶² CD1/6 para 2.4

⁶³ CD1/6 para 2.5 Table 2.1

⁶⁴ CD1/6 para 2.8

⁶⁵ CD1/15 para 7.3

The DMPD

94. Policy DM 1.3 encourages new development at the main towns⁶⁶ at a scale proportionate to the growth planned in that location.⁶⁷ The WAAP identifies Wymondham as a main town intended to accommodate at least 2,200 dwellings. It also provides that development in the countryside will only be permitted when DMPD policies provide for development or if the development *“otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions as addressed in Policy 1.1”*⁶⁸. The supporting text gives examples of development which could be supported by the Council despite a countryside location which includes outdoor sports facilities⁶⁹. For these reasons doubtless the Council accepts that relocation of WRFC to Parcel C in the countryside accords with the Development Plan.
95. Policy DM 1.1 commits the Council to meeting the objectively assessed needs identified in the Local Plan and accepts a responsibility to meet *“...other unforeseen development needs”*⁷⁰ and commits to working proactively with applicants *“to find solutions”*⁷¹.
96. However, the Council does not appear to be keeping to those commitments. It is acknowledged that the WAAP and DMPD are very recently adopted and it is the fact that the intended relocation of WRFC to another location funded by sale of Parcel A is no longer viable⁷². It is the case that in order to fund WRFC’s relocation somewhere between 292-310 dwellings would need to be provided⁷³. These result in unforeseen needs where the appellant is providing a solution. Moreover, there is no 5 year housing land supply and this scheme would help the Council towards resolving its commitment in this regard.⁷⁴
97. In the appellant’s view, the Council needs to embrace all of the DMPD Policies including Policy DM1.1 if the commitment to finding solutions is not to be an empty promise. Because of that policy commitment it is simply not good enough to object to a viable proposal without offering a concrete alternative and it is accepted that the Council has no such alternative. This represents a failing not only in terms of Policy DM 1.1 but also it resiles from its long held commitment to relocate WRFC and frustrates the GNDPPS that it has committed to. Cllr Fuller’s evidence suggested that WRFC was hamstrung by the agreement it had entered into so the Council could only help when that agreement lapsed. There is no logic to this remark. WRFC regards the offer from the landowner (an ex club member) as the difference between success and failure for the future of the club. It is difficult to understand the attitude towards a club benefactor who transferred the second team pitch and paddock area on Parcel A to the club for much less than the land was then worth (based on Mr Wootton’s view), is prepared to facilitate the club’s relocation by shouldering along with his partners

⁶⁶ CD6/7 DM 1.3 para 1 (a)

⁶⁷ CD6/7 DM para 1 (b)

⁶⁸ CD6/7 DM para 2 (d)

⁶⁹ CD6/7 p.23 para 1.23

⁷⁰ CD6/7 p.18 DM 1.1 (a)

⁷¹ CD6/7 DM 1.1 (b)

⁷² CD1/11 para 2.2

⁷³ CD1/11 para 2.12

⁷⁴ CD1/6

the £4.5m funding gap (VSoCG App 1 "Total Funding gap"), thereby reducing the value of land sales, and thereby enables this development. This illogical approach to WRFC's relationship with the landowners calls into question whether the decision was actually made solely on planning grounds.

98. Probably the single most important policy in terms of the Council's case against the proposal is Policy DM 4.7: Strategic Gaps. The supporting text identifies qualities of strategic gaps as being to maintain segregation, to protect individual identities of certain settlements, to avoid loss of openness, and avoid development which diminishes the gap between settlements⁷⁵. Policy DM 4.7 is drafted in a positive way so that development will be permitted in the strategic gap so long as "... it would not erode or otherwise undermine the openness of the Strategic Gap"⁷⁶.
99. The appellants note that Parcel C lies outside the strategic gap so it is only Parcel B which is alleged to offend this policy.
100. The Court of Appeal has now⁷⁷, since the close of the Inquiry, made it plain that policies such as for strategic gaps should be regarded as policies for the supply of housing affected by paragraph 49 of the Framework. As the strategic gap policy is a policy for the supply of housing then the absence of a five year supply renders it out of date and, in this case, given the extent of the shortfall, the appellants consider only limited weight can now be afforded to the strategic gap policy – Policy DM 4.7.

Status of the Examination Inspector's Observations

101. It is important to recognise the context in which the Examining Inspector carries out his duties under the new system. His function is to test the plan for soundness. The end product of that process is to create a development plan document. The way in which the WAAP and DMPD documents are to be used is set out in paragraphs 1.4 (WAAP) and 0.1, 0.29 (DMPD) with only a passing reference in 0.13 of DMPD of the role of the examination process. These sections make clear that it is the development plan documents which will guide planning decisions. To do otherwise would require applicants for planning permission to carry around copies of the Examiner's Report with them.
102. The Examination Inspector's thought process explain why he found that the policies were justified, effective, positively prepared but they do not constitute, by extension, a part of the development plan. The Council's approach completely fails to acknowledge that. At the very highest the observations are material considerations but even then, they do not bind any subsequent decision maker. Nor have the Examination Inspector's observations in paragraph 149 of the Report restricted the Council's own landscape witness from disagreement.
103. At paragraph 149 the Examination Inspector regarded as justified the inclusion of Parcel B within the strategic gap. The DMPD and WAAP reflect this and the

⁷⁵ CD6/7 p.117 para 4.66

⁷⁶ CD6/7 p.118

⁷⁷ Suffolk Coastal DC V Hopkins Homes Ltd & SSCLG / Richborough Estates Partnership LLP v Cheshire East BC & SSCLG [2016] EWCA Civ 168

appellants readily accept that Parcel B is therefore governed by Policy DM 4.7 for development plan and development management purposes.

104. What the appellants do not accept is that it is in some way forbidden from disagreeing with the Examination Inspector's thought process who opined "149.... *This is because of the extent and open character of the site and its relationship with the proposed housing development to the west and the open land to the east.*"⁷⁸ As stated above, the Council's landscape witness does not characterise Parcel B as open in character. He describes it as semi enclosed in contrast to the open land to the east. Furthermore he categorises the whole of Parcel B as subject to urban influence which is hardly consistent with the Inspector's view that the land makes *"... a significant contribution to maintenance of the gap between settlements and the overall sense of openness."*
105. The Council's landscape witness's analysis in these three respects: - semi enclosed, urban influence and filtered views out, are shared by the appellants' landscape witness. The Examination Inspector could be right on this point but equally he could be wrong and it is certainly wrong to treat his assessment of openness on Parcel B as final.
106. It is also the fact that Inspector's analysis of the adjacent land in the appeal Ref: APP/L2630/A/09/2097802 at what is now the Becketts Grove development is inconsistent with the Examination Inspector's analysis of the land immediately next door in Parcel B. The Inspector analysed Policy ENV2: *"The ENV2 notation between Hethersett and Wymondham extends around 2 km along the B1172 and from the A11 north towards Wong Farm. In that it is intended to maintain a physical segregation between the settlements and their individual identities ..."*⁷⁹. Although it is right to say that Policy ENV2 has a different status to Policy DM 4.7 both policies share the aim of physical segregation and maintaining individual identities. For this reason her analysis remains relevant in terms of separation and separate identity. This is her analysis *"... my perception was that this was essentially achieved by the mid section where there is farm land on both sides of the road north of Elm Farm allowing those travelling between the settlements wide views of the surrounding open fields and scattered woodland."* She is referring to the same open countryside area described by the landscape witnesses (on both sides) in this appeal. The analysis by the appeal Inspector for Becketts Grove remains sound today.
107. In continuing her analysis the Inspector says *"From there going south there is a ribbon of development, albeit loose and with gaps, on the western side of Norwich Common which contains and limits views of the countryside beyond."* This analysis remains sound and is enhanced by virtue of the completion of the new development abutting the B1172 at 49 Norwich Common. Paragraph 211 continues *"I found that the appeal site, as a result of its proximity to the built up area and the visible urban influences, differs in character from the more rural and open countryside to the north and east."* This is exactly what the landscape witnesses say, agreeing, about proximity to the built up area, urban influences, landscape character within the site, open countryside beyond on Parcel B. It is accepted that the reference to plateau topography applies to both sites. The final

⁷⁸ CD7/8 para 149, last sentence

⁷⁹ CD10/1 paras 210-211

observations "*I did not find it to be an important component of the landscape between Hethersett and Wymondham that enables their physical separation to be maintained. Nor that it was necessary for the site to remain undeveloped to ensure coalescence did not occur*" apply equally to the land on Parcel B.

108. The conclusion to reach is that in this appeal the Inspector is entirely free to reach a conclusion on the role of Parcel B in terms of separation of settlements and separate identify (although in respect of the latter it is accepted by Council's landscape witness that development of Parcel B would not cause harm to the identity of either).

109. There are other reasons for approaching what the Examination Inspector said with a degree of circumspection for a start he was conducting an examination into the soundness of development plan documents, not determining a planning application. The level of detail of the material submitted for an examination and a planning application, especially where an ES is required complete with a Landscape and Visual Impact Assessment, is completely different. The Examination found the Council to be a 5% buffer authority but this appeal proceeds on the basis that a 20% buffer must apply. The Examination Inspector examined housing supply only within the context of the Council's area whereas this Inquiry must address the NPA supply and it has found there is clearly no five year supply.

110. In addition, the WAAP catered for relocation of WRFC through two allocations in Policies WYM 4 and WYM 14. Both have been overtaken by events for the financial reasons set out in the VSoCG. Those policies do not deliver what they were intended to so, in terms of the requirement that plans must be deliverable as required in paragraph 173 of the Framework, the policies fail that test. The consequence of housing allocations not being deliverable is that there is likely to be a five year supply deficit and hence housing policies are out of date. On that basis by analogy Policies WYM 4 and WYM 14 which are linked policies for delivery of sports facilities are now out of date.

111. The Examination Inspector was guided by a 2007 Study as to Sports requirements.⁸⁰ The Framework, at paragraph 73, sets out that "*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.*"

112. The 2014 GNDPPPS is the up to date document which was not available at the Examination stage. The strategy now defines as a high priority the relocation of WRFC in the short term. It also requires that the move entails "*... no overall loss of pitches. Any new site should comprise the required long-term number of pitches, training area, possible 3G training pitch, clubhouse and other ancillary facilities. ...*"⁸¹

⁸⁰ CD7/8 para 286

⁸¹ CD16/3 Table on page 39: recommendation R10

113. The Council now seeks to go behind its own strategy and require WRFC to develop according to its means. This ignores the relevant policy provision. The VSoCG states that the sale value of Parcel A alone is £4.1m and relocation costs alone are £5.5m. It follows that the make do suggestion is completely unviable in its own terms and any lesser provision of facilities at any new location would fail the strategy requirement of no loss of pitches or facilities. Even if the view were to be taken that Policies WYM 4 and WYM 14 were not out-of-date, under Policy DM 1.1 there is an express requirement at Policy DM 1.1 (a) to respond to "... other unforeseen development needs." Clearly the 2014 strategy identifies an unidentified development need in DMPD terms. This in turn means that even if Policies WYM 4 and WYM 14 are not out of date, the mechanism of Policy DM 1.1 is put into action which requires a balance across all three dimensions, as does paragraph 14 of the Framework.
114. All of the above factors demonstrate beyond argument that the factual matrix against which the Examination was undertaken is different in a wide range of material respects. The Council's reliance upon the Examination Report in preference to the development plan itself for the purposes of cross examination demonstrates a failure to acknowledge the role of the development plan in decision making (as WAAP and DMPD clearly both require). There is one excellent test to apply in this case. The WAAP states (at paragraph 6.4) that the Business Park constitutes the gateway into Wymondham "*The site is an extension to an already established area of employment on the edge of Wymondham at Elm Farm Business Park. The site acts as a gateway to the town on the approach up the B1172 from Hethersett.*" The appeal site lies past that gateway and is therefore within Wymondham. The Council through its landscape witness has tried to create a second gateway so as to put Parcel B outside of it. That is inconsistent with the clear words in the WAAP. The Council chooses to ignore the WAAP's clear assessment of where the gateway is located because it makes its case on the effect of development of Parcel B illogical. How can development within the gateway of a settlement erode a gap between that settlement and an adjacent one?

Education

115. The Framework at paragraph 72 clearly does not expect that school provision should act as a constraint on development and the needs of new communities. The Council is supposed to take a proactive approach. What we see here is the antithesis of what is encouraged. The nature of the debate is not about whether schooling should represent a reason for refusal of planning permission but whether there is any harm to schooling should planning permission be granted. However, following expert involvement there is no longer a reason for refusal based on school provision. The appellants now only need to consider if there is any disadvantage associated with grant of planning permission and if there is, what weight to give it.
116. The appellants note that the Council has added in Education concerns as rebuttal evidence when it is not a rebuttal matter.
117. NCCCS attempt to treat speculative housing differently compared with sites allocated in a Local Plan, it is not within their remit to do so; the CIL does not discriminate on this basis with regards to how different housing developments will fund new education places if such places are required.

118. NCCCS simply state what many Local Education Authorities do for their own area as required by the Department for Education (DfE). However, there is no evidence that the DfE or Education Funding Agency has approved the NCCCS approach in using a specific higher local pupil multiplier for Wymondham. The evidence shows that their approach is flawed due to a reliance on figures from the Whispering Oaks site which had a far higher number of four and five bedroom dwellings versus total dwellings than other sites in South Norfolk. There is no statistical, or data-driven, basis for NCCCS to apply a higher local pupil multiplier for Wymondham. NCCCS's comment regarding taking a cautious approach carries very little weight with regards the specific matters of this appeal and the Council did not cite education as a reason for refusal.
119. NCCCS does not address evidence regarding the potential for expansion at Wymondham College Academy and Hethersett Academy. The appellants do not make a case to expand WHA beyond its planned future capacity of 2,050 as other options exist locally, for instance at Wymondham College⁸² or Hethersett Academy, NCCCS does not rebut that evidence.
120. NCCCS state that Wymondham College *"has indicated in writing that it will not expand its Published Admission Number to deal with the impact of the Rugby Club application or any other development."* This new NCCCS statement, which contradicts the appellants' evidence has been made without the evidence to support it. Nor does NCCCS address the appellants' comments regarding the potential for expansion at Hethersett Academy. NCCCS does not rebut the appellants' evidence that this school could potentially accommodate more children on its site than the number NCCCS indicates.
121. The comment from NCCCS regarding any pressure for places at other schools does not rebut the appellants evidence that *"that all developments which are consented after the local adoption of the SNC CIL will provide funding for the provision of extra school places in South Norfolk. It follows that NCC⁸³ will have funds available to consider expansions at other schools if such an insufficiency of school places is proven likely to arise."*
122. NCCCS does not rebut the appellants' evidence that *"Children living in small village communities do not necessarily always all attend the same secondary school, either due to parental preference or for other reasons. Furthermore, as has been set out earlier in this position statement, the Education Act does not state it is the duty of a local education authority to ensure that there are sufficient school places at the catchment area school for all children residing within that particular school's catchment area. NCC make it clear to all parents in Norfolk that living in a school's catchment area does not guarantee a place at that school."*
123. NCCCS comment that *"we do not anticipate that there will be any spare places in any of these schools"*. This does not rebut the appellants' evidence that *"that all developments which are consented after the local adoption of the SNC CIL will provide funding for the provision of extra school places in South Norfolk. It follows that NCC will have funds available to consider expansions at other schools if such an insufficiency of school places is proven likely to arise."*

⁸² Appendix AW1 Education Position Statement (Oliver Nicholson EPDS Consultants)

⁸³ NCC used by the appellants' consultant as quoted is abbreviated to NCCCS elsewhere

124. NCCCS comment that *"It would be in default of our duty to local people to plan mechanically by what our pupil forecasts tell us, when we are perfectly aware that local factors would change what they indicate to happen in the future."* The duty of NCCCS as the Local Education Authority is established in the Education Act 1996 which requires *"A local education authority shall secure that sufficient school for providing – (a) primary education and (b) secondary education...are available for their area"*. NCCCS does not provide evidence of what its *"duty to local people"* is beyond that duty set out in the Education Act.
125. Whilst a risk of harm is suggested there is no evidence about what that harm would be. NCCCS refer to education as a human right but if this site is given planning permission it would not prevent any local children from receiving education.
126. In *"A Good Education for Every Norfolk Learner"*, NCCCS state *"Schools must be able to plan their provision over a number of years, taking into account planned growth but without being ambushed by unplanned numbers"*; the impact of this site were it to be approved would be that children would only arise once the houses are completed over a number of years – in the same way that children on other consented sites, such as those in the Local Plan, would do. This does not reduce NCCCS's ability to plan its education provision; there is no risk of harm.
127. It is suggested by the Council that the rights of parents to express a preference for a school would be at risk of harm. However, parents' rights to express a preference would be unaffected if this proposed development were to be approved. Parents have the right to express a preference for a list of schools that they would like their child to attend, but which school their child actually attends is dependent on a number of factors, including the admissions criteria for each school. This proposed development would not limit the range of schools that parents may choose to apply to in seeking a place at a secondary school for their child. NCCCS does not explain the basis of their comment *"the above would split cohorts and siblings as they move between primary and secondary"*. Nor do they provide any substantiated evidence that any harm would occur.
128. NCCCS comments on home to school transport, including use of taxis, are not substantiated by evidence and nor are they quantified in terms of real, additional costs. Furthermore, NCCCS does not rebut the appellants' evidence that *"the only travel impact may be for children in these areas to potentially need to travel a shorter distance to an alternative school, rather than to WHA, using home to school transport provided by NCC and funded through the CIL."*
129. The conclusion to be drawn is that the Council / NCCCS have singularly failed to demonstrate harm. They content themselves with alleging it and avoid any of the appellants' hard-edged factual conclusions. In short this analysis has served to show why NCCCS knew it would not be able to justify an education reason for refusal.

Housing Land Supply

130. The HSoCG summarises the five year supply positions in two tables. The appellants' position is that there is a deficit of 6,004 dwellings (giving 3.32 years supply) and the Council's position is that there is a deficit of 1,669 dwellings (giving a 4.39 supply). The key points between the parties are about the

calculation method, how the deficit should be made up (Sedgefield / Liverpool) and what the buffer should be applied to.

131. The Council state that the JCS always expected a stepped provision of housing. The appellants' view is that if a plan creates a stepped approach and keeps to it then there can be no criticism of the process. However, if the planned projection is not met then there are no good reasons why the usual rule in which the planning guidance requires deficits usually to be made up over next five years should not apply. In the table below information from two tables are compared:

	JCS⁸⁴	ACTUAL⁸⁵	
2008/09	1,270	1,193	FAIL
2009/10	1,295	923	FAIL
2010/11	1,366	910	FAIL
2011/12	1,752	915	FAIL
2012/13	2,043	882	FAIL
2013/14	1,667	992	FAIL
2014/15	2,153	1,143	FAIL
	11,546	6,958	FAIL

132. The JCS column represents what the authorities assured the JCS examination Inspector they would deliver and it cannot be a source of complaint to be judged against the figures the authorities themselves said could be achieved. To require the Council and its NPA partnering authorities to make up the deficit in the face of such failure against the trajectory in the JCS is the only logical response to persistent under delivery. Against its own target the requirement in the NPA has fallen short by just under 40% (6,958 against 11,546).
133. The Council's planning policy witness argued against 'Sedgefield' (i.e. making up the shortfall in five years). However, it is clear that housing is brought forward from later in the plan period: no new housing is introduced. On the matter of delivery, the HSoCG⁸⁶ requires delivery of 17,930 homes over the next five year period, i.e. 3,586 dpa. It is this figure which is alleged to be impossible. The HLS Assessment⁸⁷ suggests that in 2020 the higher figure of 3,610 dpa will be delivered. The appellants note that it would appear that the Council thinks it can deliver housing when it suits it to do so.
134. There is no good reason on the evidence in this case why the shortfall should not be made up over the next five years. An Inspector dealt with this very point in the recent High Ash Farm⁸⁸ decision within this Council's area. There would need to be a good reason for departure from what he said and there is none. Each of the three reasons he gives for applying 'Sedgefield' at paragraphs 21-24 still apply today only 6 months later and his conclusion remains justified; *"I*

⁸⁴ CD6/1 JCS p.112

⁸⁵ CD1/6 Table 1.2

⁸⁶ CD1/6 Table 4.1 Row K Column D

⁸⁷ Appendix A 1 bottom row - CD11/8

⁸⁸ CD10/12 Appeal Ref: APP/L2630/W/15/3005707

therefore consider the Sedgefield approach to be the more appropriate methodology."⁸⁹ If Sedgefield is applied, the numerical consequence is set out in tables in the HSoCG and amount to an extra 4,000 dwellings to be provided or thereabouts.

135. The issue of what the buffer should apply to turns on the wording of paragraph 47 of the Framework which requires a buffer (in this case agreed to be 20%) to be applied to "*their housing requirements*". In this case the housing requirement is the target plus the shortfall as the Council's planning policy witness agreed. This is the approach adopted by the Inspector and approved by the SoS in the Pulley Lane decision⁹⁰ and, indeed, in the High Ash Farm decision which falls both in the Council's and the NPA area. The SoS has very recently reconfirmed this in the Asps decision⁹¹ where the Inspector's Report, says "*I consider that the shortfall should be added to the FOAN before the buffer is applied.*" This approach was accepted by SoS. There is no good reason why this approach should not be followed here. The numerical conclusion of following this course of action based on the tables in the HSoCG is about 500 homes need bringing forward.
136. The real deficit in the seven year period to 2015 in the NPA is very substantial and lies just over 5,800 dwellings whereas the forward 5 year supply 2015/16 to 2019/20 sets out a shortfall of just over 6,000 dwellings, a 3.23 year supply. The Council, the appellants' contend, is in denial about this and is overly optimistic. Even if the view were taken that the Council's figures were correct it is accepted that this appeal must proceed on the basis that the paragraph 14 presumption applies. The appellants' planning witness was criticised for not providing full analysis of the Council's supply figures he used in his calculations and had used as the basis for questions. However, the supply based on a 'Sedgefield' approach and with the buffer applied to shortfall creates a supply of just over three years. To seek to bring it lower still by poring over each site in the alleged supply site by site would be pointless. Equally, if weight is to be attached to the degree of shortfall in the paragraph 14 balance, then it is clear that there is a serious deficit.

Other Issues

137. Interested parties raise concerns about ecological matters. The updated ES confirms that ecological designations are unlikely to be affected by the development. Some potential effects have been identified to flora and fauna and so mitigation and enhancement measures are proposed which should provide new areas of valuable wildlife habitat. Measures are also proposed to avoid impacts resulting from construction activities, anthropogenic effects, lighting and changes to hydrology. Updated survey work confirms that there are no Great Crested Newts at the site and the SoCG confirms the parties agree that there would be no detrimental impacts on ecology or arboriculture subject to conditions.
138. In terms of highway safety and traffic the main parties agree that the proposed four principal access points would be acceptable, pedestrian and cycle

⁸⁹ CD10/12

⁹⁰ CD10/16 Appeal Refs: APP/H1840/A/13/2199085 & 2199426

⁹¹ CD16/9 Appeal Ref: APP/T3725/A/14/2221613 para 14.13

links would help connect the developments to the town and countryside, there are no objections about impacts on the A11 or Thickthorn Junction, and there would be highway improvements. Neither Highways England nor the County Council, as Highway Authority, object to the proposals. Conditions and the s.106 would secure Travel Plan benefits and ensure suitable mitigation during construction.

Appellants' Conclusions

139. The appellants' proposals are interlinked and non severable. The relocation of WRFC and provision of necessary facilities at Parcel C can only take place if planning permission is granted for housing at Parcels A and B. The site by site analysis against policy is as follows:
140. **Parcel A** - lies entirely within the settlement boundary. The WAAP supports housing development within the settlement boundary *"Under normal circumstances new development, e.g. housing, employment, shopping and tourist proposals will be acceptable within the defined settlement boundary."*⁹² Policy DM 1.3 supports development *"within the development boundaries of Settlements defined on the Policies Map comprising ... Main Towns"* subject only to being of a *"scale proportionate to the level of growth planned in that location"*. As Wymondham is planned to accommodate at least 2,200 dwellings the addition of 90 is, in the appellants' view, obviously proportionate. There is, therefore, development plan support for this element of the appeal proposals. The existing WRFC site has been allocated for a different use under Policy WYM 4 but there is no reason for refusal based on this and in the light of the five year land supply deficit it is difficult to see how any such objection could be sustained. The Council's planning (development management) witness puts the acceptability of development beyond doubt in his evidence that this element of the proposal is *"not inappropriate"*.
141. **Parcel B** - This site is allocated in the WAAP for relocation of WRFC, so some built development was envisaged outside of the settlement boundary and within the strategic gap. Because of the inevitable effect of the housing proposed, there is conflict with Policy DM 4.7. However, the purpose of this policy cannot be ignored when the breach is considered. In the SoS Decision in Mountsorrel⁹³ the Decision Letter assessed the effect of development in another separation policy area and focussed on the effect on the character and appearance of the area; and, the extent to which the proposal would undermine the planning purpose of the policy and the overall integrity of the gap.
142. That approach is equally appropriate here with special attention being given to the qualities of the strategic gap relied on in the WAAP. In the DMPD⁹⁴, reference is made to development which *'diminishes the gap'* between settlements. If the word gap is given its usual meaning of space between two settlements, it is clear from the DMPD Map⁹⁵ that no part of Wymondham post development of Parcel B is brought closer to Hethersett than the existing substantial gap of some 1.3km. The existing minimum distance between the

⁹² CD6/6 p.57 para 11.1

⁹³ CD10/15 Decision Letter para 13

⁹⁴ CD6/7 para 4.66

⁹⁵ CD6/7 p.165

- settlements would therefore be maintained. One must add to that the reality that driving either way on the B1172 the site would always be perceived as part of Wymondham rather than a site sticking out into the gap for reasons set out above.
143. If a broader view is taken of the function of the gap, it comprises overall an area of 321.17 ha of which Parcel C consists of 11.02 ha (omitting the Norwich Common / B1172 frontage or 12.07 gross⁹⁶). Therefore loss of Parcel B from the strategic gap represents a loss of only 3.43 – 3.76 % so that the overall integrity of the strategic gap can hardly be said to be threatened.
144. The Council's planning (development management) witness' evidence on the interpretation of strategic gap policy was revealing. He was convinced that planning permission should still be refused for strategic gap development even if the Inspector/SoS were to find that the overall integrity of the strategic gap were preserved post housing development on Parcel B. If the purpose of a policy is respected it is pedantry to say that permission should be nevertheless refused because of a non fatal incursion into the strategic gap. This approach also demonstrates that despite his acceptance that Policy DM 4.7 was not a footnote 9 policy it is being treated as if it were.
145. The policy reference to the effect of development on openness cannot be relied on to attribute some form of green belt status upon strategic gap. Putting aside whether or not the policy is one for the supply of housing it is completely clear that the strategic gap policy is not a Framework footnote 9 policy which would overturn the presumption in favour of development that exists in this case by reason of the absence of a five year housing supply. In strategic gap policy terms openness is a servant to the aims of separation and separate identity. In green belt policy openness is a quality in its own right.
146. The Council's cross examination of the appellants' landscape witness made complaint about the effect of development on the local character area. If there were anything in this point the Council would doubtless have relied on a refusal reason based on Policy DM 4.5.
147. Finally, it is the case that the development of Parcel B would make a valuable contribution to provision of open market and affordable housing provision. The economic and social benefits also have the ancillary benefit of facilitating the relocation of WRFC which the WAAP aspires to but which it can no longer deliver.
148. **Parcel C** - The site for the relocated WRFC is outside the settlement boundary but Policy DM 1.3 sanctions this where there are overriding benefits in terms of economic, social and environmental dimensions. Furthermore, the SoCG agrees that a RFC use in the countryside is not inappropriate. The benefits of relocating WRFC to a suitable site and providing appropriate facilities are obvious the appellants' WRFC witness' evidence which explains how long the club have been trying to relocate. Moreover, Sport England supports the proposal and acknowledges the existence of the strong case for a new facility.
149. There is no realistic opportunity for WRFC to be suitably relocated other than through grant of planning permission for this proposal. It is unfortunate that the

⁹⁶ CD1/5 para 2.9

Council through its rebuttal of the planning evidence has sought to underplay the serious need for relocation, which hitherto had been understood to be accepted not least because the recently adopted WAAP made express provision for its relocation and the GNDPSS⁹⁷ expressly supported the need for WRFC to relocate to new facilities. Furthermore, the Council in s.106 negotiations have fought for the quality of the relocated rugby club to be maintained. This is inconsistent with the make do approach that encourages reliance upon the sale of only Parcel A to support relocation. We know from the VSoCG that this is simply not possible and only development of Parcel B can deliver appropriate facilities.

150. Thus, the appellants' final conclusion is that two of the three parcels of development are agreed to be acceptable. The third Parcel is within the strategic gap. However its location is such that it can clearly be developed and leave the overall integrity of the strategic gap intact. Housing is brought no closer to Hethersett and the loss of strategic gap by area is less than 5%. Even a 5% loss could in theory in some circumstances be problematical but that cannot be the case here when the area is semi enclosed, already subject to urban influence cloaked by existing vegetation which filters views and leaves over a kilometre of open countryside beyond completely untouched. The WAAP acknowledges that Parcel B is located past the gateway so that in terms of the real world the new homes would be located in Wymondham rather than in the gap between Wymondham and Hethersett. Sometimes planning needs to acknowledge the realities rather than apply policy blindly without regard to real world effects, or the absence of them.
151. This proposal represents the only viable relocation opportunity for WRFC for the foreseeable future. It probably represents a once in a lifetime opportunity given that the attempts to move started some 12 years ago. It comes at a small acceptable cost to the strategic gap but it secures very considerable permanent benefit to future generations of rugby players and families, rich and poor, who would benefit from the housing provided. The Inquiry has not been under siege by residents of Hethersett or Wymondham complaining about loss of identity of either settlement nor of impending coalescence. This is not always the case as the Inspector will be aware. If objection based on planning reasons is a material consideration so is its comparative absence.
152. The appellants ask that grant of planning permission is recommended and we ask SoS to grant permission subject to such conditions as are thought fit and subject to the s.106.

The Case for South Norfolk Council (the Council)

Introduction

153. The principal issue raised in this appeal is whether the benefits of the appeal proposals are significantly and demonstrably outweighed by the disbenefits.
154. There is no dispute as to what those benefits and disbenefits are; there is however a dispute as to the extent and weight to be accorded to a number of them in the overall balance. The matters to be addressed in that overall balance include: the effect of the appeal proposal on the character and appearance of the

⁹⁷ CD16/3

landscape and on the strategic gap between Wymondham and Hethersett; the contribution of the appeal proposal to the sporting and recreational needs of the town and the District more generally; the benefits of the appeal proposals in terms of their contribution to housing land supply (including affordable housing); and the other benefits of the appeal proposals in terms of the three dimensions of sustainable development.

Strategic Gap

155. Since the Inquiry closed the Court of Appeal decision in *Suffolk Coastal DC V Hopkins Homes Ltd & SSCLG / Richborough Estates Partnership LLP v Cheshire East BC & SSCLG* is such that the Council accepts the strategic gap policy is one to be regarded as a relevant policy for the supply of housing. However, the Council maintains that it should still be accorded very significant weight in the overall planning balance of the appeal, having regard to the role the strategic gap performs, that has been recently endorsed at the examination of the local plan, a process which took place in full knowledge of the Framework. The Council therefore maintains its position in terms of harm and planning balance as set out at the Inquiry.
156. The JCS seeks to provide for the development needs of the three authorities whilst (inter alia) maintaining the important strategic gaps.⁹⁸ In particular, it seeks the delivery of at least 2,200 dwellings at Wymondham “*whilst maintaining the strategic gap to the north and north-east...*” The extent of the land which is appropriately maintained for this purpose has very recently been the subject of detailed consideration by the Examination Inspector who undertook the independent examination into the WAAP and the DMPD. In his report dated 28 September 2015 he concluded that Parcel B: “makes a significant contribution to the maintenance of the gap between settlements and the overall sense of openness within it. This is because of the extent and open character of the site and its relationship with the proposed housing development to the west and the open land to the east.”⁹⁹ When the objectives/function of the strategic gap are properly understood it is obvious why he reached this conclusion. It is equally clear that there has been no material change of circumstance since that conclusion was reached. In substance the appellants’ case has, as its essential premise that the Examination Inspector’s conclusion was wrong. However, their approach involves seeking to give both the principally relevant policy and its supporting text¹⁰⁰ a meaning they would wish they had, rather than accepting what they say.
157. Whilst the strategic gaps are not protected for their landscape value, their landscape character is a key element of the reason for their designation and their continued protection. That much is evident from the supporting text which stresses the need to maintain the essentially rural character of the district and the setting of settlements within the context of the significant planned growth in with the NPA. The designation of strategic gaps seeks to do that by maintaining

⁹⁸ CD6/1 Policies 2 and 10

⁹⁹ Para 149

¹⁰⁰ CD6/7 Policy DM4.7 and paras 4.63-4.67

segregation and individual identities of certain settlements so as to avoid development sprawl.¹⁰¹

158. Within the defined strategic gaps, any development which would result in the loss of the sense of openness and which diminishes the gap between the settlements in question will be resisted.¹⁰² Hence the policy approach which is permissive of development but only where it *“would not erode or otherwise undermine the openness of the Strategic Gap”*.¹⁰³ In this context openness also means undeveloped. In other words a functioning piece of countryside between the two settlements, which prevents physical and visual coalescence and provides the setting and separate identity for each settlement. In order to achieve this here in such a relatively open landscape, the strategic gap has to be of sufficient scale, as there can be no reliance placed on topographic variation and/or retention of vegetation to help achieve separation of the settlements.

159. The DMPD identifies a limited number of forms of development which are acceptable in principle provided that they preserve openness.¹⁰⁴ Any development which erodes or otherwise undermines openness within the defined area is thus in breach of the policy. Such a breach is not a technical breach of the policy because one element of the objectives of the policy may not be unduly harmed. The policy and its objectives must be looked at as a whole.

Landscape Context

160. The starting point in assessing the value of Parcel B to the strategic gap and informing the assessment of effects is to have regard to the landscape context. This is required not in order to raise some landscape character impact objection, but rather to understand which area needs to be protected as open land between settlements which contributes a sense of spaciousness/openness having regard to its characteristics. That in turn informs the assessment of impact on openness in the context of any given proposal.

161. There is no material dispute as to what that landscape context is.

162. The strategic gap lies within the D1 Wymondham Settled Plateau Farmland Landscape Character Area (LCA), as defined by the South Norfolk Landscape Assessment (June 2001).¹⁰⁵ Key characteristics of this LCA include

“A settled landscape with large, edge-of-plateau towns (including market towns and those of more modern origin) and villages plus smaller, nucleated settlements which are dispersed across the plateau.”

“Large expanse of flat landform with little variation over long distances with strong open horizons – the archetypal ‘Norfolk’ landscape of popular imagination.”

“Large scale open arable fields including sugarbeet, cereal and oilseed rape monocultures creating simple, often monotonous, character.”

¹⁰¹ CD6/7 para 4.65

¹⁰² CD6/7 para 4.66

¹⁰³ CD6/7 Policy DM 4.7

¹⁰⁴ CD6/7 para 4.66

¹⁰⁵ CD1/10 Appendix A

"Long views from plateau edge, including to Norwich from the northern plateau edge.

"Poor hedgerows generally, which accentuates the openness of the landscape. The resulting wide verges beside roads often contain attractive wildflowers. Some mature hedgerow trees are found, particularly beside roads, which are a distinctive feature. Areas of more intact hedgerow network sometimes occur around settlements."

"Sparsely wooded but with occasional woodland blocks, sometimes associated with former parkland areas, creating a more wooded character and wooded horizons in parts of this generally open landscape."

163. The landscape character assessment identifies "Very important strategic break(s) between Wymondham-Hethersett-Cringelford and Norwich" as one of the significant landscape assets of this LCA.
164. In terms of the principal sensitivities and vulnerabilities of this LCA, the landscape character assessment identifies, amongst other things, the potential for "settlement coalescence, particularly associated with the vulnerable A11 corridor or B1172 between Wymondham and Hethersett." The Landscape Character Assessment states that the overall strategy for this LCA is to "maintain its open agricultural landscape character, with its distinct pattern of concentrated settlement on the plateau edge with more dispersed nucleated villages and isolated farm buildings across the plateau top."
165. The landscape character assessment identifies various development considerations including the seeking to "maintain the nucleated clustered character of the settlements and limit edge sprawl out into the adjacent landscape; well-planned infill and edge development may be acceptable" and to "maintain strategic gaps between settlements, and in particular prevent further growth of Wymondham and/or Hethersett which would lead to coalescence of settlement along the A11 leading to the merger of Wymondham/Hethersett or Hethersett/Norwich." The appellants' landscape witness accepted that this demonstrated that the purpose of the strategic gap designation extended beyond simply avoiding the coalescence of Hethersett and Wymondham and included avoiding the consolidation of settlement within the strategic gap.

Landscape of the Strategic Gap

166. The local landscape is flat to gently rolling with levels varying approximately between 45 and 51m Above Ordnance Datum (AOD). Land on the south-western edge of the strategic gap at Wymondham lies at approximately 45m AOD whilst land on the north-eastern edge at Hethersett lies at approximately 48m AOD.
167. Vegetation within the strategic gap is dominated by arable fields and small blocks of woodland. Field sizes are generally large to medium in scale. Field boundaries are generally defined by managed hedgerows, but over time, hedgerows have been removed for field enlargement. There are few hedgerow trees. There are several small blocks of woodland scattered across the western part of the strategic gap, including 'The Wong', a linear block of woodland associated with former parkland. These woodlands combine with field hedgerows to give a semi enclosed character to the western part of the strategic gap, which includes the appeal site. This forms an effective transition into the more visually

open countryside to the east at the southern end of The Wong and Elm Business Park. Here the flat landscape affords more open, longer views, interrupted only by more distant hedgerows. Despite the erosion of openness caused by the intrusion of new housing on the edge of Wymondham, the strategic gap maintains an overall open agricultural landscape character.

168. Parcel B and the paddocks/fields immediately to the north and east form the countryside views for users of the permissive bridleways in the vicinity of The Wong's southern edge.¹⁰⁶ In westerly views from these permissive bridleways, the new development is visible, but through intervening vegetation. In easterly views, the open character of the landscape becomes more evident, allowing longer views towards Hethersett. However, field hedgerows largely prevent views of the settlement, with only the water tower, occasional roof tops and facades being discernible from the permissive bridleways. The fields, hedgerows and woodlands all contribute to the setting and separate identities of the adjacent settlements and provide an essential contribution to the purpose and effectiveness of the strategic gap in terms of conserving openness and preventing settlement coalescence.

Sense of Leaving/Departing the Settlement

169. There was much debate as to the gateway to Wymondham and what this meant. This can only be judged on the ground but what is clear is that there is no sense of entering into the town of Wymondham itself at Elm Farm Business Park. Rather, this point marks the point of transition as the traveller on the B1172 begins to pass from the open countryside to the east and south into the settlement. Only at this point does the strong sense of passing through open countryside begin to erode and it is only at Becket's Grove that the sense of arrival is complete. Equally, the traveller in the opposite direction has the perception of beginning to leave Wymondham shortly after Albin Way (Becket's Grove) with the sense of the gradual emergence from the settlement being assisted by the set back of the properties to the north of the road and their generously sized, mature gardens which present a green foil to the road.
170. However, the sense of leaving and departing is not confined to the B1172. It is also important on PROW FP26 and the permissive bridle paths. Further, it is important to consider not just the sense of leaving/departing but also the sense of being outside and beyond the settlements, a matter accepted by the appellants' landscape witness.

The effects of the Proposed Development

171. Parcel B is open and undeveloped whilst having a semi enclosed character. Its character has been influenced by the development to the west and south and (in part) on the eastern boundary, but this is typical of urban edges. What is important here, and what was clearly appreciated by the Examination Inspector is the contribution which Parcel B makes to mitigating the effects of the Wymondham urban edge on the wider landscape of the strategic gap. Its size, occupying almost a quarter of the strategic gap's length, combined with the field hedgerows, act as a transition between the existing settlement edge and the more open landscape to the east. In consequence Parcel B is an essential

¹⁰⁶ Appellants' Landscape Witness photos B, C, D, E, F, in appendix LT2

component of the strategic gap and critical to its future success in maintaining openness and preventing coalescence.

172. The development of up to 300 dwellings, with an average density of 33 dwellings and 2-2.5 storeys in height (10.5m) would, in the Council's view, inevitably urbanise the site and deprive it of its essential open character. Once lost or damaged due to more housing, it cannot be replaced. The effects of the scheme in this respect have been downplayed by the appellants. One of the site's most important features would be permanently lost and cannot be replaced. Further, it is the filtering effect of the existing vegetation combined with the site's openness which ensures that, from the wider landscape east of Elm Farm Business Park, the existing urban edge only has a limited influence on the strategic gap.
173. As the appellants' landscape witness accepted Parcel B would become part of the urban area which is presently is not. The development as proposed on Parcel B would not only physically encroach into the strategic gap, reducing its length by 400m, but it would also damage the semi enclosed landscape character which does so much to protect the strategic gap.
174. This effect would be exacerbated by night-time lighting which will impact on the openness of the strategic gap. Whilst the site has planning permission for rugby pitches with floodlighting, the combined effects of floodlighting on Parcel C, and lighting associated with housing on Parcel B are identified in the ES as being moderate adverse between years 1-20 following completion of the development.¹⁰⁷ Thereafter it is predicted to fall to moderate/minor adverse due to the screening effect of maturing vegetation.¹⁰⁸ The impacts would remain significant in winter (due to the deciduous foliage) and it is of course the winter months when the floodlighting would be most used. The result is an increase in the urban perception across the strategic gap.
175. The access proposals associated with the appeal proposals would also harm the strategic gap. Whilst the new roundabout would be located within the settlement boundary and therefore outside the strategic gap, it is intended to become a new gateway feature.¹⁰⁹ This would result in a strong change from the existing transition, as the new gateway feature would be reinforced by views of new development on Parcel B, both on the approach to the roundabout and from the gateway feature itself. The effect would be the loss of over 300m in length of semi-rural approach into Wymondham.
176. In terms of visual effects, the openness of the landscape within the strategic gap is primarily appreciated from the southern end of PROW FP26, which overlooks the appeal site and from the permissive routes which extend through and around the farmland within the strategic gap. While intervening hedgerows often limit longer views in the western part of the strategic gap, local views are possible and these also include views of the new housing developments on the eastern edge of Wymondham. To the east of The Wong, longer distance views become more common due to the more open character of the landscape. It is reasonable to anticipate that the ability to enjoy this landscape would continue

¹⁰⁷ CD2/3 para 6.224

¹⁰⁸ CD2/3 para 263

¹⁰⁹ CD2/11 para 9.16

with the implementation of green infrastructure improvements secured through WAAP green infrastructure policies.¹¹⁰

177. With construction of 300 houses on the appeal site, the character and nature of the views, particularly within the western part of the Gap would change noticeably. The most significant change would be from PROW FP26, which would no longer afford views over the countryside, but instead would be sandwiched between the existing and new developments. The extended urban edge of Wymondham would no longer be glimpsed as it is now, but would become very obvious in local views in the vicinity of 'The Wong'. In views from the east, there would be some filtering of the development by intervening vegetation, but hedgerows are unlikely to screen 2 – 2.5 storey houses.
178. It is no answer to suggest, as the appellants do that, because the Parcel B comprises only 3.43% of the overall land area of the strategic gap, that it is in some sense not harmful. Such calculations are not a meaningful gauge as to the acceptability of impacts in strategic gap terms. What is far more important is consideration of the effect of the loss of the given land parcel. In this respect, the appellants ultimately accepted that their original contention i.e. that the development would result in only a technical breach of Policy DM 4.7 of the DMPD was simply wrong. The result of the appeal proposal would be to prevent those using PROW FP26 and the permissive bridlepaths from having any perception of leaving Wymondham until passing beyond The Wong. This delayed sense of departure is clearly harmful to the central objectives of the policy. It was also conceded by the appellants' landscape witness that the development of Parcel B would have an effect on the open land to the east. Whilst that was said to be limited, the concession simply makes the Council's case for it. At present Parcel B performs an essential function as an open transition from the urban area to the more open countryside further to the east.
179. It is its open character with semi enclosure provided by its peripheral landscaping, which demand that it is kept open. These features, coupled with its size, serve to constrain the urban influences from the edge of Wymondham which would otherwise extend out further towards Hethersett. That conclusion is not in any sense affected by the proposals at Elm Farm Business Park which, as the WAAP Examination Inspector acknowledged, would not unduly intrude into the strategic gap.¹¹¹ To argue, as the appellants do, that the site's character lends itself to development simply reflects a failure to understand its role and significance. That in turn reflects the failure to accord sufficient weight to its essential characteristics in the underlying assessment and allowing that assessment to be informed by irrelevancies such as housing land supply.¹¹²
180. That was understood by the WAAP Examination Inspector, and the various attempts to argue that little weight should be accorded to his conclusions are at best erroneous. For example, it was suggested that circumstances had changed since the Local Plan Examination in terms of five year land supply. That of course has no bearing whatever on the conclusions reached as to the value of the site in strategic gap terms as the appellants conceded. The WAAP Examination

¹¹⁰ CD1/10 paras 3.34-3.40

¹¹¹ CD7/8 para 302

¹¹² Appellants' landscape witness proof para 6.83

Inspector confined his consideration to the housing land supply within South Norfolk.¹¹³ There is a five year land supply in South Norfolk (as opposed to the NPA in which the appeal site is situated where it is accepted that the five year housing land supply is not provided) and there has been no change of circumstance in this respect. It was also then suggested that the Examination Inspector's conclusion on the strategic gap issue, whilst material, should be given little weight because he was performing a different function, a point which was subsequently abandoned. That left the argument that the Examination Inspector had a different evidence base in front of him. However, that argument has no substance. The appellants accepted that they provided the Examination Inspector with an LVIA to the same effect as their evidence before this Inquiry which simply served to corroborate it.

181. Ultimately therefore the appellants were left with simply having to argue that the very recent authoritative conclusions of the Examination Inspector were wrong. For the reasons already set out, the Council considers that is a contention which is as flawed.

Conclusions on the Strategic Gap

182. The value of Parcel B to the strategic gap was exhaustively and comprehensively addressed through the recent WAAP examination and the clearest of conclusions reached. There have been no material changes of circumstance since that very recent consideration to justify reaching a contrary view now and none of the appellants' evidence comes close to supporting a claim that the Examination Inspector's judgment was erroneous. The proposed development would be very significantly harmful to the designated strategic gap which counts strongly against the appeal proposals.

Sporting and Recreational Benefits

183. The Council recognises the need for and supports the relocation of the WRFC. WRFC is a successful and popular club operating on a constrained site which, increasingly, is not meeting its needs. Equally, there is no realistic prospect for growth and the benefits which that would bring to the WRFC and residents of the district without a relocation of the clubs facilities. To that end, it has done all it reasonably can to assist the WRFC, as accepted by the appellants, including exercising its development management function to approve development of Parcel A to facilitate a relocation of the WRFC to Parcel B.¹¹⁴ That arrangement now has policy support in Policies WYM 4 and 14 of the WAAP,¹¹⁵ with some flexibility as to the WRFC relocation site.
184. That policy approach is apparently currently unviable, but it demonstrates that the Council is keen, if a sustainable solution can be achieved, for the WRFC to be relocated at a conveniently early opportunity. There are significant benefits in that happening. Principally it would enable the WRFC better to meet its existing needs; it would allow WRFC to realise its growth potential; it would secure its long term future and provide facilities which are capable of meeting the wider sporting and recreation needs of the district.

¹¹³ CD7/8 para 133

¹¹⁴ CD9/1 renewed in CD9/2

¹¹⁵ CD 6/6 p.28 & 46

185. There was a degree of indignation that the Council's planning (development management) witness should express the view that he was not satisfied that the need for all of what was proposed in the WRFC relocation was as acute or immediate as claimed in the submitted evidence. On the evidence, that conclusion is not an unfair one. The WRFC is hugely successful, it continues to grow and it has attained RFU Accreditation, which is a Kite Mark awarded on the basis of the ability to retain and develop players, recruit new players, recruit and retain coaches, volunteers and referees, provide effective and efficient facilities, have effective and efficient management and governance, and show integration with the local community. That is not to say that it does not need new facilities and need some of them as soon as possible. Equally, however, whilst it is undergoing a very difficult season with the current weather, there is nothing to indicate that its future is under immediate threat.
186. The Council's GNDPPPS (commissioned partly to assist the WRFC) identifies that its pitches are overplayed and the short term priority options are either improved drainage or relocation.¹¹⁶ The long term priorities include provision for growth through relocation. The present proposals allow for that growth including (as part of the detailed scheme) some spare pitch capacity.¹¹⁷ It cannot sensibly be claimed that all of the need is of the same priority.
187. However, even if the immediacy is accepted, the benefits do not come close to outweighing the harm which the loss of Parcel B to 300 dwellings would cause to the strategic gap. If this is the only means by which the WRFC can meet its requirements and ambitions, it is simply too harmful.
188. WRFC has secured the ability for that re-think through its agreement with the landowner of Parcel C. If planning permission is refused for the appeal scheme, it has the right to purchase the site for £600,000 and can use the remaining proceeds of sale Parcel A (free of the right of pre-emption and overage) to fund a relocation. It is accepted that this would not deliver the scale of facilities which are to be contained in the specification for the purposes of the s.106 agreement, but how far short these lesser facilities would be is entirely unknown. The WRFC witness was unable to assist on this key issue. This means that the SoS simply cannot accurately quantify the benefit of the appeal proposal (and the development of Parcel B itself) to the WRFC. There is no evidence as to either the sum to be paid by the landowner or the sum which would have to be repaid to him on sale of Parcel A. The difference which is the net benefit to the WRFC is unknown. That is not a sound basis upon which to accept an enabling development argument. The initial absence and reluctance in respect of a public commitment to a relocation timescale (though now agreed), even to the 2018 end date apparently set in the commercial agreement between the WRFC and the landowner, indicates that the immediacy is not such that it could justify the loss of Parcel B as opposed to the WRFC being asked to reconsider their proposals in conjunction with the Council.
189. It may be possible to address the WRFC's most pressing needs by a relocation funded by the sale of Parcel A and the Council has indicated its willingness to consider relaxing the requirement for affordable housing on that site if that would

¹¹⁶ CD16/3 p.38

¹¹⁷ CD1/11 Appendix 3 - Site Layout drawing

assist. That might require further future investment to deliver the full range of facilities on a phased basis over time but it would meet its immediate ambitions for growth, particularly if the initial phase were to include an artificial pitch which is a key driver in its growth ambitions.

Conclusions on Sporting and Recreational Benefits

190. There is not only no objection in principle to the development of Parcel C as proposed, rather the Council supports the relocation of the WRFC and recognises the significant benefits which would accrue both to the Club and to the district more generally. However, those benefits come at the cost of the development of Parcel B which needs to be weighed against these benefits.

Housing and Affordable Housing

191. The HSoCG identifies the scope of agreement and disagreement. (These are set out above at paragraphs 73-79)

192. The three main areas of disagreement between the parties are the time frame in which the shortfall is to be made up, how the buffer is calculated and the robustness of the supply identified by the NPA authorities for the period 2015/16 to 2019/20.

Making up the Shortfall - Liverpool or Sedgefield Approach

193. The most fundamental difference between the appellants and the Council concerns the method by which the under-delivery between 2008 and 2015 is recovered, with the Council, along with its Greater Norwich partners, using the Liverpool approach and the appellants favouring the Sedgefield approach.

194. Current government guidance allows for both methodologies to be used i.e. there is no prescribed method of calculation, unlike the previous Core Output Indicator methodology that existed prior to the Framework. The JCS was prepared and is monitored in accordance with the Liverpool approach. This is clearly illustrated in the trajectory contained in Appendix 6 of the adopted plan¹¹⁸ and is made explicit in the definition of indicators in Monitoring Framework in Appendix 8.¹¹⁹ The JCS was initially adopted in March 2011, but was partially quashed following a successful legal challenge. Following resubmission an examination was held into the part-JCS in July 2013, where the issue of recovering the shortfall between 2008 and 2013 was the subject of debate. On this issue the Examining Inspector agreed with the Greater Norwich authorities that: *"the shortfall should be added to the housing delivery target over the plan period"*.¹²⁰ Since the adoption of the JCS amendments in January 2014, the planning guidance has been published (March 2014) which states a preference for the use of the 'Sedgefield' methodology. However, it still does not require it; instead stating that local authorities should: *"aim to deal with any undersupply within the first 5 years of the plan period where possible"*.¹²¹ This has been

¹¹⁸ CD6/1 p.112

¹¹⁹ CD6/1 p.167

¹²⁰ CD15/1 para.66

¹²¹ PPG, Paragraph: 035, Reference ID: 3-035-20140306

confirmed by a decision issued on behalf of the SoS¹²², where the Inspector stated that: *“Neither the NPPF nor the PPG explicitly say which approach should be followed or, if either is acceptable, in what circumstances which is to be preferred.”* The planning guidance thus allows for pragmatism i.e. a judgment as to what is appropriate and realistic having regard to the particular local context.

195. Subsequent to the publication of the planning guidance the South Norfolk Site Specific Allocations and Policies Document (SNSSAPD) and the WAAP have been examined, with the Liverpool or Sedgefield issue debated as a cross-cutting issue for both documents at the Hearing sessions and the Local Plan documents have been found sound (in October 2015) containing trajectories which use the Liverpool approach.¹²³ The Examining Inspector for the South Norfolk documents notes that: *“this is a reasonable, realistic and pragmatic approach, particularly given the reliance on larger strategic sites”*¹²⁴.
196. There is a strong logic to taking this approach. The reasonable alternatives for delivering growth in the NPA were considered in the plan preparation process for the JCS, both prior to the initial adoption in 2011 and specifically for growth in Broadland’s part of the NPA in the preparation for the January 2014 adoption. It was determined that an approach involving a significant urban extension in Broadland District plus five large growth locations in South Norfolk was the preferred option, with the growth triangle to the north-east of Norwich (in Broadland District) itself accounting for 1/3 of new allocations.¹²⁵ It is therefore essential to the strategy to allow for the urban extension, as well as the other major growth locations, to be implemented before alternative sites are considered. Failure to do this risks undermining investor confidence and the plan-led approach to long-term sustainable development.
197. This issue is particularly significant in view of the extent of the backlog resulting from the prolonged downturn in the property market since 2008, which coincided with the base year of the JCS. If the Sedgefield approach was applied this would require a significant number of new permissions and lead to a diverting investment away from the sites necessary to deliver the central strategy. The JCS is built around delivering significant new infrastructure, including the Norwich Northern Distributor Road, Long Stratton Bypass, new high school provision in the north-east growth triangle, railway bridge improvements at Wymondham, new primary school provision at various locations, bus rapid transit, significant green infrastructure as well as a range of local enhancements; sites promoted due to a lack of five year land supply are often smaller and in locations which mean that they make no direct contribution, through on site provision or s.106 agreements. Implementation of the JCS is supported by the Greater Norwich Growth Programme (GNGP);¹²⁶ as well as setting out the infrastructure to be delivered directly by development, the GNGP looks at the contribution of other funding streams, such as the Local Transport Fund, and at prioritising the spending of CIL. CIL is pooled across the three local planning

¹²² CD15/2 Appeal at Land to the North of Hospital Lane, to the South of Mill Lane and to the East of Bouskell Park, Blaby (S62A/2014/0001) - para 40

¹²³ CD7/8

¹²⁴ CD7/8 para 127

¹²⁵ CD6/1 p.109

¹²⁶ CD15/5

authorities, with the aim of prioritising and potentially forward-funding projects which help deliver the JCS. Consequently it is considered that the level of additional sites needed to meet the Sedgefield approach could undermine the efficient and timely delivery of the key JCS infrastructure.

198. There are a number of appeal decisions in which the local context has been held to demand use of the Liverpool methodology. The appeal at Aldington Road, Lympne,¹²⁷ provides a useful comparison to the situation in the NPA. Whilst the Inspector in that appeal acknowledged that the Sedgefield approach was *“favoured by the Planning Practice Guidance and also the Secretary of State in most appeal decision because it deals with the issues of past delivery failures promptly”* because the Local Plan Inspector had recently applied the Liverpool approach the Inspector held: *“The Core Strategy Inspector did not have the benefit of the advice in the Planning Practice Guidance but he would have been aware of the different methodologies and that Sedgefield is the one that accords best with the Framework policy. The fact that the CS has been found sound so recently, and that the Liverpool approach was integral to the requirement on which it was based, is a matter of considerable weight. ... It would not be in the interests of good planning and consistency to cast doubt on the CS Inspector’s judgement”*.
199. The Inspector at Aldington Road also acknowledged the reasoning for Shepway District Council favouring the Liverpool approach, which is similar to the Greater Norwich authorities: *“The Council considers that adopting the Sedgefield approach would undermine the housing strategy and thus the plan process. This is because its supply relies on large strategic allocations which will continue to come forward later in the plan period.”*
200. The Aldington Road decision was challenged by the appellants, Phides Estates (Overseas) Ltd¹²⁸; however no challenge was made to the Inspector’s conclusion that the Liverpool approach was an appropriate method of calculation in the Judgement of Mr Justice Lindblom.
201. Similarly, the Inspector in the Blaby decision,¹²⁹ noted on a similar point that *“it is clear from the CS that there are good, pragmatic, local reasons why the historic undersupply should be addressed over a longer period”* and in August 2015 the Inspector at Downhouse Road, Catherington, Hampshire concluded that: *“I consider that it is reasonable in the present appeal to use the Liverpool method on the basis that: the Sedgefield method is not mandatory in national policy or guidance; in a plan-led system it was used by the JCS Inspector ...”*¹³⁰
202. There is, thus, a consistent line of decision which, in circumstances akin to those in South Norfolk conclude that the use of the Liverpool methodology is appropriate. The notion that a distinction should be drawn between the findings of Local Plan Inspectors and section 78 Inspectors in this respect is, with respect, nonsense. Where, as here, the issue has been considered within the development plan process on a strategic basis and the Liverpool approach

¹²⁷ CD15/6 Appeal Ref: APP/L250/A/13/2210752

¹²⁸ [2015] EWHC 827 (Admin)

¹²⁹ CD15/2

¹³⁰ CD15/7 Appeal Ref: APP/M1710/W/15/3004843

endorsed, there is no logic in arguing (and no support in policy or guidance) for a different conclusion within the development management context.

203. In terms of meeting the requirements of the Framework (paragraph 47), it is important to note that in the NPA the JCS requirement of 1,825 dwellings/year already makes a step-change from the 1999 Norfolk Structure Plan, which set a NPA housing requirement to 2011 of 1,195/year, and an increase on the now-revoked East of England Plan requirement of 1,650/year. The Regional Spatial Strategy requirement reflected the identification of Norwich as a Government Growth Point.
204. The application of the Liverpool approach already results in the need for more than a doubling of development from recent rates, and an increase of almost 50% above the JCS baseline requirements. Application of the Liverpool approach still delivers the objectively assessed need, as expressed in the JCS requirements, across the plan period. Current projections suggest delivery of 5,000 units, or 15% above the JCS minimum requirements, by 2026.¹³¹ The Liverpool approach still represents a 'significant boost' to supply. The Liverpool approach also shows a slowing of development in the later years of the plan; consequently it does not leave a significant proportion of the delivery to the last years of the plan with the possible risk that it may not be delivered. Prior to this the Council has committed, through the examination of the recently adopted Local Plan documents, to adopt a new Local Plan by the end of 2020.
205. Within this context, the Council considers that it is also relevant to note that a new Strategic Housing Market Assessment (SHMA) has also recently been produced for the Central Norfolk area¹³² which looks at the Objectively Assessed Need (OAN) across five districts (Breckland, Broadland, North Norfolk, Norwich and South Norfolk) for the period 2012 to 2036. The new SHMA has been produced using the latest guidance and is based on the Government's 2012 household projections, rather than the 2008-based projections which helped underpin the JCS, which are now regarded as over-estimating household formation. The SHMA notes that: *The 2012-based projections (therefore) supersede both the 2008-based household projections and the interim 2011-based household projections. The changes since 2008 were anticipated and these reflect real demographic trends, and therefore we should not adjust these further; although the extent to which housing supply may have affected the historic rate is one of the reasons that we also consider market signals when determining the OAN for housing.*
206. The new SHMA includes a requirement for the NPA of just under 1,700 dwellings per year. The SHMA is based on the situation at 2012 and any previously unmet demand is included in the requirement from 2012 onwards. When the SHMA figures are applied, the backlog for the period 2008 to 2012 would no longer exist and the shortfall from 2012 would be reduced. Consequently the application of the Sedgefield approach could result in the promotion of significant volumes of new development for which there may in fact, be no justification.

¹³¹ CD11/8 Appendix A1

¹³² CD15/8

207. In line with the planning guidance, the new SHMA also looks at specific elements of the population and explicitly includes student accommodation as part of the future requirements; as such the supply from 2012 would be boosted by the student accommodation which has been permitted, and in some instances completed, in Norwich since 2012; these units are currently excluded from the land supply calculations.
208. The Council acknowledges that the new SHMA has not been tested through the Local Plan examination process; however it provides a more up-to-date assessment of OAN than the basis of the JCS and gives an indication that a new Local Plan, which the Greater Norwich authorities are committed to adopt by the end of the current five year supply period, would be seeking a lower level of development than the current JCS.
209. Applying the Sedgefield approach with a 20% buffer would produce a requirement in the 5 year supply period of at least 3,353 units a year, depending on how the buffer is applied. This is a level of development which is more than 50% higher than the highest annual delivery over the past 15 years, 85% above the JCS annualised requirement and more than three times the average delivery over the past seven years. Inconsistently, the appellants' planning witness seeks to argue that it is sensible to require annual provision of this figure for the next five years whilst also arguing that the Council's forecast delivery of 2,751 dwellings per annum is an unachievable step-change.¹³³ That is not, in the Council's view, credible.
210. Applying the Sedgefield approach would lead to short term requirement which there is currently no capacity to deliver, which may not prove to be supported by updated need assessments and which could divert investment away from key sites needed to deliver the JCS.
211. Whilst one appeal decision, High Ash Farm, in the South Norfolk part of NPA has recently concluded that the Sedgefield approach should be applied in light of the planning guidance advice¹³⁴; this decision was made prior to publication of the Inspector's Report into the South Norfolk Local Plan documents, which concluded that the Liverpool approach was reasonable. In addition, the Greater Norwich authorities disagree with the conclusions of the Inspector in the High Ash Farm appeal which they consider to be based on internally inconsistent reasoning.¹³⁵
212. Finally, even if the development industry could deliver the level of housing need to address the Sedgefield approach, there is a serious concern that it would be very difficult to deliver the infrastructure to support such a level of development.
213. The Liverpool approach to calculating housing land supply remains appropriate in the light of local circumstances.

The 20% Buffer

¹³³ CD1/7 para 5.28

¹³⁴ CD10/12

¹³⁵ CD1/12 para 4.21

214. In terms of applying the 20% buffer, there is continuing debate as to whether the buffer should be applied to the baseline requirement or to the figures adjusted for backlog e.g. for the NPA (using the Liverpool approach) should the 20% be applied to the baseline requirement of 1,825 units (making the annual requirement 2,719), or to the backlog adjusted for previous shortfalls of 2,354 units (making the annual requirement 2,825). There is no fixed guidance on this issue and appeal decisions have followed both approaches. As with the Liverpool/Sedgefield issue, the approach is a matter of planning judgment determined by the local context.
215. There is no explicit phasing of development in the NPA and to achieve the levels of development required to address the five year supply, almost all of the large sites in across the NPA need to commence development within the current five year supply period. Reflecting this, there is no phasing of housing land provision made within the Council's 'Part 2' plans which, except for the Long Stratton Area Action Plan are all adopted. Consequently there no meaningful scope for sites to be 'moved forward from later in the plan period' as suggested by the Framework (paragraph 47); rather adding to the buffer would require additional, less sustainable housing over and above the planned-for requirements.
216. In the context here, the Council considers that the approach of adding the 20% to the unadjusted requirement is more appropriate in that it would '*provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land*' without adding unnecessarily to the long term supply of housing, which is already projected to exceed the JCS requirements by more than 5,000 units.

Robustness of the NPA supply identified for 2015/16 to 2019/20

217. The Greater Norwich authorities take a broadly similar approach to collecting and presenting information for monitoring land supply. For sites of five or more units (10 or more units in Norwich) the authorities have undertaken a site-by-site assessment, in conjunction with site owners, developers or agents where possible. Each authority contacts the most appropriate respondent for each site on at least an annual basis. It is assumed that all sites of less than five units (less than 10 units in Norwich) will be delivered within the five year supply period; this is distinct from the windfall assumption (which is discussed below) as it is based on known sites with planning permission, which are considered suitable and available for delivery in accordance with Framework paragraph 47, footnote 11. Details of the larger sites in the NPA are included in Appendix C of the Housing Land Supply appendix of the JCS 2014/15 Annual Monitoring Report (AMR).¹³⁶
218. There is no inconsistency in the projected delivery rates as between sites. Where there are differences there is a sound, site specific basis for that, for instance that it reflects differences in the plans of landowners and developers as well as known site constraints. As the most recent evidence shows, it is not at all unusual for developers to exceed the 50 dpa per house-builder rule of thumb but in any event the Council has been fair in its assessments applying lower than average rates too when they could have used a blanket approach. Not all of the

¹³⁶ CD11/8 p.53

proposed 390 dwellings would be delivered in the current five year period. But it is suggested by the appellants that a single developer would be delivering on Becketts Grove, Carpenter's Barn, Spinks Lane and Parcel A and B in that period. That would require rates of development far in excess of any assumed by the Greater Norwich Authorities.

219. The Council's claimed supply of 4.39 years is made up of sites which:
- have planning permission;
 - have applications with a resolution to permit;
 - are allocated in adopted local plans;
 - are proposed for allocation in emerging local plans and where there is no significant outstanding objection to the proposed allocation (meaning that increased weight could be given to the allocation for development management purposes);
 - unidentified sites as part of a windfall assumptions based on part-trends.
220. The Council claims that the assessment has been pragmatic and fair in that not all sites which meet these criteria have been included in the supply. For example, account has been taken of the stated intentions of the site promoters, owners and developers, particularly with regard to a number of brownfield sites in Norwich that are still in existing use, where these are likely to be developed in the latter years of the JCS period.
221. Although the JCS does not rely on the provision of windfall development to meet OAN, it is appropriate (and in accordance with paragraph 48 of the Framework) for some element of windfall provision to be included in the housing land supply calculations.
222. The requirement in JCS Policy 4 is for new allocations to be made to meet the minimum figures and this is being done through adopted and emerging Local Plan documents. The windfall figures used are based on past trends in the respective parts of the NPA and exclude garden land and sites that have specifically been released to address previous shortfalls in the five year land supply. In each case the average figures have been moderated downwards by a third and applied in a staged manner, starting with zero units in the first year and rising to the full amount in year 4; this is to avoid any 'double counting' of windfall sites that already have permission, which are already taken into account as part of the smaller sites figures referred to above. A similar approach to windfall was set out in the addendum to the Housing Topic Paper which supported the adopted Norwich City Site Allocations document.¹³⁷ This was endorsed through the Norwich City Site Allocations and Site Specific Policies document. The Council considers that this is a robust approach.
223. On the matter of supply, the appellants claim that two years of supply has somehow been lost between AMRs. That, of course is not the case. The acceptance of the need for a 20% buffer and the adoption of the current five year basis of assessment following the approach agreed at Cringleford Inquiry inevitably led to a reduction in the years' supply.

Recovering the Shortfall

¹³⁷ CD15/10

224. In addition to the identified sites (i.e. existing allocations, permissions and applications with a resolution to permit), the JCS makes a number of assumptions about delivery on new sites to be allocated through the respective Local Plans for Broadland, Norwich and South Norfolk. Presently only some of the provision from the emerging site allocation DPDs is included in the main sources of supply. This is also the position in the supply figures within the HSoCG. However, the potential impact on housing land supply of the remaining emerging Local Plans allocations (i.e. sites being proposed for allocation, but where outstanding objections remain to be resolved) is shown for the NPA in the trajectories.¹³⁸ Since 1 April 2015 the SNSSAPD and WAAP have been adopted (on 26 October 2015). Examination Hearings have also been held into the Long Stratton Area Action Plan (the last part of the site allocation process in South Norfolk to be completed) and into the Broadland Site Allocations DPD and the Growth Triangle Area Action Plan; it is anticipated by the Council that these documents will be adopted either in the 2015/16 monitoring year, or in the 2016/17 year, giving further weight to these emerging sites.

225. If the remaining Local Plan documents are adopted early in 2016, using a buffer of 20% and the Liverpool approach to addressing the past-under-delivery, the lack of a 5 year supply should be relatively short-lived. Based on current projections for existing sites and those emerging through the remaining Local Plan documents, current projections suggest that a five year supply would be demonstrated during the 2016/17 Monitoring Year.

226. It should also be noted that the Council has taken a proactive approach to addressing the shortfall in the NPA. In excess of 4,000 dwellings have been permitted in advance of allocations being made in the Local Plan documents, in parallel with such documents or prior to their adoption. A significant number of smaller sites have also been permitted, reflecting the Council's approach of supporting a range of site sizes of a variety of locations, in accordance with the overall strategy, in order to maximise delivery. Of the 14,000 or so dwellings with planning permission within the NPA, 6,449 are within South Norfolk.

Affordable Housing

227. The provision of 129 units of affordable housing on the appeal site is a welcome and significant benefit. The Council has treated it as such in its overall balance. However, the appellants seek to go further and to argue that South Norfolk is performing poorly in terms of affordable housing provision when compared to its neighbours.

228. However, careful analysis of the data upon which the appellants rely demonstrates the opposite. In terms of affordable units delivered over the period to 2009-2015, South Norfolk's delivery has been 1,249 dwellings compared to 452 within Broadland and 837 within Norwich City. Whilst as a percentage of all housing, the lowest percentage is within South Norfolk that simply reflects the fact that South Norfolk has delivered significantly more housing than either of its partner authorities in the same period.¹³⁹ The appellants linked this point to a

¹³⁸ CD11/8 Appendix 1

¹³⁹ CD1/7 Table 4.1 p.28

claimed shortfall of 429 units of affordable housing arising from large site at Wymondham.¹⁴⁰ However, there are problems with that table.

229. Firstly, it is not appropriate to look at such a limited area to appraise delivery. Secondly, it omits sites which are closer to the appeal sites than those listed, such as Great Melton, Hethersett, which is delivering a policy compliant level of affordable housing. Thirdly, the affordable housing target is a NPA target and the current NPA secured provision is running at 27%. Fourthly, there are sites coming forward which are yet to reach their affordable housing delivery thresholds and which will therefore boost the supply further. Fifthly, the sites at South Wymondham and Hethersett are subject to claw-back provisions within their respective s.106 agreements with a combined maximum potential benefit of £3M. Sixthly, the City Council has council housing building programme and the Council and Broadland operate a successful exceptions policy for affordable housing provision. Seventhly, the Councils are projecting an exceedance of the JCS requirement by some 5,000 dwellings. Even if they managed to achieve only an average of 20% provision from those 5,000, that would more than compensate for the loss identified by the appellants. There is therefore, the Council says, nothing in this point.

Council's Conclusions on Housing Land Supply

230. On each of the disputed issues the Council's approach is to be preferred. It has been accepted to be sound, pragmatic and appropriate to the local context. Whilst the contribution to housing land supply and affordable housing is a significant benefit, where on the scale of significance and what weight to attach to that benefit is a matter of planning judgment informed by matters such as the extent of the shortfall, how long it is likely to persist and the steps the Council is taking to address the shortfall. Whilst the appellants apparently object to the Council properly weighing such matters in the balance, its approach simply reflects the law as established by *Phides*.¹⁴¹

Other Benefits/Disbenefits

231. In terms of benefits, these include the economic benefits of the appeal proposals and those benefits of the scheme which extend beyond mitigation and can genuinely be regarded as benefits.

232. There is no significant dispute as which are properly regarded as benefits. The issue relates to the weight to be attached to each of them.

233. The economic benefits are significant but, contrary to the appellants' view are not entitled to substantial weight on the facts here. The Council has put in place the provision to meet its OAN and, therefore, the economic benefits associated with construction are accelerated benefits rather than net additional benefits. Given that they come at the cost of the permanent loss of a substantial area of designated strategic gap, they are not entitled to substantial weight. The employment provision associated with growth of the WRFC is a benefit, but without knowing how it would compare with the employment provision associated

¹⁴⁰ CD1/7 Table 4.2 p30

¹⁴¹ INQ 28 para 60

with the fall back option, there is no safe basis for attaching significant weight to it in the context of the permanent loss of Parcel B.

234. The planning guidance advises that the New Homes Bonus must not be treated as a benefit, and whilst material, should thus not be given any material weight.¹⁴²

235. The Council is not satisfied that any other of the claimed benefits, in terms of flood zone, ecological mitigation or play space provisions, is material in the sense of bearing materially on in the overall balance.

236. As to other disbenefits, the only issue to address is that of education. This is not an issue which should in fact influence the outcome of the appeal. The Council, even disregarding any issues arising from the likely inadequacy in Wymondham of secondary education capacity, concludes that the appeal proposals are unacceptable. In assessing the application it concluded that the risk of inadequate school capacity was outweighed by the social benefits associated with the relocated WRFC and therefore did not rely on it as a reason for refusal. However, for completeness, and in order to ensure that the appellants' position statement on education does not go without response, it is necessary to address the matter briefly.

237. In substance, the appellants' contentions are that NCCCS has a statutory duty to educate secondary age pupils; secondary education is on the list if infrastructure to be funded by CIL; NCCCS's assessment of child yield from the proposed development is overstated; existing capacity cannot be reserved for existing committed developments; the capacity issue should be addressed by engaging with Wymondham College or Hethersett Academy to increase capacity; and any effect of the capacity shortfall would be for children to travel out of catchment but a shorter distance.

238. The issue of secondary education capacity was exhaustively considered through the WAAP examination.¹⁴³ The Examination Inspector rejected the contention that secondary education could simply be left to CIL and NCCCS's statutory duty given the sustainability implications of that approach. The Examination Inspector accepted that the secondary education capacity was a material consideration to be taken into account in assessing the merits of individual development proposals and concluded that it was reasonable to have regard to locally derived multipliers and to adopt a cautious approach to avoid over-subscription. The Examination Inspector found that there was a reasonable prospect that WHA might be at or close to capacity towards the end of the plan period on the basis of existing commitments and planned growth and held that there was no evidence of any likely additional capacity at any of the catchment secondary schools which are all academies and responsible for their decisions as to capacity. The Examination Inspector concluded that it would 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.

239. Nothing in the appellants' position statement justifies different conclusions being reached. Whilst it queries the pupil yield calculation, claiming that it is

¹⁴² Planning Guidance Paragraph: 011 Reference ID: 21b-011-20140612

¹⁴³ CD7/8 paras 78-109

based on data from the Whispering Oaks site which has a significant percentage of 4 and 5 bedroom properties, it provides no evidence that this has any direct material bearing on pupil yield locally and, of course, the dwelling mix for Parcels A and B is entirely unknown at this stage. Further, whilst asserting that NCCCS should consider various capacity options, it ignores the fact that the schools have their own existing plans which they are already committed to. There is no evidence of any likely additional capacity.

240. The appellants' position statement is, in reality, little more than a theoretical paper with little engagement with the factual position in Wymondham. NCCCS's Note¹⁴⁴ in contrast, provides a more meaningful guide to the practical issues. It identifies that there is a considerable risk that, if further growth in housing occurs in the Wymondham catchment, children who live in the catchment of WHA would not get a local school place. Given the admissions policy, this would impact principally on the rural areas of the catchment from which children would have to go the nearest school which has places and this could be a long distance from where they live. This is both unsustainable from a transportation perspective and harmful to social cohesion.

Conclusion on Benefits/Disbenefits

241. There are some benefits to be carried forward to the overall balance but, in the Council's opinion none is entitled to substantial weight. The education disbenefit is entitled to some weight but it is outweighed by the social benefits of the proposal.

The Development Plan

242. The SoCG sets out the relevant development plan policies. There is no dispute that the development does not accord with the development plan. Equally, however, it is accepted that a number of the policies are out of date and the decision on the appeal falls to be made by reference to paragraph 14 of the Framework which has a local force in Policy DM 1.1 of the DMPD with the range of considerations extended to include assessment against the Vision and Objectives of the JCS.

The Council's Conclusion on the Overall Balance

243. The harm to the strategic gap should, the Council contends, be given very substantial weight. The harm is significant, to a recently endorsed important policy designation which seeks to protect local character in the long term. That harm significantly and demonstrably outweighs the benefits of the WRFC relocation as evidenced at this Inquiry and the housing benefits which have been exaggerated by the appellants. Even giving material weight to the other benefits relied upon the overall benefits are still significantly and demonstrably outweighed.

244. Quite erroneously, the appellants claim that the Council is attaching too much weight to the strategic gap. The suggestion is that it is being treated as if it were a green belt and a trump to all development. As the Committee Report¹⁴⁵ and

¹⁴⁴ Mr Nicholls rebuttal Appendix AN2

¹⁴⁵ CD3/8

the Council's evidence demonstrate a painstaking balance has been undertaken which accords entirely appropriate weight to all of the material considerations.

245. Accordingly the Council seeks that the appeal be dismissed.

The Case Advanced by Others Attending the Inquiry

Those Opposing the Development

246. **Cllr John Fuller** set out his official roles at the Council and with the Local Government Association (including planning related roles of reviewing community infrastructure provisions), but explained he was not speaking on behalf of the Council as Planning Authority.
247. Cllr Fuller explained that the residents of South Norfolk have the benefit of living close to Norwich and access to thriving market towns. The Council has worked hard to balance the delivery of significant housing and commercial growth whilst maintaining quality of life and the balance is the key to decision making. Planning for growth is critical but not at any cost. The Council has a track record of delivering. Last year it delivered 1,027 houses across South Norfolk, including 674 dwellings in the Norwich Policy Area. In the context of delivery Cllr Fuller understands that (the 1,027 dwellings) to be nearly 1% of the national house build for that year. Also in the last 4 years, 608 affordable units have been delivered. Last year business rates growth has been 7%, 14 times the rest of the Norfolk and Suffolk average across the Local Enterprise partnership area.
248. To put delivery in context our track record can be evidenced by the recent publication of DCLG figures on New Homes Bonus. South Norfolk was in receipt of the fourth highest New Homes Bonus of any of the 201 district councils in England and similar positions in the two preceding years. This performance is consistent and sustained. This measure is based on the completion of real houses occupied by real families. The Council is an organised authority with a track record of delivery which is aware of its responsibilities and is meeting them hand in hand with our neighbours in the whole housing market area. The Council is building homes too.
249. The Council has been focused on getting a plan but, before adoption, in the absence of the required land supply across the Norwich Policy Area it has pragmatically granted permission for sites outside of those in the Local Plan. Cllr Fuller considers that there has been realism about the five year supply but housing supply needs to be balanced against other harms and now a plan is adopted. The Council's strategic vision underpinned the eventual disposition of homes in the site allocations plan. In 2008/09, we asked landowners whether they had land they'd like to build on. Over 50,000 homes-worth of land was proposed. This alone would have doubled the number of houses in South Norfolk, and was five times what was required by the evidence base at that time. It was inevitable that this would lead to disappointment to some landowners so it was essential that housing be delivered in a rational and defensible way whilst ensuring sufficient land was provided.
250. The three factors that underpinned the disposition of homes across South Norfolk were the need to provide for a bypass at Long Stratton, the need to maintain the setting separations between settlements and spreading

development across rather than clustering in a single urban extension to give choice to the market and opportunities to smaller builders and, a preference to concentrate new development in towns like Wymondham close to the town centre, rail and bus interchange. All of these were deliberate choices that aimed to maintain the character of the market towns, focusing on ensuring the viability of their town centres and the social and environmental importance of separations between them.

251. Cllr Fuller explained that, in his view, Wymondham was carefully considered in the JCS, and the bespoke Wymondham Area Action Plan produced. The Council even has an infrastructure fund to deliver sites in a more accelerated fashion. Cllr Fuller is in no doubt unplanned growth will put pressure on key infrastructure such as secondary school provision and the highways network. The JCS looked to coordinate growth and the provision of this infrastructure. This strategy for growth was agreed by the Local Plan Inspector in October 2015. This is a recent judgement document which was 10 years in the making. The appeal sites were a key part of the discussions on the examination of this plan. Whether to include the site known as Parcel B in the strategic gap between Hethersett and Wymondham was discussed at great length in the examination. It even had an additional hearing day just to discuss this issue. It was agreed that Parcel B should be included in the strategic gap. To contemplate developing housing on this land flies in the face of the extensive consideration about where to locate housing growth through the inclusive community process.
252. In Cllr Fuller's opinion, the site is an important edge to Wymondham, forming a bookend to development along Norwich Common. The permission for the rugby club to relocate to Parcel B would create the appropriate edge to Wymondham that has been planned for through the action plan. The gap includes the Ketts Oak – site of the gathering of the famous Ketts Rebellion – a milestone in English History. But this doesn't mean that the needs of WRFC are ignored. The provision of sporting facilities is an important matter for the Council and it recently commissioned with Norwich and Broadland a report to look into what sports provision was needed. The Rugby Club who make a strong case for relocation to a new site. But Cllr Fuller is disappointed that the evidence is framed in a way that suggests somehow the Council is standing in the way of a move.
253. Rather than standing in the way of WRFC, the Council has, in Cllr Fuller's view, worked closely with the club to grant a planning permission for a new location for the club, known as Parcel B in this appeal. An integral part of that permission was a planning permission for redevelopment on their existing ground. In terms of the proposed relocation site, Site B, it is well located to the road network is fully serviced and, whilst it is in the strategic gap, it is a form of development that has been judged to be acceptable. Planning permission was given on the site they wanted. Moreover, we allocated the site they wanted within the strategic gap to protect it for the use they wanted and in so doing limited any alternative value that might have placed it out of their reach. So the Council supported WRFC's ambition and it was positive in planning terms because it would act as a bookend that would effectively stop further erosion of the strategic gap.
254. Cllr Fuller acknowledged that the appellants have ascribed hope-value to the land but believes that the Council acted in the Club's best interests by allocating

site B for a sporting use. Cllr Fuller considers it is difficult to think what more the Council could have done to assist the WRFC, the Council has offered to vary the existing permission on the existing site that again and even considered the extreme case of compulsory purchase. The Council has undertaken study work that could help evidence grant applications either to the Council or in conjunction with grant making bodies. The Council has also helped other clubs in its area, but no club has asked for 390 houses in a sensitive area to help fund the club.

255. The club does have options, with the pre-emption clause falling away in a short period of time. The Inspector in the South Norfolk Plan and the WAAP recalled an extra day nine months after the closing of the main sessions specifically to look at Wymondham issues. Many of the arguments in this appeal were considered by the Inspector. The Inspector protected the strategic gap albeit with tweak at the Wong, endorsed the allocation and reiterated the general housing levels. It just could not be right given the amount of work, to set aside the clear conclusions, especially after an extra day, to locate more dwellings further away from the centre of town and break out into the gap which could also lead to a further erosion in due course.

256. Cllr Fuller also considers that granting outline permissions on sites that aren't allocated puts off development the larger allocated sites, which by their nature, require infrastructure and come at a higher cost to developers but are essential if a million homes are to be built by 2021. A pragmatic approach is now needed to balance the needs of the club and the protection of the gap that has been so strongly fought for through the Local Plan Examination. The Council has delivered housing across the district, making difficult decisions in the absence of a demonstrable five-year land supply in the Norwich Policy Area. It has done so with pragmatism and by balancing interest of all. Cllr Fuller supports the relocation of WRFC. But it is difficult to think how much more the Council could have done to promote it. In Cllr Fuller's opinion, WRFC are seeking to relocate to a worse site than the one that is consented when, for the sake of 18 months they could be free agents.

257. **Dr Tom Williamson** is a local resident. He explained that the town of Wymondham has expanded very significantly over the last few decades, he also accepts that this does not mean that there should be no further houses in the area but rather that the location of housing needs careful consideration. Dr Williamson considers that people come to live in Wymondham because it is a small town close to Norwich; not primarily because it is part of Norwich's outer suburbs.

258. Dr Williamson acknowledges that there are a wide range of conflicting interests which need consideration. It is his view that, to date, that balance has been undertaken with impartiality and care. The housing site allocation exercise involved widespread consultation, through public meetings and questionnaires, with local people; and then a process of marrying the views expressed, with those of the council's planning team, taking into account such matters as traffic flows and the availability of public facilities. This process culminated in the Wymondham Area Action Plan, part of the Joint Core Strategy, which allocated the sites for no less than 2,200 houses in and around the town. This plan has now been subject to examination, and accepted - including the need to maintain the defined 'strategic gap' between Wymondham and Hethersett, into which the site B would intrude.

259. The development of the WAAP, Dr Williamson contends, was a long, arduous and expensive exercise took place relatively recently. Landowners participated in the process and many had their proposals rejected and surely some of this land, arguably better located for development, should be brought into play first or at least considered for possible development at the same time. There seems, in Dr Williamson's view, no logic or fairness in suggesting that the shortfall in building land, if there is one, should be met by allocating development on a 'first come, first serve' basis.
260. Moreover, Dr Williamson considers that the Council has not been unfair to WRFC as planning permission was granted to develop the present rugby ground (site A) at a time when the town's development boundary marked by Tuttle Lane (under the old ENV 9 policy) had not yet been seriously breached. In part this exception to the policy was made because there was then an urgent need for a retirement care complex in the town, and the site was apparently very suitable for such a use; and in part it was made because there was a genuine desire to help the club. The new site B was marginally larger than the existing site; but the proposed site C is larger still. It represents, as the club openly and proudly states, a very ambitious project which is why they need the money which would be raised by developing Parcel B.
261. Dr Williamson notes the contribution that the rugby club makes to town life, but that does not mean that it should necessarily be given anything and everything it wants. The benefits of a larger club should not take precedence over everything else, and over the rights and opinions of others, including future generations. It seems to Dr Williamson that the proposed development of site B is not the only option open to the club. If it desires to have a very substantial new sports complex, then it could consider other ways of funding it; that is what most private clubs and associations have to do. Or it could develop its new site in stages. Or it could scale its proposals back a little to match its resources. In other words, it is important not to conflate two different things. One is a site for a brand new clubhouse and pitches, which is already provided by site B; the other is a more ambitious sports development, of the kind the club would like to see on site C, but which could only be realised by building housing on site B in direct breach of a planning policy only recently accepted by an Inspector at a Planning Inquiry. Furthermore, this argument assumes that we take the various proposals at face value, and that the complex, linked developments are not in reality a way in which certain large landowners, and developers, use the club as a way to secure permission to develop areas which they would not otherwise be able to build on.
262. Dr Williamson considers that there wouldn't be much left of the strategic gap if the development were permitted. The new houses on site B would constitute a further addition to the successive 'backfilling' of what was originally an intermittent string of houses lying along the Norwich Road (the result of unplanned development before the passing of the 1935 Ribbon Development Act). This growth has served, over the last few years, to create a broad swathe of suburban development projecting, somewhat asymmetrically, a long way to the north east of the town. As Dr Williamson measures it, the outer edge of the proposed development (site B) would lie over three kilometres from the town centre. Conversely, there would only be a space of around 800m from here, to the outer houses of Hethersett on the old Norwich Road (a ten-minute brisk walk); and less than 1.5km to the main developed area of Hethersett. If site B

were to be developed, as originally agreed, as a location for the rugby club, it would provide a kind of 'soft ending' to the town – a transition from built up area to open country – which would serve to increase the apparent size of this narrow 'gap'. A substantial block of new houses here would have a very different visual impact.

263. A 'community' does not usually just mean bricks, mortar, and roads; and maintaining the spaces between settlements and communities is not just about avoiding the development of continuous and extensive suburbs having regard to physical space and visual distance. If site B were to be developed, the people living there would be out on a limb, closer to the facilities provided by Hethersett – shops, surgeries and schools – than to the town of Wymondham. It is a moot point how far they would feel part of the community of Wymondham. As such, in this sense, Dr Williamson considers that the 'strategic gap' would have ceased to exist.
264. In his conclusion Dr Williamson considers that the Council has gone out of its way to be fair in their dealings with landowners and developers in the locality. It has been more than fair to the WRFC. The club has a site for its new pitches and clubhouse, a site it was happy with until recently. Thus Dr Williamson is of the view that this is not a case where a private organisation should receive particular favours in the planning process in order to obtain some clear public benefit.

The Case Advanced by Others Attending the Inquiry

Those Supporting the Development

265. **Mr Pete Shaw** explained that as RFU Area Facilities Manager covering this area, and indeed WRFC, he has been engaged with the ambitions of the club to relocate in pursuit of more advantageous facilities since he took up his role three and half years ago. That said he knows that the club has been exploring options to move for the past 12 years, a point at which it was realised that the existing facilities would not support the expected growth and demand locally for Rugby Union.
266. Mr Shaw explained that the current programme of activity is wide ranging including recreational and competitive rugby union for all ages from 6 to 60+. However, despite the best efforts of the club it faces a challenge every year, and especially so during wet weather periods, to sustain the demand of training and fixtures of such a large membership on site. This has resulted in a number of events being cancelled due to the unavailability of alternative venues.
267. The existing club venue is, in the belief of the RFU, wholly inadequate and this is reflected within the Greater Norwich Development Partnership Playing Pitch Strategy 2014 (GNDPPPS) and detailed in the Eastern Counties Rugby Union Facility Plan 2015 to 2019. The RFU assesses the club as delivering an activity programme that merits an RFU Model Venue of between a standard 2 and 3, but the RFU judges the current venue to be of closer to between 1 and 2¹⁴⁶. This is because the club is currently unable to offer any facilities that carry a recognised standard according to the RFU guidance documents for rugby club facilities. Importantly, in Mr Shaw's view, the PPS agrees with our assessment that the

¹⁴⁶ These are gradings which are established by facilities available INQ26 provides information

- pitches are deemed of a 'poor' standard and it attributes this to 'overuse'. Overuse is unavoidable given the demand and a number of surrounding sites being deemed at capacity (or beyond) for example Ketts Park and Kings Head Meadow School. The result of the PPS concludes that the demand of the activity at the rugby club is such that there is an agreed shortfall of 5 full size pitches or equivalent. Mr Shaw drew attention to the fact that the action plan concludes that there is a need to secure additional pitches and/or a relocation site is achieved where this shortfall can be met, in particular it states the requirement for a *'Multi Pitch Venue on one site to overcome the serious logistical difficulties'*.
268. In Mr Shaw's view the presented relocation site, north of Norwich Common, offers everything that is required to meet the demand and allow the club to continue to achieve it's above average growth under the support of a strong management structure. He considers that it is without doubt that the new site would offer opportunities beyond what is currently afforded to the local community with an enhanced outreach programme for surrounding schools and other educational institutes and the ability to provide the new site as a central venue for fixtures.
269. Mr Shaw also noted that the new site presents the opportunity to open capacity at sites such as Browick Road where the club, if relocated, could release its use to help address shortfalls for other pitch sports. The new site would, in his view, establish the club for its next chapter.
270. Mr Shaw summarised that the RFU is in full support of WRFC's ambition to pursue a relocation to grounds that offer a long-term solution, with the only current opportunity being the land north of Norwich Common and where no further sites have been identified through the exercise GNDPPPS. The club's ability to deliver the current level of activity should be commended given the facilities it has and this should, Mr Shaw says, in no way be held against them or used to suggest the site is adequate. If the club is to continue to attract more members and meet the modern day expectations with regard to safeguarding, then this relocation should, he considers, be supported wholeheartedly to allow the club to contribute towards the shared objective to grow sports participation, and particular Rugby Union.
271. **Mr Roger Pierson** confirmed that he is the Honorary Secretary of Eastern Counties Rugby Union (ECRU). Mr Pierson explained that the need for a move for WRFC is 'acute', given that the rate of growth in members is now being restricted by the Club itself, as it recognises that its facilities are stretched. Wymondham's registered membership is some six times greater than another local Club that plays at two levels higher than Wymondham; similarly Wymondham has one and a half times the number of registered players than that Club, five times more qualified Referees, and almost twice the number of Coaches (all of whom are Disclosure and Baring Service certificated).
272. The ethos of rugby is teamwork and this covers both on and off field activities; there is sufficient evidence that the pitches at Tuttle Lane are over-used, and are often in a state where training is unsafe, especially for its youths. Additionally, many of its teams are unable to practise before matches and this presents physical as well as team-bonding constraints.
273. The fact that much of any possible playing and training has to take place away from the Club grounds (on a short-lease basis) presents a barrier to those that

- want to socialise post-training, or match. This denies the Club opportunity to capitalise on its assets and this could, in Mr Pierson's view, lead to a reduction in active membership. It could even discourage physical and social development amongst our young people at a time when the benefits of a healthy lifestyle are being promoted by the Government and Active Norfolk. Rugby can impart important life values so if facilities are restricted due to limitations of facilities this will result in a community loss.
274. The Club's women players are in the forefront of supporting women's rugby in Norfolk. As with the youth requirement different facilities are required for the women players.
275. The WRFC distinguishes itself in Norfolk Rugby circles as a consequence of its pursuance of management best practice. This has been acknowledged by RFU, ECRU and the County, for which it currently provides three Members to their Management Committee which is a unique feat. Indeed, Mr Pierson considers that the fact that the club continues to provide a home for sport is in great measure the result of a thoroughly professional management structure model, and one that ECRU would like to see employed in clubs throughout Norfolk.
276. Mr Pierson explained that he has observed that the efforts and commitment of the club officers, all of whom are volunteers, which is being put under strain as the frustration of being unable to re-locate and provide the infrastructure that the members expect continues. With additional housing scheduled for the Wymondham area, this situation can, he considers, only become more critical.
277. Mr Pierson has looked at his records and found three letters from ECRU in support of development at Wymondham, from 2005, through 2010 to September 2015; this demonstrates on-going support for the club and its desire to improve. The club merits the opportunity to move to improved facilities, both on and off the field. ECRU greatly supports the re-location of the WRFC, and asks that this fact is taken into account.
278. **Mr Martin Crook** set out that he is the current President of the Norfolk Rugby Union and the Norfolk representative on the ECRU. He has been a WRFU member for over 39 years and been involved in coaching for longer. As such he has experience of rugby clubs throughout the area, their facilities and their needs. In contrast the Council has not visited the WRFC facilities so it cannot make judgements about those facilities. This means the Council has not properly valued the importance of the scheme to the clubs 1300 members. The pitches at Wymondham club turn into a quagmire during inclement weather and to concrete hardness in dry weather, which is dangerous and prevents re-growth of grass. This is despite investment in underground and surface drainage and employment of professional grounds maintenance staff.
279. The Wymondham facilities date from 1981 and were built for four senior male teams with around 100 members. Now the membership and teams are more diverse. There are around 600 playing members including women, girls, youth and touch rugby with some 700 family and social members.
280. Mr Crook recounted the events of 17 January this year when following a game on a muddy pitch the women half of them from a visiting women's team had to travel home without showering because all the hot water had been used by the earlier colts teams. This had led to a complaint from the visiting team who had

to travel 80 minutes home. This, Mr Crook explains, exemplifies the acute and immediate need at the club.

281. It is thus not reasonable, in his view, for the Council to imply that the clubs success means it has no immediate need to relocate. The Council aware that the Norwich Rugby Club are seeking to relocate, with significant funding, to a site within 5 miles of Wymondham and 3 miles north of Hethersett at the University. This is within WRFC catchment and poses a threat to the Wymondham Club. Again this suggests the Council's approach to this proposal is flawed as the need is acute and there is a threat to the club.

282. In terms of what is needed the ratepayers should be asked. They, he has found, are confused as to why the scheme is not getting the Council's support. In a similar case a farming family in North Norfolk have been given hero status for funding sporting development and Mr Crook doesn't understand why the same does not apply here.

283. Mr Crook has also asked about 100 people where the strategic gap starts and they all indicate the gateway – at the business park. Mr Crook acknowledges this is not scientific work and he has no collaborated evidence, but he considers his research gives a better understanding of the situation than that of the council's paid experts.

284. Whilst it is suggested that the club should curtail its spending, there are limits to what can be cut because of specifications set by Sport England, for example, who set standards on numbers of changing rooms, showers, referee's rooms, toilets and so forth. These are expensive to implement unlike the requirements when the club was able to build what it could afford.

285. The harm to the strategic gap in this case is a small price to pay for the benefits of securing the WRFC relocation and facilities. He is dissatisfied at the lack of support from the Council in such times of austerity.

Written Representations

286. In addition to the correspondence from those who spoke at the Inquiry whose main views are set out above, and letters from the County Council regarding highways and an internal memorandum from the Council, 16 letters were received in response to the Inquiry notification.

287. In addition to a letter from Dr Williamson who spoke at the Inquiry, there were two letters of objection. One accepts the improved WRFC facilities would be good for the club but does not agree that the price should be 390 houses. There concern is the impact on the open countryside and highways, particularly Lavender Road and the fact 90 houses would be served by one access. The highway concern is cumulative with other developments such as that near the superstore. A retirement village as originally proposed would have been better. The proposed rugby club, with lighting and a club house would harm the countryside. It may also open up land to development on Melton Road. There is a five year land supply so no need for more housing. As such the scheme conflicts with policies HOU4, ENV8 and ENV2, and it fails to accord with the WAAP and the Framework.

288. The other letter of objection expresses the view that Wymondham, whilst sustainable, should not be expected to make up for the housing shortfall for the

whole of the NPA, particularly when the town has current permissions above the 2200 dwelling minimum target. The windfall argument could be used anywhere. The argument that 390 dwellings is the only way to fund the WRFC relocation is wrong as that number of dwellings exceeds what would be required, would give developers a huge bonus and impose unreasonably on residents. Housing is becoming unbalanced extending northwards and further housing could set an unacceptable precedent. Furthermore if allowed it would be difficult to accommodate children from the development in the local secondary school. They point to capacity issues at both Wymondham High Academy and Hethersett Academy. Whilst the scheme would provide a cycle route part way towards Hethersett it would not link and give access to the school. It is also noted in an attached earlier letter that a WRFC facility six times the size of the current site seems excessively large

289. The remaining 14 of the 16 letters supported the proposal. They expressed concerns about the adequacy of the existing facilities in terms of poor drainage to pitches, inadequate changing facilities and parking issues. Additionally there is concern that other sites away from the WRFC base have to be used. These supporters praised the ethos, team values and family friendly approach of the club along with its professionalism and the significant efforts of those who run the club. In particular it was explained how the club helped the youth groups. The need for sport to combat obesity was also raised. Housing is needed and so this edge of town location would, in some of the supporters view, be appropriate. One local resident explained additional traffic movements would impact on his dwelling but that this would be outweighed by the benefits of the enhanced sporting facility.
290. When the Council considered the proposal at application stage there were 33 letters of objection which were set out in some detail in the officers' report¹⁴⁷. Objections were made on the grounds that the housing on site B would be contrary to the new Local Plan and strategic gap, creeping urbanisation and landscape harm, trees and hedges need protecting, as does the foot path from Norwich Common Road to Melton Road, reduced countryside access would detract from health benefits of countryside walks, jobs created would not be local, housing would be beyond that needed, Greenland Avenue and Lavender Road are not suitable for sole access, Lavender Road is too narrow and the junction is near a children's play area and Greenland Avenue is restricted as it used by workers for parking, Whispering Oaks access is unacceptable due to traffic noise and increased vehicular movement (including during construction), existing highway congestion and the superstore roundabout, roads beyond capacity, inadequate infrastructure, there is no need to expand the rugby club it is mainly weekend use, the emergency access needs to be controlled, and shortfall in housing land should not mean the first site proposed for housing should be allowed.
291. In addition there was objection from Wymondham Heritage Society, on grounds that the proposed club house would be too far in the direction of Great Melton and Hethersett and that traffic arrangements would be unacceptable.

¹⁴⁷ CD3/1

292. Wymondham Town Council objected as the scheme is outside the development boundary and contrary to policies ENV12, ENV8 and IMP8 and those of the WAAP. Great Melton Parish Council objected on grounds of harm to the strategic gap, flood risk, light and noise pollution, increased traffic through Great Melton and concerns about the emergency access.
293. At the same stage 115 letters were received in support of the scheme. The reasons for support are extensively documented in the officer's report to committee¹⁴⁸ but focus on the need for the facility, jobs and housing, improvements to community cohesion and rugby club excellence, pragmatic use of land at the urban fringe, suitability of the proposed housing land in terms of infrastructure, suitably located for traffic flows, poor quality of the existing facilities particularly waterlogged pitches, poor changing rooms and lack of parking, sustainable location for housing where it will merge into the existing developments, the importance of sport for health and the particular value of this club as a community asset.
294. Additionally there were letters of support from Sports England and Rugby Football Union although the latter's detailed points were set out at the Inquiry by Mr Shaw.

Conditions

295. The conditions in the amended format discussed at the Inquiry, with additional minor alterations that were discussed or otherwise required to achieve a more ready compliance with advice in the Practice Guidance which has replaced, in part, Circular 11/95, would be necessary in order to achieve an acceptable development, were the Secretary of State to consider the principle of the development to be acceptable. Those conditions are set out in the Schedule attached at Annex A. Where necessary, specific conditions have been addressed in the Conclusions above. The conditions set out would be relevant, necessary to make the development acceptable and otherwise comply with the necessary tests.

The S.106 Obligations

296. The s.106 planning obligation provides for recreational/play space, affordable housing, travel plan contribution, a footpath/cycleway (should it not be forthcoming by other means) and the proposed WRFC facility as set out in the details at paragraph 6 above. I have had regard to this planning agreement in the light of the tests set out in the s.122 of the Community Infrastructure Levy Regulations 2010 and repeated in the Framework at paragraph 204. These state that a planning obligation may only be sought if it is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.
297. I am satisfied that there is a rationale behind the sum sought in terms of the travel plan contribution and that the sum is fairly and reasonably related in scale and kind. I am also satisfied that the affordable housing provision would be in line with current policy and practice at this Council. The recreational and play space requirements relate to the development proposed and the footpath/cycle

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link is appropriate to serve the needs of future residents but would not be necessary if it is secured by other means. Thus, from the information and evidence provided, I am satisfied that the obligation tests set out in the Framework would be met for these items. It is therefore appropriate to take these aspects of the obligation into account in the determination of this scheme. Importantly, the proposals for the WRFC are not included in this group of items (see my paragraph 318 below).

298. Given the inter-relationship of WRFC provisions and the scheme I shall deal with this matter as part of the Inspector's Conclusions.

Inspector's Conclusions

[References to earlier paragraphs are set out in square brackets]

Main Issues and Introductory Matters

299. The main parties agree that development of the existing rugby club site, Parcel A, which is within the Wymondham settlement boundary, for housing is acceptable notwithstanding its allocation under Policy WYM 4 for retirement care community. It is situated within the development boundary for Wymondham and, in part, adjoins other residential development from which it can take suitable access. I have no reason to disagree.

300. It is also agreed between the main parties that relocation of the rugby club to Parcel C in the open countryside but adjoining the settlement boundary and outwith the strategic gap would be acceptable in principle. The Highway Authority and the Local Planning Authority have not objected on highways grounds but local residents have, nevertheless, raised concerns on highways matters. Given the Highway Authority and the Local Planning Authority position and as there is no substantiated evidence to the contrary I am satisfied that highway safety and the free flow of traffic would be acceptable. The use of Parcel C for a sports facility may result in some additional noise and disturbance because of vehicles those attending the sports facilities. Aspects of such disturbance are more likely to relate to site specific activities, for instance arising from car parking, and that would be a matter for the detailed scheme, although I note that there is substantial existing planting between the Parcel C land and housing site at 'land north of Carpenters Barn'. Moreover, a planning condition is suggested to deal with hours of use and generator/chilling type equipment at the proposed club house. Nonetheless, the allocated Policy WYM 14 site (Parcel B) offers a fairly direct access on to a main route, is therefore a little more accessible, and would be likely to have lesser impact on occupiers of the dwellings in the Carpenters Barn development. It seems there that the Parcel B site has some spatial benefits over the proposed Parcel C site in respect of those local residents concerns. That said, Parcel C is not considered unacceptable in planning terms.

301. Thus, the element of the proposal and area of land over which significant dispute arises in planning land use terms is Parcel B and therefore the focus of the appeal is upon that site. The main issue therefore is whether or not the proposed development represents sustainable development having regard to housing land supply, the provision of sports facilities, the impact of the strategic gap noting the implications for Policy DM 4.7 and matters raised as other benefits or disbenefits. [52,53,57,65,67,138]

Housing Land Supply

302. The main parties agree that for the purposes of this planning appeal, the Council cannot demonstrate a five year supply of land for housing as required by paragraph 47 of the Framework. It is therefore agreed that, on the basis of Framework paragraph 49, relevant policies for the supply of housing are to be considered out-of-date. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework explains that where policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Policy DM 1.1 also sets out this balance. For completeness it is not suggested that any specific policies of the Framework indicate that the proposed development should be restricted i.e. restrictions of the type set out in paragraph 14 footnote 9. [74,80,81]
303. The main parties both agree, following the Court of Appeal Decision in Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG / Richborough Estates Partnership LLP v Cheshire East BC & SSCLG [2016] EWCA Civ 168 that Policy DM 4.7 relating to the strategic gap should be regarded as a relevant policy for the supply of housing. As such, and with the agreed position that there is not a five year housing land supply for the NPA, Policy DM 4.7 is out-of-date and, thus, the weight to attach to it is reduced. I shall deal with the weight which remains for that policy later but note the parties vary significantly in what they think the weight should be. [8,100,155]
304. It is also agreed that the appropriate physical area upon which to assess the housing land supply position is the NPA as defined in the JCS rather than the Council's District boundary. However, the main parties disagree about the extent of the supply that there is and about how this should influence the planning balance. [74,89]
305. The main parties agree on the housing requirement and on the extent of the backlog which can be seen by comparing the JCS requirement and the actual level of delivery as set out in the HSoCG. However, there is disagreement on two key points. The first is the time period over which the shortfall since 2008 should be spread, essentially whether the backlog should be made up over the plan periods remaining time span (Liverpool), or whether the backlog should be made up in the next five years (Sedgefield). [75-79,130,192]
306. There is no prescriptive approach to say that the shortfall must be made up in a specific way although the Sedgefield approach is preferred by the planning guidance. It is, in my view, logical that this approach should be the starting point because the shortfall represents unmet need and because the housing situation is such that the Framework is seeking to boost significantly the supply of housing. In this case the very size of the shortfall indicates that rapid progress needs to be made. However, the JCS Inspector took the view that the shortfall should be added to the housing delivery target over the whole plan period and, more recently, the Local Plan Inspector has taken the same approach for South Norfolk, noting the reliance on larger strategic sites which are likely to require greater lead in times. The Council explains that a third of new allocations are on major sites, with a large urban extension in Broadland District within the NPA. The Council is concerned that adding in further sites (such as the Parcel B

appeal land) due to lack of housing land supply will dilute progress on the major allocated sites. Whilst that view has some logic, there is no compelling evidence to support that concern. That said, the Framework seeks that development should be plan-led, but that plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. It also acknowledges that the supply of homes can sometimes be best achieved through planning for larger scale development. It is clear the approach in the Council's area is seeking to do this. [194-195]

307. The housing need is pressing, and the Councils in the NPA are currently failing to deliver. However, the relatively recent JCS and very recent Local Plan need time to establish whether, together, they can deliver what is needed without large unanticipated schemes undermining their strategy. As such, it seems to me that the Liverpool approach would reflect the policy making approach and give the Councils time to deliver the housing they project. That said, as there is a pressing need for housing, time is important. If housing delivery does not show that it can reflect the projected delivery and the backlog increases it might well be necessary to apply the Sedgefield approach in the future so as to be able to recover from any further under-delivery. On that basis, support for the 'Liverpool' approach is very much linked to the newness of the policy position. Whilst on this point, the appellants suggest that the Council chooses to say it cannot meet a level of delivery now that it says it will meet in 2020. But this seems to be precisely because of the timing issues involved with larger sites and delivery. The High Ash Farm decision, within the same policy area as this appeal site, concluded the Sedgefield approach would be the appropriate method of calculation. However, that decision related to a single dwelling and preceded the Local Plan Inspector's acceptance of the Liverpool approach as appropriate for this Council's current situation. [132-134]

308. In terms of the housing situation moving forward, the Council has explained that critical planning documents affecting progress within the NPA still need to be adopted, in particular the Long Stratton AAP, the Broadland Site Allocations DPD and the Growth Triangle AAP. It is anticipated these will be adopted in the 2016/2017 monitoring year and contribute to supply and I see no reason to dispute the likelihood of positive benefit arising from the plan-led process in that regard. I am also mindful that the Council has taken a proactive approach to housing. It is not disputed that in excess of 4,000 dwellings were permitted by the Council in advance of allocations. Furthermore, of the 14,000 dwellings within the NPA with planning permission 6,449 are within the Council's area. I also have no reason to doubt Cllr Fuller's point that the level of New Homes Bonus reflects a positive approach to housing development. Moreover, I also note that the Local Plan Inspector was considering a situation wherein the Council was meeting its housing targets for South Norfolk. That does not alter the fact that for the NPA there is not a five year housing land supply but it indicates that the Council, where it has full control, is achieving the positive outcomes which the Framework is seeking to secure. [108,197, 224-226, 247,248]

309. Whilst the Council makes much of the new SHMA, which includes reviewing the contribution of student housing to the housing land supply, it has not been tested. Nor has the Council's prediction that a lower level of development will be sought by the Greater Norwich Authorities at the end of the current five year period or that such an approach would be supported. As such, I do not afford significance to the potential for change at this stage. [205-208]

310. The second area of disagreement relates to the buffer. There is no dispute that a 20% buffer is needed. Whilst the Council consider this should apply to the baseline requirement and not the shortfall sum to be made up, I disagree. The baseline plus the shortfall element (irrespective of the timeframe over which it is recovered) is the housing that is needed and the buffer is simply a further year's worth of housing supply brought forward from later in the plan period to increase choice and flexibility so that the development needed is realised. [214-216]
311. Thus, based on the agreed table contained within the HSoCG, using the Liverpool approach and a 20% buffer applied to the baseline plus shortfall, I conclude that the five year shortfall amounts to some 2,189 dwellings, with the NPA housing supply level amounting to 4.22 years of the supply required. The shortfall is a matter which must be given serious weight in the planning balance in this case and, as explained, affects the weight to be afforded to development plan policies. I acknowledge the positive approach of the Council and the outcomes it is achieving in other respects of housing in its area (as a whole given the backlog relates to an area in which it is in a partnership and does not have full control). I am also mindful of the anticipated progress within the NPA in terms of securing a full suite of development plan documents so that development can be plan-led for the whole NPA in line with the advice of the Framework. Whilst these latter two points are of credit to the Council it does not alter the weight to be afforded to the lack of a 5 year housing land supply in the NPA. [79]
312. In terms of affordable housing provision both parties acknowledge that the provision of 129 affordable housing units would be a significant benefit. The appellants point to concerns regarding affordable housing delivery, specifically citing a development where only 15% of 1,230 dwellings have been secured, in contrast with the 33% required for policy compliance, resulting in a deficit of 429 affordable units. However, the Council is clear that there was an infrastructure justification for that relaxation of the policy requirement and a claw-back mechanism was secured for the site to allow for greater affordable housing to be delivered should circumstances change. Moreover, the NPA secured affordable housing rate is running at some 27% with sites coming forward which are yet to meet their affordable housing delivery thresholds. Given this, there is no reason to increase the weight above that of being a significant benefit. I note that this level of housing benefit would be expected on many greenfield sites as it is a matter of development plan policy, such that this site, if allowed, would not be exceptional in its affordable housing delivery. [59, 227-229]

WRFC Relocation

313. The proposed provision for the WRFC relocation with new facilities is directly linked as it forms part of the whole scheme and is tied through the s.106 provisions.
314. There is no dispute that the club and those supporting it are doing a valuable job and that the club is a great benefit to the community. The size of the club's membership, and the increasing range of teams, is testament to the value placed upon it and particularly so given the limited existing facilities. I also have no doubt that it is not simply the case that improved drainage of the existing pitches would resolve the clubs issues. The GNDPPPS, which the Council supported, along with the RFU accreditation documentation, make it clear that significant

- improvements are necessary. Whilst a comprehensive redevelopment as now proposed is understandably attractive, a lesser scheme might represent a very significant improvement over the existing situation and be more financially proportionate to the club's means. [261,265-266,271-285]
315. There is no case made that the residential development proposed is the minimum to facilitate the WRFC move. Indeed the VSoCG indicates the break even point, with a 20% developer profit and 33% affordable housing, is in the region of 292-310 dwellings. Thus, although the landowner's support is keenly promoted by the appellants and WRFC as being generous, the opposing view of objectors, that it provides a way to secure profit through development that would not normally be allowed, is similarly valid. In this respect the development proposed cannot be seen as purely enabling development. [58,83,87,95,183-190,254,261]
316. It is clear that the sale of the existing site would not fund the development which the club is seeking by way of relocation, enlargement and improvement of facilities. Indeed the VSoCG puts the sale of Parcel A at some £4.16M and the proposed new WRFC relocation and specification at some £8.67M; the relocation costs alone amount to about £5.7M. The Council has been, and continues to be, prepared to support the club's aspirations to improve its facilities. However, the extent to which it is able to further support the club, including for instance the value generated by not requiring affordable housing on Parcel A (should that be deemed to be acceptable) suggested by the Council's Leader or from further sources of funding, is unknown. [254]
317. More significantly, turning to the s.106 Agreement, the proposed replacement WRFC facility would go beyond replacing what would be lost to the local community (through the use of the existing WRFC site for housing and through the loss of opportunity to utilise the Parcel B land as per the extant permission Ref: 2012/1883/F - see planning history paragraph 37). Whilst the new residential development would be likely increase pressure on that facility, it would not do so by the extent of the likely significant additional financial benefit to the club. It is accepted that the revenue generated from the linked housing sites would fill the £4.5M funding gap which the WRFC requires to meet the comprehensive WRFC relocation specification sought. [6,83-86,97,149]
318. I appreciate that there is an existing need to expand, and one which is endorsed by Policy WYM 14, but the need to expand has already arisen and is not simply a product of the housing sought in the appeal proposal. I also acknowledge that the principle of use of Parcel C for the facility itself forms part of the appeal proposals. Moreover, the s.106 Obligation offer represents the situation which both main parties agree they want in the event the scheme is allowed. Even so, the totality of financial support for the proposed WRFC facility, which is offered through the s.106 Obligation, and which is clearly tied to it, goes beyond that to which weight should be given having regard to the CIL tests. There is particular conflict with the tests which require that the obligation is necessary to make the development acceptable in planning terms and that it is fairly and reasonably related in scale and kind to the development proposed (it is directly related to the development proposals as a whole).
319. The clause 4.6 on page 20 of the s.106 Obligation means that failure to accord with the CIL regulations results in this part of the obligation ceasing to have

effect. The landowners would be under no obligation to comply with it or indeed any part of the WRFC relocation. As such, no weight can be given to the benefits which might otherwise be secured. On this point, whilst the club's benefactor is highly regarded by the club, I cannot attach weight to the individual involved as the s.106 runs with the land and circumstances might change. Importantly, this would leave the WRFC in a position where the financial value of the land of Parcel B would increase. This would undermine the benefit to the club of the extant planning permission for its relocation to Parcel B and the intent of Policy WYM 14. However, another site, Parcel C, would gain planning permission for sports pitches, a clubhouse and ancillary development as set in the application. Phasing arrangements under condition 4 would enable control that would prevent a situation where the WYM 14 sports allocation was lost and only the housing built out. The provision of the sporting facilities could be phased so that this is assured not to happen. Such a phasing condition is provided for legitimate land use planning control. The method of funding the WRFC relocation is not a matter to which I attach weight. [7,254,296]

The Strategic Gap - Policy DM 4.7

320. The Planning and Compulsory Purchase Act 2004 (the Act), at s.38(6) requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
321. The strategic gap policy does not seek to prohibit all development. Rather it seeks to restrict it to developments or uses which essentially retain the sense of separation and openness. The appellants note this, in that Policy DM 4.7 allows for development which '*would not erode or otherwise undermine the openness of the strategic gap*', and they take the view that this part of the strategic gap is of lesser value to the functioning of the strategic gap. [98]
322. The boundaries for the strategic gap designation were not made without considerable thought as is evidenced by the background documentation from the parties and the Local Plan Examination Inspector's Report. Whilst that document is not the policy, it does nothing to dispel my view that the policy is clear, the boundary intentional and that the Parcel B site was considered to fulfil a strategic gap function. The Council had anticipated that this site would be developed with an edge of town recreational use under the WYM 14 designation but that policy makes it clear its allocation is for the relocation of 'Wymondham Rugby Club only'. The supporting text to this policy implies that once developed for the Rugby Club it would be included within the development boundary. [102-104]
323. The proposed residential development of Parcel B, within the strategic gap, would result in an area of undeveloped agricultural land becoming an urban area occupied by some 300 dwellings of 2-2.5 storeys (some 10.5m high). The consequence would be a permanent loss of countryside of an essentially open nature. That would, in my view, conflict with Policy DM 4.7. In contrast the extant permission for the WRFC use supported by Policy WYM 14 would not. [177]
324. However, as set out above (at paragraph 303) the parties agree that Policy DM 4.7, despite its recent adoption, is out-of-date for the purposes of this appeal because of the housing land supply situation. This reduces the weight that can

be afforded to this policy. However, it does not mean it should be totally disregarded.

325. Policy DM 4.7 is not a greenbelt policy wherein loss of openness is of itself harmful whether or not it is seen. Rather, the issue is the contribution that the existing open area makes to the strategic gap. That gap has been designated to maintain the segregation and individual identities of Wymondham and Hethersett. The policy justification is that of the need to protect the landscape setting of South Norfolk's towns and villages which are of essentially rural character where this is under threat from significant planned growth in the NPA. [98]
326. Parcel B is located directly behind a ribbon of development along Norwich Common Road that projects out from Wymondham. That ribbon development is within the development boundary. As such, the Parcel B site is bordered by housing on its south-east side. Moreover, the existing development on this side is not simply linear. Rather, at the end of the ribbon development it projects in depth away from Norwich Common Road, enclosing a small part of the north-east side of the appeal site, at the development known as Elm Farm Business Park. Additionally, that site has recently been given permission to increase its developed area albeit within the settlement boundary. Furthermore, whilst some references were made to the permeability of the ribbon development there has been a complete redevelopment of the site at no 49 with 11 dwellings, so that this part of the 'ribbon development' has a much more built up appearance and the 'ribbon development which has some visual permeability' is relatively limited. As a result, the proposed scheme would have little impact on the strategic gap when seen from Norwich Common Road. This is the main road between Wymondham and Hethersett which the strategic gap seeks to keep separate. [15-19,45,101-109,171-182]
327. The proposed new roundabout access on Norwich Common Road would be a significant change to the experience of entering the settlement of Wymondham from this direction. But that roundabout would be within the development boundary so would not impact on the strategic gap and is considered necessary in highway terms. [114,169-170]
328. There would be other, more significant, impacts on the strategic gap. The Wymondham development boundary almost adjoins the strategic gap designation boundary at the south-west side. Here existing development, and that under construction, is situated on the Wymondham side of PROW FP26. As result, those currently using the recreational route experience the edge of settlement location and views out across the divide between settlements. In those views Carpenter's Farm appears semi-agricultural and does not harm the rural character experience.
329. Moreover, the Parcel B land provides an open green space between the urban edge of Wymondham and The Wong, a significant landscape feature formed by a linear band of trees. Here, and in some views along the public right of way and the permissive bridle paths, there would be greater visual impact from the development of Parcel B, particularly seen in the context of the open countryside to the north-east. That countryside is not part of the strategic gap. Nor are the views in that direction orientated on a line between Wymondham and Hethersett such that they are directly linked to the important role of maintaining the distinct

areas of separation between settlements. Nonetheless, there would be some visual harm to visual openness afforded by the strategic gap and in particular there would be harm to open space between the settlement and The Wong.

330. The site parameters plan and illustrative layout plan both indicate that the northern corner of the site, that part nearest to The Wong, would be used for open space/landscaping purposes. This would reduce the visual impacts of the housing development at this point and maintain a better relationship with this local landscape feature. Whilst one of those plans is only illustrative the other is not and both demonstrate that housing need not be located on this more sensitive corner (in strategic gap and countryside character terms). It would be for the Council to consider the importance of the openness of this part of Parcel B at reserved matters stage were the appeal to be allowed. [71]
331. There is concern expressed about the cumulative impact of light pollution/spill from the proposed WRFC facility and Parcel B housing, particularly so during winter months when daylight is shorter and deciduous trees provide less cover. The ES clearly acknowledges that this is an issue as the impact is judged as moderate adverse during development and the medium term, with impacts predicted to become moderate minor after 20 years. This is an impact, therefore, which would persist for a considerable time even with existing landscape features and the site context of existing general lighting and street lighting. This would have an urbanising influence on the strategic gap. However, the value of the housing proposed would exist long after the lighting effects would have reduced to a more minor level as the landscaping becomes established. [173,174,176]
332. Despite being contrary to Policy DM 4.7 and the harms identified, the Parcel B site is an area which, if developed with housing, would not have such a significant impact on the separation between settlements as might arise at other points within the strategic gap. Furthermore, given the particular configuration of the site, allowing development here would be easy to define and so would not set a precedent which would undermine the remaining strategic gap. This lessens the overall harm to the strategic gap.

Matters Raised as Other Benefits

333. The proposed development would be likely to bring some local economic benefits from the construction phase as set out at paragraph 72. However, I concur with the Council that these may well represent accelerated income by bringing forward housing from later in the plan period. Taken together with benefits from the operation of the proposed WRFC facilities, I consider that the economic benefits which would arise from the scheme should be given moderate weight, rather than great weight as suggested by the appellants. That said, given the concerns about securing the WRFC facilities, as I cannot conclude they would be CIL compliant and there is a clause which therefore means that the s.106 offer would not be adhered to, further limits those benefits.
334. The New Homes Bonus receipts would be significant, but this does not attract weight in the planning balance, rather this matter is an incentive for Councils to provide much needed housing on appropriate sites.[243,248]

335. The Council does not have significant areas at flood risk so finding suitable land within the Council's area is not an issue. Thus, the site being low flood risk is a neutral matter in the planning balance. [64,235]
336. There would be ecological mitigation and enhancement, including a landscape buffer, structural planting and retention of ecological assets. However, this is largely a necessary requirement of the scheme, with at best some possible benefit, so attracts negligible weight. [61-63,235]
337. Provision of play space and sustainable drainage features are also put forward as benefits but they merit negligible weight as they form part of the planning requirements for the site. [61,235]
338. The appellants also attach weight to the aim of meeting the code for Sustainable Homes Level, but this is only an aim and not enforceable at this stage. Moreover, it is something which could be an aspiration on any housing site. Thus, neutral weight is appropriate.

Matters Raised as Other Disbenefits

339. Concerns are raised by the Council regarding secondary education provision. The NCCCS consider dwellings in Wymondham are likely to produce more children than elsewhere, although this may reflect the house types provided. This compounds the main concerns which focus on the location of such facilities and the implications of children not necessarily being educated at the most convenient or logical location, for instance in terms of school transport or for parents who may have to organise for children split between locations because of primary/secondary division. [236-240]
340. One particular concern raised is that there are no sufficiently large allocations which would act as a driver for a new school. However, this is not a matter to which individual developers of smaller sites can respond and in any event CIL provision is in place.
341. The allocation of school places would depend on school/LEA allocation criteria and it might mean, as the Council claims, children would be unable to get a place at WHA even though they live within its catchment area. This in part is because WHA is landlocked and cannot expand further.
342. Although, children might have to go to alternative locations, such as Hethersett High Academy (NCCCS record that Wymondham College, is already oversubscribed and will not expand further, although there is no substantiated evidence) which might have some impact on social cohesion. It may also be that Hethersett High Academy reaches capacity and then there would be a need to travel further to other schools. That said, there is a duty on the LEA to educate children even if this ends up being at the nearest available school rather than the nearest school and so is less convenient and potentially more costly. Moreover, the Council concedes that concerns regarding education would be outweighed by the social benefits of the proposal, although this relates to both housing and sports provisions, which I am not satisfied would necessarily be secured in the way which the Council envisages. In terms of the wider balance to be made, I consider some modest weight should be afforded to disadvantages associated with a likely mismatch between the location of educational provisions and the

proposed housing. However, given the present housing shortfall, it seems to me more important that children have a home from which to attend school. [60]

The Planning Balance

343. The Framework sets out the three elements of planning for sustainable development, those being an economic role, a social role and an environmental role. These three roles are all interlinked and, in this case, different matters pull in different directions. The Framework does not prioritise one role above another. Rather it seeks that gains should be sought jointly and simultaneously.
344. In this case there would be economic benefits derived from the scheme in terms of the development responding to the needs of the economy to drive forward, particularly with house building. This attracts significant weight. The construction process and subsequent occupation of the development would bring associated financial benefits into the local economy of moderate weight.
345. In terms of the social role the housing proposed would help meet the needs of both present and future generations. There is no reason to doubt that the facilities provided would be of a high quality. Even with the concerns raised regarding the scope to provide education in an easily accessible location, the appeal housing sites (Parcels A and B) would be in relatively accessible locations being in reasonable, though not close, proximity to the town centre shopping, sports and other services and facilities. The larger housing site of Parcel B would also be close to a reasonable network of footpaths and a cycle path link would be created upgrading existing facilities through the s.106 Agreement if that doesn't come forward earlier as part of another scheme as anticipated.
346. There would be an erosion of the strategic gap but the extent and location of the loss would not have significant social or cultural repercussions given the remaining strategic gap area would still serve to provide a separating function. There would be some harm to enjoyment of the countryside recreational routes but that harm would be modest with countryside access unaffected beyond the site. There would also be some social harm resulting from a loss in confidence by some of the community in the robustness of a recently adopted plan in what should be a plan-led system, but that is explained by the fact that aspects of the plan are out-of-date because the interrelated JCS NPA is failing to deliver.
347. The requirement to provide a sports facility that is similar to the extant planning permission on Parcel B would be retained through control provided by the phasing condition. It would be unacceptable in social and cultural terms to lose the benefit of the specific allocation for the WRFC relocation without adequate alternative provision. However, the funding of the relocation of WRFC via the housing is not a matter to which I have attached weight because the CIL regulations prevent this. Rather, as now, it would be for the club to find a way of resourcing its relocation as is the situation at present.
348. Thus looking at other social aspects the balance is still firmly in favour of the proposal even though I do not attach weight to the enabling development arguments.
349. In terms of the environmental role, any development on unallocated greenfield land is likely to warrant particularly careful scrutiny. This is even more so in the circumstances of Parcel B where there is a local designation as a part of a

strategic gap. That said, this is not a national designation, and nor does it have any other 'footnote 9' type of protection. In this case the strategic gap provides an important environmental function separating two settlements and creating a visual and useable breathing space between settlements for existing residents and those moving about the area. However, for reasons set out above the specific harm to the strategic gap as a whole would be reduced because of Parcel B's precise location. Moreover, this judgement has to take place in the current the context of the lack of a 5 year housing land supply and in that context the environmental impact on the strategic gap would not be significant, rather it would be moderate.

Conclusion

350. S.38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the development plan contains relevant policies, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. I conclude that there would be conflict with the development plan in respect of Policy DM 4.7 and thus the development plan as a whole.

351. In this case the Framework and current context are significant material considerations. Here, having regard to the Framework, despite a recently adopted policy background key policies are already out-of-date. The proposal has been dealt with on that basis. Looking at the interwoven roles of planning, the proposal would provide positive economic benefits to which significant weight is afforded. It would provide positive social benefits to which significant weight is also afforded. There would be some environmental harm, however, unlike the Council, and having in mind my assessment above, I accord this moderate weight. Taking all these matters into the balance I find that the adverse impacts do not significantly and demonstrably outweigh the benefits. On that basis I conclude the development would be a sustainable one. In these circumstances the material considerations are such that a decision other than in accordance with the development plan would be warranted and thus I recommend that the appeal should be allowed.

Inspector's Recommendation

352. I recommend that the appeal should be allowed subject to the conditions attached in Appendix A.

Zoë H R Hill

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Simon Bird QC	Instructed by NP Law
He called	
Simon Marjoram	Planning Policy Witness (five year housing land supply)
BA(Hons) Dip Urban Planning MSc MRTPI	
Mark Holland BA(Hons) DipLA	Landscape Witness
Adam Nicholls BSc (Hons) MSc MSC (Town Planning) MRTPI	Planning (development management) Witness

FOR THE APPELLANT:

Jeremy Cahill QC	Instructed by Barton Willmore LLP
He called	
Paul Wootton	Wymondham Rugby Football Club
Lisa Toyne BA(Hons) DipLA MLI DipTP	Barton Willmore LLP – Landscape Witness
Andrew Wilford BA(Hons) MA MTPI	Barton Willmore LLP – Planning Witness

INTERESTED PERSONS:

Cllr John Fuller	Leader of South Norfolk Council
Pete Shaw	RFU Area Facilities Manager (Area 4)
Roger Pierson	Honorary Secretary Eastern Counties Rugby Union Limited
Dr Tom Williamson	Local Resident
Martin Crook	President of the Norfolk Rugby union and Norfolk's representative at the Eastern Counties Board

DOCUMENTS

INQUIRY DOCUMENTS AND PLANS:

INQ 1	Appearances for the Council
INQ 2	Appearances for the Appellants
INQ 3	Supplementary Statement on behalf of Wymondham RFC
INQ 4	Letter from South Norfolk Council to Andrew Wilford dated 25 January 2016 regarding viability
INQ 5	Opening Statement on behalf of the Appellants
INQ 6	Opening Statement on behalf of South Norfolk Council
INQ 7	Playing Pitch Assessment October 2014
INQ 8	New Contract with Robert Barnard (<i>addition to CD1/13 and now filed with it</i>)
INQ 9	Draft s.106 Agreement

- INQ 10 Statement of Pete Shaw RFU Area Facilities Manager (Area 4)
- INQ 11 Statement of Roger Pierson Honorary Secretary Eastern Counties Rugby Union Limited
- INQ 12 Updated Core Documents List
- INQ 13 Plan to accompany CD15/11 (*now filed with that CD*)
- INQ 14 Plan to accompany CD15/22 (*now filed with that CD*)
- INQ 15a-d Four plans to accompany CD15/23 (*now filed with that CD*)
- INQ 16 Appeal Decision Appeal Ref: APP/G2435/A/11/2158154 (*now filed as CD15/27*)
- INQ 17 Errata (Appellants)
- INQ 18 Statement of Compliance for s.106 Agreement
- INQ 19 Revised draft s.106 Agreement
- INQ 20 Statement of Cllr John Fuller Leader of South Norfolk Council
- INQ 21 Statement of Tom Williamson
- INQ 22 Draft Conditions
- INQ 23 Extract of the Localism Act 2011 (Part 6 Chapter 7) Applications for planning permission: local finance considerations
- INQ 24 Plan –North East Wymondham – Illustrative Master Plan
- INQ 25 Statement of Martin Crook, President of the Norfolk Rugby union and Norfolk’s representative at the Eastern Counties Board
- INQ 26 RFU Accreditation Scheme
- INQ 27 Agreed Position Statement on housing sites and delivery timescales
- INQ 28 High Court Judgement Phides – [2015] EHC 827 (Admin)
- INQ 29 Note on Highways and Ecology (Appellants)
- INQ 30 Closing Submissions on behalf of South Norfolk Council
- INQ 31 Closing Submissions on behalf of the Appellants

NEW DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

- INQ 32 Certified copy of the s.106 Agreement
- INQ 33 Micro Drainage Calculations and Indicative Surface Water Drainage Strategy (to accompany conditions)
- INQ 34 Council’s comments regarding Court of Appeal Decision on Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG /Richborough Estates Partnership LLP v Cheshire East BC & SSCLG [2016] EWCA Civ 168
- INQ 35 Appellants comments regarding Court of Appeal Decision on Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG /Richborough Estates Partnership LLP v Cheshire East BC & SSCLG [2016] EWCA Civ 168

CORE DOCUMENTS: (Nb some documents are extracts only)

- CD1
- CD1/1 Appeal submitted to the Planning Inspectorate (March 2015) – excluding application documents at CD2 below
- CD1/2 Appeal Questionnaire
- CD1/3 Appellants’ Statement of Case
- CD1/4 Council’s Statement of Case
- CD1/5 Statement of Common Ground (December 2015)
- CD1/6 Housing Land Supply Statement of Common Ground (December 2015)
- CD1/7 Appellants’ Planning Proof of Evidence
- CD1/8 Appellants’ Landscape Proof of Evidence
- CD1/9 Council’s Planning Proof of Evidence

CD1/10	Council's Landscape Proof of Evidence
CD1/11	Viability Statement of Common Ground
CD1/12	Council's Housing Supply Proof of Evidence
CD1/13	Appellants' WRFC Proof of Evidence
CD1/14	Appellants' Viability Proof of Evidence
CD2	
CD2/1	Original Planning Application Form (17 April 2014)
CD2/2	Covering Letter and Notices
CD2/3	Environmental Statement Volume 1
CD2/4	Environmental Statement Volume 2 (Folder 1)
CD2/5	Environmental Statement Volume 2 (Folder 2)
CD2/6	Environmental Statement Volume 2 Part 3 (Folder 1)
CD2/7	Environmental Statement Volume 2 Part 3 (Folder 2)
CD2/8	Environmental Statement Volume 3 (Transport Assessment – Separate Folder)
CD2/9	Environmental Statement Non-Technical Summary
CD2/10	Planning Statement
CD2/11	Design and Access Statement
CD2/12	Statement of Community Involvement
CD2/13	Sporting Needs Assessment
CD2/14	Outline Business Case and Enabling Case (Sports Solutions and Brown and Co) (private and confidential – cover letter only)
CD2/15	Planning Application Validation Letter
CD2/16	Desk Study Report
CD2/17	Flood Risk Assessment – Addendum Report Appeal Decision: Land off Park Road, Malmesbury Ref: APP/Y3940/A/2159115 Drawing Ref: 589/03/200- 40M ICD Partial Signalised Roundabout/Waitrose Exit Proposal at Tuttle Lane Roundabout Dwg Ref: 589/03/102 Rev B WRFC Emergency Access T junction at Melton Road
CD2/18	Letter regarding Chapel Lane Decision 19 August 2014
CD2/19	Letter regarding Open Space and Gap dated 04 December 2014
CD2/20	Letter regarding Committee Report dated 30 December 2014
CD2/21	Site Boundary Plan (Ref.22368/16 Rev C)
CD2/22	Land Ownership Plan (Re. 22368/33)
CD2/23	Parameters Plan – Land Use, Green Infrastructure and Access (Ref. 22368/12 Rev K)
CD2/24	Parameters Plan – Building Heights (Ref. 22368/13 Rev L)
CD2/25	Access Drawing – Parcel A Primary Access Lavender Road (Ref. 589 03/108)
CD2/26	Access Drawing – Parcel B Primary Access Norwich Common (Ref. 589 03/101)
CD2/27	Access Drawing – Parcel B Secondary Access Becketts Grove (Ref. 589 03/106)
CD2/28	Access Drawing – Parcel C Primary Access and Link from Parcel B (Ref. 589 03/107)
CD2/29	Access Drawing – Parcel C Emergency Access Melton Road (Ref. 589 03/102)
CD2/30	Illustrative Layout Plan (Ref. 22368/25 Rev A)
CD2/31	Environmental Statement Chapter 7: Ecology and Nature Conservation

- CD2/32 Environmental Statement Appendices Chapter 7: Ecology and Nature Conservation
- CD2/33 Environmental Statement Chapter 8: Transport and Access
- CD2/34 Environmental Statement Appendices Chapter 8: Transport and Access
- CD2/35 Environmental Statement Chapter 14: Socio-economics
- CD3
- CD3/1 Planning Officer's Report to SNC Development Control Committee held 07 January 2015
- CD3/2 SNC Decision Notice (8 January 2015)
- CD3/3 Schedule of Relevant Correspondence between SNC and Barton Willmore
- CD3/4 Minutes of DC Committee
- CD3/5 Transcript of Audio Recording of DC Committee
- CD3/6 Note circulated by SNC in Committee Chamber
- CD3/7 Update Item on Agenda
- CD3/8 Planning Officer's Report to SNC Development Control Committee held 02 December 2015
- CD3/9 SNC Decision Notice (02 December 2015)
- CD4
- CD4/1 Town and Country Planning Act 1990 (as amended)
No hard copy provided – link to online version only
- CD4/2 Growth and Infrastructure Act (April 2013)
No hard copy provided – webpage link to online version only
- CD4/3 Education Act 1996 (Section 14)
Webpage link to full online version
- CD4/4 The Community Infrastructure Levy Regulations 2010
- CD4/5 Written Ministerial Statement (WMS): Housing & Growth (06 September 2012)
- CD4/6 Circular 11/95: The Use of Conditions in Planning Permissions – Annex A only (remainder cancelled)
- CD4/7 Written Ministerial Statement (WMS): Building Regulations (13 March 2014)
- CD4/8 Supporting Note to WMS: Building Regulations (13 March 2014)
- CD4/9 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- CD4/10 Written Ministerial Statement (WMS): Housing and Planning (25 March 2015)
- CD4/11 Spending Review and Autumn Statement 2015
- CD4/12 Letter to Chief Planners from Brandon Lewis – 09 November 2015
- CD5
- CD5/1 National Planning Policy Framework (27 March 2012)
- CD5/2 National Planning Practice Guidance (06 March 2014)
- CD6
- CD6/1 Joint Core Strategy (2011 amended February 2014)
- CD6/2 Topic Paper 13 (Background Evidence to JCS)
- CD6/3 South Norfolk Local Plan Saving Direction: List of Saved Policies within the South Norfolk Local Plan (2003)
- CD6/4 South Norfolk Place-Making Guide SPD (2012)

- CD6/5 Saved Local Plan 2003 Proposals Map
CD6/6 Wymondham Area Action Plan (October 2015)
CD6/7 Development Management Policies Document (October 2015)
CD6/8 Site Specific Allocations and Policies Document (October 2015)
- CD7
CD7/1 Wymondham Area Action Plan (Submission Version November 2013)
Relevant Policies
CD7/2 Development Management Policies Document (Submission Version
November 2013) Relevant Policies
CD7/3 Wymondham Area Action Plan Proposals Map (Submission Version
November 2013)
CD7/4 Not in Use
CD7/5 Inspector's Letter dated 17 December 2014 regarding the Examination
of South Norfolk Local Plans
CD7/6 Committee Report WAAP Preferred Options for Housing and
Employment Sites (16 July 2012)
CD7/7 Wymondham Area Action Plan Examination Hearing Document E2 –
Appendix A, updated 22/10/14
CD7/8 Inspector's Report dated 28 September 2015 on the Examination of
South Norfolk Local Plans
CD7/9 SNC Report to Special Cabinet Meeting regarding the adoption of South
Norfolk Local Plans
- CD8
CD8/1 Screening Opinion Decision Letter (27 August 2013)
CD8/2 Scoping Report (13 November 2013) and Scoping Opinion (09 January
2014)
CD8/3 Submission of Highway Note relating to off-site Tuttle Lane
Roundabout proposals – 22 August 2014
CD8/4 Secretary of State Call-in Direction Letter (09 July 2015)
CD8/5 Minutes of Meeting with SNC – 28 May 2015
- CD9
CD9/1 Relocation of Wymondham Rugby Football Club from land at Tuttle
Lane East to land north of Norwich Common (B1172), between
Carpenters Farm and Elm Farm (FULL) and the redevelopment of
existing rugby club ground site for a C2 retirement care community
(OUTLINE- all matters reserved except access)(Application Ref:
2008/2092/F) (Decision Notice dated 10 December 2009, Committee
Report dated 29 April 2009, Alternative Rugby Sites Study dated August
2008 and Site Location Plan)
CD9/2 Extension of time limit to planning permission 2008/2092/F (Application
Ref: 2012/1883/F) (Decision notice dated 12 September 2013 and
Committee Report dated 27 February 2013)
CD9/3 Land off Greenland Avenue for the Approval of Reserved Matters by
Matthew Homes Ltd relating to planning permission 2002/1493
(Application Ref: 2005/0381) (Decision Notice dated 27 September
2005 and Committee Report 02 July 2003)
CD9/4 Land to the North of Norwich Common, Wymondham, Application for
the Approval of Reserved Matters by Persimmon Homes relating to
planning permission 2007/2703/O (Application Ref: 2011/0374/D)

- (Decision Notice dated 02 September 2011, Committee Report dated 17 August 2011 and Committee Report dated 20 July 2011)
- CD9/5 Land north-west of Carpenters Farm, Norwich Common, Wymondham Proposed residential development (Class C3) up to 350 dwellings with associated access on Land at Carpenters Barn by Landstock Estates Ltd & Landowners Group. To include infrastructure associated with the residential development, public open space and new vehicular and pedestrian access routes (Application Ref: 2012/0839/O) (Decision Notice dated 25 June 2012 and Committee Report 22 June 2012)
- CD9/6 Land West of 49 Norwich Common, Wymondham for the Approval of Reserved Matters by Mr M Newbury relating to planning permission 2012/2202/O (Planning Application Ref: 2013/1533/D) (Decision Notice dated 1 November 2013 and Delegated Report 01 November 2013 and Site Location Plan)
- CD9/7 Land between the A11 Spinks Lane and Norwich Road, Wymondham for Residential Development with all matters reserved by Persimmon Homes (Application Ref: 2012/1385) (Decision Notice dated 30 October 2013, Committee Report dated 07 November 2012 and Site Location Plan)
- CD9/8 Land Between London Road And Sutton Lane London Road Wymondham Norfolk for residential development for up to 385 dwellings and a two from entry primary school (and reserve site for future expansion), green infrastructure, public open space, multi-use games area and children's playspace, new roads, parking, cycleways and footways, associated infrastructure and vehicular access and land for a new cemetery (Outline) (Application Ref: 2013/2011) (Decision Notice dated 03 April 2014, Committee Report dated 02 April 2014 and Site Location Plan)
- CD9/9 Land North Of The A11 At Park Farm, Silfield Road, Wymondham for Residential development up to 500 dwellings, community facilities, site infrastructure including new access roads, public rights of way and drainage, green infrastructure including public open spaces and structural landscape planting (Outline) (Application Ref: 2011/0505) (Decision Notice dated 06 February 2014, Committee Report dated 18 June 2013, Update Report to Committee dated 04 December 2013 and Site Location Plan)
- CD9/10 Land to the East and West of Rightup Lane, Wymondham for a mixed use development of up to 730 dwellings, up to 128 bed care homes/homes, up to 250 sqm of retail/commercial floorspace, a new primary school together with associated temporary and permanent infrastructure, including new access arrangements, sports pitches, allotments and community orchard (Outline) (Application Ref: 2012/0371) (Decision Notice dated 06 February 2014, Committee Report dated 04 December 2013 and Site Location Plan)
- CD9/11 Land North Of Hethersett Village Centre, Little Melton Road (including Extension To Thickthorn Park & Ride) Hethersett for residential mixed use development of 1196 dwellings and associated uses including primary school, local services (up to 1850 sqm of A1, A2, A3, A4, A5, D1 & B1 uses) comprising shops, small business units, community facilities/doctors surgeries, sports pitches, recreational space, equipped areas of play and informal recreation space and extension to Thickthorn Park and Ride including dedicated slip road from A11 (Outline) (Application Ref: 2011/1804) (Decision Notice dated 22 July 2013,

- CD9/12 Committee Report dated 30 January 2013 and Site Location Plan) Elm Farm, Norwich Common, Wymondham for proposed extension to Business Park for B1, B2, B8 and D1 uses Business Park Extension (Application Ref: 2014/1824/O) (Decision Notice dated 06 February 2015, Committee Report dated 04 February 2015, Site Location Plan, DAS and Site Layout)
- CD9/13 Land North-west of Carpenters Farm, Norwich Common, Wymondham for Approval of Reserved Matters (Phase 1) by Persimmon Homes Anglia relating to planning permission 2012/0839/O (Application Ref: 2014/1969) (Decision Notice 13 May 2015 and Committee Report dated 29 April 2015)
- CD9/14 Land South East of 9 Spinks Lane Spinks Lane Wymondham for Approval of application for 5No. dwellings (App ref. 2014/0096/O) (Committee Report dated 19 August 2015 and Site Location Plan).
- CD9/15 Land North-west of Carpenters Farm, Norwich Common, Wymondham for Approval of Reserved Matters (Phase 2) by Persimmon Homes Anglia relating to planning permission 2012/0839/O (Application Ref: 2015/1405) (Layout submitted 22 June 2015)
- CD10
- CD10/1 Land North of Norwich Common, Wymondham Appeal Decision (Appeal Ref: APP/L2630/A/09/2097802) (11 November 2009)
- CD10/2 Townhouse Road, Costessy (Appeal Ref. APP/L2630/A/12/2170575) (31 August 2012)
- CD10/3 Land on the North Side of Yarmouth Road, Blofield (Appeal Ref APP/K2610/A/12/2177219) (19 March 2013)
- CD10/4 Carshalton Road, Lakenham (Appeal Ref APP/G2625/A/13/2195084) (21 October 2013)
- CD10/5 Land at Chapel Lane, Wymondham (Appeal Ref APP/L2630/A/13/2196884) (07 August 2014)
- CD10/6 Land off Park Road, Malmesbury, Wiltshire (Appeal Ref. APP/Y3940/A/11/2159115) (08 September 2012)
- CD10/7 Judgement- Hampton Bishop Parish Council v Herefordshire Council [2013] EWHC 3947 (01 01 July 2014)
- CD10/8 Judgment – Dartford Borough Council v SSCLG & Landhold Capital Limited [2014] EWHC 2636 (Admin) (24 June 2014)
- CD10/9 Judgment – South Northamptonshire Council v SSCLG & Barwood Land and Estates Limited [2014] EWHC 573 (Admin) (10 March 2014)
- CD10/10 Judgment – Cotswold District Council v SSCLG, Fay & Son Ltd & Hannick Homes & Development [2013] EWHC 3719 (Admin) (27 November 2013)
- CD10/11 Judgment – Hopkins Homes Ltd v SSCLG & Suffolk Coastal District Council [2015] EWHC 132 (Admin) (30 January 2015)
- CD10/12 High Ash Farm, Norwich (Appeal Ref. APP/L2630/W/15/3005707) (24 July 2015)
- CD10/13 Rusper Road, Ifield (Appeal Ref. APP/Z3825/W/15/3019480) (10 September 2015)
- CD10/14 Land South of Lodge Close (Appeal Ref. APP/Y2620/W/14/30000517) (18 September 2015)

- CD10/15 Land off Mountsorrel Lane (Appeal Ref. APP/X2410/A/13/2196928) (08 April 2014)
- CD10/16 Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (Appeal Refs: APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426) (02 July 2014)
- CD10/17 Land off Chapel Drive, Aston Clinton, Buckinghamshire Appeal Ref: APP/J0405/A/13/2210864 (21 October 2014)
- CD10/18 Land off Stratford Road, Hampton Lucy CV35 8BH (Appeal Ref: APP/J3720/A/14/2215757) (03 November 2014)
- CD10/19 Cheshire East Borough Council v SSCLG [2015] EWHC 410 (Admin) (25 February 2015)
- CD10/20 Land East of A47, West Roundhouse Way and North of A11; and Land to the South of A11 to the East of A47 and West of Cringleford, Norfolk (Appeal Ref: APP/L2630/A/14/2227526) (07 January 2016)
- CD11
- CD11/1 SNC Housing Land Supply Statement – 01 December 2014
- CD11/2 Greater Norwich Authorities AMR 2013/14 (December 2014)
- CD11/3 Housing Monitoring Report 2006 (April 2007)
- CD11/4 Not in use
- CD11/5 Not in use
- CD11/6 Not in use
- CD11/7 SNC Housing Land Supply Joint Position Statement for Cringleford Appeal (Appeal Ref APP/L2630/A/14/2227526)
- CD11/8 The Great Norwich Area- Housing Land Supply Assessment (April 2015)
- CD11/9 Extract of GNDP Paper on Housing in response to the Inspector's letter of 24 May 2013
- CD11/10 Annual Monitoring Report 2014 – 2015 (December 2015)
- CD11/11 Extracts of Report to Housing, Well-being and Early Intervention Policy Committee (23 November 2015)
- CD12
- CD12/1 Not in use
- CD12/2 Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013)
Not contained in set of Core Documents, but one hard copy available for all parties at Inquiry
- CD12/3 National Character Areas (Natural England, September 2013)
- CD12/4 CBA South Norfolk Local Landscape Designations Review (June 2012)
- CD12/5 South Norfolk Local Landscape Designations Review (September 2012)
- CD13
- CD13/1 SoCG re. Education-Wymondham Area Action plan
- CD13/2 Wymondham High Growth Proposals Master Plan
- CD13/3 Hethersett High Growth Proposals Master Plan
- CD14 Not in use

- CD15
- CD15/1 Inspector's Report on Examination of Joint Core Strategy for Broadland, Norwich and South Norfolk (November 2013)
- CD15/2 Appeal decision S62A/2014/0001 – Land to the North of Hospital Lane, to the South of Mille Lane and to the East of Bouskell Park, Blaby, Leicestershire (July 2014)
- CD15/3 Representations to Pre-Submission Local Development Framework Documents (November 2013), Landstock Estates Ltd., Landowners Group Ltd. and United Business and Leisure (Properties) Ltd.
- CD15/4 Inspector's Issues and Questions to examination of South Norfolk plan (September 2014)
- CD14/5 Greater Norwich Growth Programme 2016-17, Greater Norwich Growth Board (November 2015)
- CD15/6 Appeal decision APP/L2250/A/13/2210752 – Land at the former Lymgne Airfield, Aldington Road, Lymgne, Kent (September 2014)
- CD15/7 Appeal decision APP/M1710/W/15/3004843 – Land north of 102 Downhouse Road, Catherington, Hampshire (September 2015)
- CD15/8 Central Norfolk Strategic Housing Market Assessment (December 2015)
- CD15/9 Housing Britain: Building New Homes for Growth, Confederation of British Industry (2014)
- CD15/10 Addendum to the Housing Topic Paper April 2013 update. Norwich City Council, March 2014
- CD15/11 Appeal decision APP/J2210/A/14/2227624 – Land at Bodkin Farm, Thanet Way, Chestfield, Whitstable
- CD15/12 Extract from Proposal Map for Development Management Policies Document (2015): Strategic gap between Hethersett and Wymondham
- CD15/13 South Norfolk Council Development Management Committee Report and Decision Sheet – application 2014/1642 relating to appeal APP/L2630/W/15/3039150
- CD15/14 South Norfolk Council Development Management Committee Report and Decision Sheet – application 2014/1302 relating to appeal APP/L2630/W/15/3039128
- CD15/15 South Norfolk Norwich Area Local Plan (1994) – Policy LAN3
- CD15/16 South Norfolk Landscape Assessment: Landscape Assessment, Land Use Consultants (2001)
- CD15/17 South Norfolk Local Plan (2003): Policy ENV2
- CD15/18 Topic Paper: Strategy to Accommodate Major Housing Growth in the Norwich Policy Area. Joint Core Strategy for Broadland, Norwich and South Norfolk (November 2009)
- CD15/19 South Norfolk DM Policies Preferred Options Consultation Document 2013
- CD15/20 South Norfolk Local Landscape Designations Review – Strategic Gaps- Important Breaks. Chris Blandford Associates, 2012
- CD15/21 Representations to Preferred Options of Wymondham Area Action Plan (March 2013) Landstock Estates Ltd., Landowners Group Ltd. and United Business and Leisure (Properties) Ltd.
- CD15/22 Appeal decision APP/W1715/W/15/3005761 – Land to east of Grange Road, Netley Abbey, Southampton
- CD15/23 Appeal decision APP/J1860/W/15/3129997 – Land to the south west of Elmhurst Farm, Hereford Road, Leigh Sinton
- CD15/24 Letter from Wymondham High School August 2014
- CD15/25 Judgement - William Davis Ltd v SSCLG & Anor 2013 EWHC 3058 April

- 2015
- CD15/26 Regional Spatial Strategy and Local Development Framework Core Output Indicators – Updated 2/2008 (July 2008)
- CD15/27 Appeal Decision APP/G2435/A/11/2158154 – Land North of A511 Stephenson Way, Leicestershire (20 August 2012)
- CD16
- CD16/1 Aerial Drawing indicating Townhouse Road Green Gap
- CD16/2 Image of No.63 Norwich Common
- CD16/3 Playing Pitches Strategy and Action Plans (October 2014)
- Cd16/4 Canterbury Local Plan Inspector’s Letter – 10 August 2015
- CD16/5 Planning Officer’s Report to Canterbury City Council Planning Committee held 15 September 2015 (Application Ref. CA/15/00844/OUT)
- CD16/6 CCC Decision Notice - Application Ref. CA/15/00844/OUT (24 September 2015)
- CD16/7 Consultation on Proposed Changes to National Planning Policy (December 2015)
- CD16/8 Land to the West of Close Lane and North of Crewe Road, Alsager (Appeal Ref. APP/RO660/A/13/2203282) (29 July 2014)
- CD16/9 Land at the Asps, Bound by Europa Way (A452) to the East and Banbury Road (A425) to the West, Leamington Spa (Appeal Ref. APP/T3725/W/14/2221613) (14 January 2016)

Richborough Estates

Appendix A – Conditions

Conditions that apply to all parcels of land

Time limit

- 1) Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission. The development hereby permitted should be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason for the condition:

As required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Reserved Matters

- 2) No development in relation to a phase of the development hereby granted outline permission shall take place until the plans and descriptions giving details of the reserved matters referred to below have been submitted to and approved in writing by the local planning authority for that phase.

These plans and descriptions shall relate to:

Appearance, scale, landscaping and layout of the dwellings and rugby club facility together with the precise details of the type and colour of the materials to be used in their construction.

Reason for the condition:

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy.

Accord with Plans

- 3) The development shall be constructed in accordance with the following drawings unless otherwise agreed through reserved matter applications:

Site Boundary Plan (Ref. 22368/16 Rev C)

Land Ownership Plan (Ref. 22368/33)

Parameters Plan – Land Use, Green Infrastructure and Access (Ref: 22368/12 Rev K) (Demonstrating extent of Parcel A, Parcel B and Parcel C)

Parameters Plan – Building Heights (Ref: 22368/13 Rev L)

Access Drawing - Parcel A Primary Access Lavender Road (Ref: 589 03/108)

Access Drawing - Parcel B Primary Access Norwich Common (Ref: 589 03/101)

Access Drawing – Parcel B Secondary Access Becketts Grove (Ref: 589 03/106)

Access Drawing – Parcel C Primary Access and Link from Parcel B (Ref: 589 03/107)

Access Drawing - WRFC Emergency Access T-Junction at Melton Road Ref: 589/03/102 Rev B)

Reason for the condition:

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by the Spatial Vision and Spatial Planning Objectives of the Joint Core Strategy.

Phasing

- 4) No development shall take place until a detailed scheme of phasing for the construction of the dwellings, the sports facilities, highways and areas of open space across the comprehensive development hereby approved (that being the housing sites on Parcels A and B and the sports provisions on Parcel C) has been submitted to and approved in writing by the local planning authority. The scheme shall include a schedule identifying the order of commencement and completion of each phase of construction and the order of commencement and completion within each phase of construction. The development shall be carried out in accordance with the approved scheme of phasing.

Reason for the condition:

To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, including sporting provision, access and supporting/servicing facilities are in place relevant to each phase before further development is undertaken, in the interests of good planning having regard to policy 20 of the adopted Joint Core Strategy (2011, amended in 2014 and policy WYM 14 of the Wymondham Area Action Plan.

No Tree or Hedges Removed

- 5) Prior to the commencement of development on any of the Parcels of land a landscaping plan showing trees to be retained shall be submitted to and approved in writing by the local planning authority. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837 Trees in Relation to Construction.

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason for the condition:

To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Contamination

- 6) The development hereby permitted shall not commence on any phase until an investigation and risk assessment has been completed in accordance with a

scheme to be first agreed in writing by the local planning authority for that phase to assess the nature and extent of any contamination on the site to which that phase relates, whether or not it originates on the site to which that phase relates. The written report(s) shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
- (iii) an appraisal of remedial options if required,
- (iv) a detailed remediation scheme to bring the site to which that phase relates to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site to which that phase relates will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Note

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for the condition:

This condition is required to be pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are identified early in the development process and minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

- 7) The development hereby permitted shall not commence on any phase until:
- a) the approved contamination remediation scheme has been carried out in full on that phase;
 - b) a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the local planning authority.

Reason for the condition:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out on that phase safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

Unknown Contamination

- 8) If, during development of any phase, contamination not previously identified is found to be present then no further development shall be carried out on that phase until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with to the local planning authority and has obtained written approval from the local planning authority for that remediation strategy. The remediation strategy shall be implemented as approved.

Reason for the condition:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM3.14 of the South Norfolk Development Management Policies Document 2015.

Flood Risk

- 9) No bungalows or ground floor apartments shall be located within Flood Zone 2 as shown on plan 05/002 in the appendices of the Flood Risk Assessment Addendum.

Reason for the condition:

This condition is required to be pre-commencement as these details will influence the way in which development will proceed on site, with particular respect to surface water disposal which needs to be undertaken at an early stage to ensure there is an acceptable strategy to minimise the possibilities of flooding in accordance with Policy 1 of the Joint Core Strategy.

- 10) Prior to the commencement of the development hereby permitted on a phase details of the finished floor levels for that phase which shall be set at least 300mm above the appropriate 1 in 100 year flood level including climate change shall be submitted to the local planning authority in writing. These details shall then be implemented and retained as such on that phase.

Reason for the condition:

This condition is required to be pre-commencement of any development as these details will influence the way in which development will proceed on site, with particular respect to surface water disposal which needs to be undertaken at an early stage to ensure there is an acceptable strategy to minimise the possibilities of flooding in accordance with Policy 1 of the Joint Core Strategy.

Foul Water

- 11) There shall be no residential development within 15 metres of the boundary of any sewage pumping station.

Reason for the condition:

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy. This is to be agreed in advance of commencement of

development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Conditions for Parcel A Wymondham Rugby Football Club, Tuttles Lane East, Wymondham

Landscaping

- 12) No occupation of any dwelling within Parcel A shall take place until full details of the implementation programme, management and maintenance of both hard and soft landscape works in relation to that phase have been submitted to and approved in writing by the local planning authority. The details shall be carried out as approved for Parcel A.

If within a period of five years from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, is destroyed, dies or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and 4-9 of the South Norfolk Development Management Policies Document 2015, which need to be agreed at a pre-commencement stage to guide development across the site and protect existing landscape features.

Tree Protection Plan

- 13) No works or development shall take place within Parcel A until a Tree Protection Plan (and accompanying Method Statement[s] if appropriate) for Parcel A has/have been submitted to and approved in writing by the local planning authority. The submitted details are to be guided by the recommendations set out in BS5837 Trees in Relation to Construction. All approved tree protection measures are to be installed prior to the commencement of development work on Parcel A.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. The following activities may not be undertaken at any time within the identified Construction Exclusion Zones and fenced areas:

- the storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment;
- raising of lowering of ground levels;
- installation of underground services, drains etc.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policy

2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Ecology Mitigation and Enhancement Measures

- 14) No works shall commence on Parcel A (including clearance works but with the exception of tree protection works) until full details of the ecology and biodiversity mitigation and enhancement measures to be undertaken as part of the scheme and timing for their implementation for Parcel A, which shall include a lighting plan and a habitat management plan and which shall identify the maintenance measures for a minimum of 10 years and who shall implement these for this duration, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented in accordance with the agreed timetable and retained as such thereafter.

Reason for the condition:

This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm in accordance with Policy 1 of the Joint Core Strategy 2014 and Section 11 of the National Planning Policy Framework.

Materials

- 15) With the exception of any site clearance works, site investigation works and tree protection works, no development of Parcel A shall take place until details, including samples and colours, of the materials used in the construction of the external surfaces of Parcel A of the development have been submitted to and approved in writing by the local planning authority. The materials to be used in the development shall be in accordance with the approved details.

Reason for the condition:

This condition is required and to be agreed pre-commencement to enable the Local Planning Authority to ensure appropriate colour, tone, texture and appearance of the materials to be used are agreed at an early stage to avoid later delays to the development to ensure the satisfactory appearance of the a major development site, as required by Policy 2 of the Joint Core Strategy.

Highways

- 16) Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining public highway in accordance with the details to be approved in writing by the local planning authority.

All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan and timetable to be approved in writing by the local planning authority prior to the commencement of development within Parcel A.

Reason for the condition:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to

expensive remedial action and adversely impact on the viability of the development, and to ensure highway safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

17) No development shall take place on Parcel A, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period on Parcel A. The Statement shall include provision for:

- i) the parking of vehicles of site construction workers,
- ii) wheel washing facilities,
- iii) measures to control the emission of dust, dirt, noise and vibration during construction,
- iv) highway routings to control and manage construction traffic.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies DM3.11 and DM3.13 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

Cycle and Waste Storage

18) With the exception of any site clearance works, site investigation works and tree protection works no development shall take place on Parcel A until details of the following on site provisions for Parcel A have been submitted to and agreed in writing with the local planning authority:

- bicycle storage for residents, and
- waste and recycling bin storage and collection facilities.

No occupation of any dwelling within Parcel A shall take place until any approved bicycle storage and parking and servicing facilities serving that dwelling has been provided in accordance with the approved details and, once provided, they shall be retained as such thereafter.

Reason for the condition:

This condition is required to be pre-commencement to ensure a satisfactory development of the site which provides for adequate cycle parking and servicing provision for the development at an early stage in the development to avoid later alterations to the design and layout to accommodate these, in accordance with Policy 2 of the Joint Core Strategy (2011, amended 2014) and Policies DM 3.10 and 4.3 of the South Norfolk Development Management Policies Document 2015.

Fire Hydrant Provision

19) With the exception of any site clearance works, site investigation works and tree protection works, no development within Parcel A shall take place unless a scheme has been submitted to and agreed in writing by the local planning authority for the provision of fire hydrants (served by mains water supply on a

minimum 90mm diameter main) for that phase. Two fire hydrants shall be provided in total across Parcel A. No dwelling within Parcel A shall be occupied until the hydrant servicing that dwelling has been provided and made operational to the written satisfaction of the local planning authority.

Reason for the condition:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Surface Water

20) Prior to commencement of development within Parcel A, in accordance with the submitted Flood Risk Assessment (Create Consulting Engineers Ltd ref: GS/GL/P13-589/07 Rev B dated March 2014) and the supplementary information dated 17 November 2015, detailed designs of a surface water drainage scheme for that phase incorporating the following measures shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling within Parcel A. The scheme shall address the following matters:

- I. The results of infiltration testing in accordance with BRE Digest 365 at a minimum of three representative locations across the proposed development area to be submitted for review.
- II. Discharge from the site into the watercourses shall be restricted to reported runoff rates in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham) with a total discharge rate from the entire site no greater than the reported 47.3l/s.
- III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. A minimum storage volume of 9,600m³ shall be provided in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham). The design of the attenuation basins shall incorporate an emergency spillway and appropriate freeboard allowances in line with best practice guidance.
- IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- V. Plans showing the routes for the management of exceedance surface water flow that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This shall include flood water which may arise from within the ordinary watercourses in the vicinity of the site.

- VI. Details of how all surface water management features have been designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason for the condition:

This condition is required to be pre-commencement as these details will influence the way in which development will proceed on site, with particular respect to surface water disposal which needs to be undertaken at an early stage to ensure there is an acceptable strategy to minimise the possibilities of flooding in accordance with Policy 1 of the Joint Core Strategy.

Water Efficiency

- 21) The development hereby approved within Parcel A shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. No occupation of any of the dwellings within Parcel A shall take place until an assessment which relates to that dwelling has been submitted to and agreed in writing by the local planning authority. All completed water conservation measures identified shall be installed in accordance with the details as agreed.

Reason for the condition:

To ensure the development is constructed to an appropriate standard in accordance with Policies 3 and 20 of the Joint Core Strategy.

Renewable Energy

- 22) No development shall take place within Parcel A in pursuance of this permission until a scheme for generating a minimum of 10% of the predicted energy requirement of the development for all dwellings within Parcel A from decentralised renewable and/or low carbon sources (as defined in the National Planning Policy Framework 2012 or any subsequent version) has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling the approved scheme shall be implemented and made operational for that dwelling in accordance with the approved scheme and shall remain operational for the lifetime of the development on Parcel A.

Reason for the condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011. This is to be agreed in advance of commencement of development to ensure measures can be designed in at an early stage of development and to avoid unnecessary costs to the developer.

Archaeology

- 23) (a) No development shall take place within Parcel A until a Written Scheme of Investigation for Parcel A has been submitted to and approved by the local

planning authority in writing. The scheme shall include an assessment of significance and research questions and;

1. The programme and methodology of site investigation and recording,
2. The programme for post investigation assessment of recovered material,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation,
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

and;

(b) No demolition/development within Parcel A shall take place other than in accordance with the Written Scheme of Investigation approved under part (a).

(c) The development on Parcel A shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for the condition:

This condition is required to be pre-commencement to ensure the potential archaeological interest of the site is investigated before development could potentially disturb any matters of heritage interest in accordance with Policy 2 of the Joint Core Strategy and Policy DM4.11 of the South Norfolk Development Management Policies Document 2015.

Conditions for Parcel B Land West of Elm Farm Business Park, Wymondham

Landscaping

- 24) No occupation of any dwelling within Parcel B shall take place until full details of the implementation programme, management and maintenance of both hard and soft landscape works in relation to Parcel B have been submitted to and approved in writing by the local planning authority. The details shall be carried out as approved for Parcel B.

If within a period of five years from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, is destroyed, dies or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and 4.9 of the South Norfolk Development

Management Policies Document 2015, which need to be agreed at a pre-commencement stage to guide development across the site and protect existing landscape features.

Tree Protection Plan

- 25) No works or development shall take place within Parcel B until a Tree Protection Plan (and accompanying Method Statement[s] if appropriate) for Parcel B has/have been submitted to, and approved in writing by the local planning authority. The submitted details are to be guided by the recommendations set out in BS5837 Trees in Relation to Construction. All approved tree protection measures are to be installed prior to the commencement of development work on Parcel B.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. The following activities may not be undertaken at any time within the identified Construction Exclusion Zones and fenced areas:

- the storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment;
- raising or lowering of ground levels;
- installation of underground services, drains etc.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Ecology Mitigation and Enhancement Measures

- 26) No works shall commence on Parcel B (including clearance works but with the exception of tree protection works) until full details of the ecology and biodiversity mitigation and enhancement measures to be undertaken as part of the scheme and timing for implementation for Parcel B, which shall include a lighting plan and a habitat management plan which shall identify the maintenance measures for a minimum of 10 years and who shall implement these for this duration, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented in accordance with the agreed timetable.

Reason for the condition:

This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm in accordance with Policy 1 of the Joint Core Strategy 2014 and Section 11 of the National Planning Policy Framework.

Materials

- 27) With the exception of any site clearance works, site investigation works and tree protection works, no development of Parcel B shall take place until details,

including samples and colours, of the materials used in the construction of the external surfaces for Parcel B of the development have been submitted to and approved in writing by the local planning authority
The materials to be used in the development shall be in accordance with the approved details.

Reason for the condition:

This condition is required and to be agreed pre-commencement to enable the Local Planning Authority to ensure appropriate colour, tone, texture and appearance of the materials to be used are agreed at an early stage to avoid later delays to the development to ensure the satisfactory appearance of the a major development site, as required by Policy 2 of the Joint Core Strategy.

Highways

- 28) Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining public highway in accordance with the details to be approved in writing by the local planning authority.

All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing by the local planning authority prior to the commencement of development within Parcel B.

Reason for the condition:

This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development, and to ensure highway safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

29) No development shall take place on Parcel B, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period on Parcel B. The Statement shall include provision for:

- i) the parking of vehicles of site construction workers,
- ii) wheel washing facilities,
- iii) measures to control the emission of dust, dirt, noise and vibration during construction,
- iv) highway routings to control and manage construction traffic.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies DM3.11 and DM3.13 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 30) Notwithstanding the details indicated on the submitted drawings no works shall commence within Parcel B until a detailed scheme for the off-site highway improvement works as indicatively on Create Consulting Engineers drawings numbered 03/101 (Parcel B Primary Access Norwich Common) and 03/201 (Parcel B access roundabout Norwich Common) have been submitted to and approved in writing by the local planning authority.

Prior to the first occupation of any dwelling within Parcel B the approved the off-site highway improvement works for Parcel B Primary Access Norwich Common (reflecting Drawing Nos 03/101) shall be completed to the written satisfaction of the local planning authority.

Prior to the occupation of the 100th dwelling within Parcel B the approved off-site highway improvement works Parcel B access roundabout Norwich Common (reflecting Drawing No 03/201) shall be completed to the written satisfaction of the local planning authority.

Reason for the Condition:

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety, to protect the environment of the local highway corridor and to ensure that the highway network is adequate to cater for the development proposed in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

Travel Plan

- 31) Prior to the commencement of the construction of the first dwelling within Parcel B hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the local planning authority.

No part of the development hereby permitted within Parcel B shall be occupied prior to implementation of the Interim Travel Plan. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the local planning authority.

Reason for the Condition:

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy DM 3.10 of the South Norfolk Development Management Policies Document 2015.

Cycle and Waste Storage

- 32) With the exception of any site clearance works, site investigation works and tree protection works no development shall take place on Parcel B until details of the following on site provisions for Parcel B have been submitted to and agreed in writing with the local planning authority:

- bicycle storage for residents; and

- waste and recycling bin storage and collection facilities.

No occupation of any dwelling within Parcel B shall take place until any approved bicycle storage and parking and servicing facilities serving that dwelling has been provided in accordance with the details as agreed and, once provided, they shall be retained as such thereafter.

Reason for the condition:

This condition is required to be pre-commencement to ensure a satisfactory development of the site which provides for adequate cycle parking and servicing provision for the development at an early stage in the development to avoid later alterations to the design and layout to accommodate these, in accordance with Policy 2 of the Joint Core Strategy (2011, amended 2014) and Policies DM 3.10 and 4.3 of the South Norfolk Development Management Policies Document 2015.

Fire Hydrant Provision

- 33) With the exception of any site clearance works, site investigation works and tree protection works, no development within Parcel B shall take place unless a scheme has been submitted to and agreed in writing by the local planning authority for the provision of fire hydrants (served by mains water supply on a minimum 90mm diameter main) for Parcel B. Two fire hydrants shall be provided in total across Parcel B. No dwelling within Parcel B shall be occupied until the hydrant servicing that dwelling has been provided and made operational to the written satisfaction of the local planning authority.

Reason for the condition:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Surface Water

- 34) Prior to commencement of development within Parcel B, in accordance with the submitted Flood Risk Assessment (Create Consulting Engineers Ltd ref: GS/GL/P13-589/07 Rev B dated March 2014) and the supplementary information dated 17 November 2015, detailed designs of a surface water drainage scheme for that phase incorporating the following measures shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling within Parcel B. The scheme shall address the following matters:

- I. The results of infiltration testing in accordance with BRE Digest 365 at a minimum of three representative locations across the proposed development area to be submitted for review.
- II. Discharge from the site into the watercourses shall be restricted to reported runoff rates in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham) with a total discharge rate from the entire site no greater than the reported 47.3l/s.

- III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. A minimum storage volume of 9,600m³ shall be provided in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham). The design of the attenuation basins shall incorporate an emergency spillway and appropriate freeboard allowances in line with best practice guidance.
- IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- V. Plans showing the routes for the management of exceedance surface water flow that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include flood water which may arise from within the ordinary watercourses in the vicinity of the site.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason for the Condition:

This condition is required to be pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are identified early in the development process and minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

Foul water

- 35) No development shall commence on Parcel B until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied within Parcel B until the works have been carried out in accordance with the approved foul water strategy.

Reason for the Condition:

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Water Efficiency

- 36) The development hereby approved within Parcel B shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. No occupation of any of the dwellings within Parcel B shall take place until an assessment which relates to that dwelling has been submitted to and agreed in writing by the local planning authority. All completed water conservation measures identified shall be installed in accordance with the details as agreed.

Reason for the condition:

To ensure the development is constructed to an appropriate standard in accordance with Policies 3 and 20 of the Joint Core Strategy.

Renewable Energy

- 37) No development shall take place within Parcel B in pursuance of this permission until a scheme for generating a minimum of 10% of the predicted energy requirement of the development for all dwellings within Parcel B from decentralised renewable and/or low carbon sources (as defined in the National Planning Policy Framework 2012 or any subsequent version) has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling the approved scheme shall be implemented and made operational for that dwelling in accordance with the approved scheme and shall remain operational for the lifetime of the development on Parcel B.

Reason for the condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011. This is to be agreed in advance of commencement of development to ensure measures can be designed in at an early stage of development and to avoid unnecessary costs to the developer.

Archaeology

- 38) (a) No development shall take place within Parcel B until a Written Scheme of Investigation for the Parcel B site has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and;

1. The programme and methodology of site investigation and recording,
2. The programme for post investigation assessment of recovered material,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation,
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

and;

(b) No demolition/development within Parcel B shall take place other than in accordance with the Written Scheme of Investigation approved under part (a).

(c) The development on Parcel B shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for the condition:

This condition is required to be pre-commencement to ensure the potential archaeological interest of the site is investigated before development could potentially disturb any matters of heritage interest in accordance with Policy 2 of the Joint Core Strategy and Policy DM4.11 of the South Norfolk Development Management Policies Document 2015.

Conditions for Parcel C Land North of Carpenters Barn, Wymondham

Landscaping

39) Prior to commencement of the use hereby permitted within Parcel C full details of the implementation programme, management and maintenance of both hard and soft landscape works in relation to Parcel C shall have been submitted to and approved in writing by the local planning authority. The details shall be carried out as approved.

If within a period of five years from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, is destroyed, dies or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy SP1 and 4.9 of the South Norfolk Development Management Policies Document 2015, which need to be agreed at a pre-commencement stage to guide development across the site and protect existing landscape features.

Tree Protection Plan

40) No works or development shall take place within Parcel C until a Tree Protection Plan (and accompanying Method Statement[s] if appropriate) for Parcel C has/have been submitted to and approved in writing by the local planning authority. The submitted details are to be guided by the recommendations set out in BS5837 Trees in Relation to Construction. All approved tree protection measures are to be installed prior to the commencement of development work to implement Parcel C.

The approved tree protection measures are to be maintained in good condition and observed throughout the construction period. The following activities may not be undertaken at any time within the identified Construction Exclusion Zones and fenced areas:

- the storage and/or siting of: vehicles, fuel, materials, site huts or other buildings or ancillary equipment;
- raising or lowering of ground levels;
- installation of underground services, drains etc.

Reason for the condition:

This condition is required and to be agreed pre-commencement to ensure existing trees are protected during site works in the interests of the visual amenity of the area and the satisfactory appearance of the development in accordance with Policy 2 of the Joint Core Strategy and Policy DM 4.9 of the South Norfolk Development Management Policies Document 2015.

Ecology Mitigation and Enhancement Measures

- 41) No works shall commence on Parcel C (including clearance works but with the exception of tree protection works) until full details of the ecology and biodiversity mitigation and enhancement measures to be undertaken as part of the scheme and timing for implementation for Parcel C, which shall include a lighting plan and a habitat management plan which shall identify the maintenance measures for a minimum of 10 years and who shall implement these for this duration, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented in accordance with the agreed timetable.

Reason for the condition:

This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm in accordance with Policy 1 of the Joint Core Strategy 2014 and Section 11 of the National Planning Policy Framework.

Materials

- 42) With the exception of any site clearance works, site investigation works and tree protection works, no development of Parcel C shall take place until details, including samples and colours, of the materials used in the construction of the external surfaces of Parcel C have been submitted to and approved in writing by the local planning authority.
The materials to be used in the development shall be in accordance with the approved details.

Reason for the condition:

This condition is required and to be agreed pre-commencement to enable the Local Planning Authority to ensure appropriate colour, tone, texture and appearance of the materials to be used are agreed at an early stage to avoid later delays to the development to ensure the satisfactory appearance of the a major development site, as required by Policy 2 of the Joint Core Strategy.

Highways

- 43) Prior to the first use of the development hereby permitted within Parcel C the emergency vehicular access onto Melton Road shall be provided and thereafter retained at the position shown on the approved plan (Drawing No 589/03/102B) in accordance with a specification that shall first have been approved in writing by the local planning authority. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 44) Prior to commencement of the use hereby permitted within Parcel C any access gate or other means of obstruction for Parcel C shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to provide a visibility splay to the highway boundary.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety in accordance with Policy DM3.11 of the South Norfolk Development Management Policies Document 2015.

- 45) No works shall commence within Parcel C until a scheme for the parking of cycles on Parcel C has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development within Parcel C is first occupied or brought into use and thereafter retained for this purpose.

Reason for the Condition:

This condition is required to be pre-commencement to ensure a satisfactory development of the site which provides for adequate cycle parking provision for the development at an early stage in the development to avoid later alterations to the design and layout to accommodate these, in accordance with Policy 2 of the Joint Core Strategy (2011, amended 2014) and Policies DM 3.10 and 4.3 of the South Norfolk Development Management Policies Document 2015.

- 46) No development shall take place on Parcel C, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period on Parcel C. The Statement shall include provision for:

- i) the parking of vehicles of site construction workers,
- ii) wheel washing facilities,
- iii) measures to control the emission of dust, dirt, noise and vibration during construction,

iv) highway routings to control and manage construction traffic.

Reason for the Condition:

In the interests of maintaining highway efficiency and safety and residential amenity in accordance with Policies DM3.11 and DM3.13 of the South Norfolk Development Management Policies Document 2015. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

Fire Hydrant Provision

47) With the exception of any site clearance works, site investigation works and tree protection works, no development within Parcel C shall take place unless a scheme has been submitted to and agreed in writing by the local planning authority for the provision of fire hydrants (served by mains water supply on a minimum 120mm diameter main) for that phase. One fire hydrant shall be provided in total for Parcel C. No part of Parcel C shall come into use until the hydrant for Parcel C has been provided and made operational to the written satisfaction of the local planning authority.

Reason for the Condition:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This is to be agreed in advance of commencement of development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Surface Water

48) Prior to commencement of development in Parcel C, in accordance with the submitted Flood Risk Assessment (Create Consulting Engineers Ltd ref: GS/GL/P13-589/07 Rev B dated March 2014) and the supplementary information dated 17 November 2015, detailed designs of a surface water drainage scheme for that phase incorporating the following measures shall be submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented prior to the first use of the development on Parcel C. The scheme shall address the following matters:

- I. The results of infiltration testing in accordance with BRE Digest 365 at a minimum of three representative locations across the proposed development area to be submitted for review.
- II. Discharge from the site into the watercourses shall be restricted to reported runoff rates in line with the updated drainage strategy summary table (P15-589 –Elm Farm Wymondham) with a total discharge rate from the entire site no greater than the reported 47.3l/s.
- III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change flood event. A minimum storage volume of 9,600m³ shall be provided in line with the

updated drainage strategy summary table (P15-589 –Elm Farm Wymondham). The design of the attenuation basins to incorporate an emergency spillway and appropriate freeboard allowances in line with best practice guidance.

- IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
- 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- V. Plans showing the routes for the management of exceedance surface water flow that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This shall include flood water which may arise from within the ordinary watercourses in the vicinity of the site.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason for the Condition:

This condition is required to be pre-commencement to ensure that risks from land contamination to the future users of the land and neighbouring land are identified early in the development process and minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM 3.14 of the South Norfolk Development Management Policies Document 2015.

Foul Water

- 49) No development shall commence on Parcel C until a foul water drainage strategy for that phase has been submitted to and approved in writing by the local planning authority. No development within Parcel C shall be occupied until the works have been carried out in accordance with the approved foul water drainage strategy.

Reason for the Condition:

To minimise the possibilities of flooding and pollution in accordance with Policy 1 of the Joint Core Strategy. This is to be agreed in advance of commencement of

development in the interests of health and safety of the public and to avoid unnecessary costs to the developer.

Renewable Energy

- 50) No development shall take place within Parcel C in pursuance of this permission until a scheme for generating a minimum of 10% of the predicted energy requirement of the development for all buildings within Parcel C from decentralised renewable and/or low carbon sources (as defined in the National Planning Policy Framework 2012 or any subsequent version) has been submitted to and approved in writing by the local planning authority. Prior to the use of any development within that phase the approved scheme shall be implemented and made operational in accordance with the approved scheme and shall remain operational for the lifetime of the development on Parcel C.

Reason for the Condition:

To secure at least 10% of the site's energy from decentralised and renewable or low carbon sources to accord with policy 3 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011. This is to be agreed in advance of commencement of development to ensure measures can be designed in at an early stage of development and to avoid unnecessary costs to the developer.

Archaeology

- 51) (a) No development shall take place within Parcel C until a Written Scheme of Investigation for Parcel C has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and;
1. The programme and methodology of site investigation and recording,
 2. The programme for post investigation assessment of recovered material,
 3. Provision to be made for analysis of the site investigation and recording,
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 5. Provision to be made for archive deposition of the analysis and records of the site investigation,
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

and;

(b) No demolition/development within Parcel C shall take place other than in accordance with the Written Scheme of Investigation approved under part (a).

(c) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for the Condition:

This condition is required to be pre-commencement to ensure the potential archaeological interest of the site is investigated before development could potentially disturb any matters of heritage interest in accordance with Policy 2 of the Joint Core Strategy and Policy DM4.11 of the South Norfolk Development Management Policies Document 2015.

External Lighting

- 52) No external lighting within the development hereby permitted on Parcel C shall be erected unless full details of its design, location, orientation and level of illuminance (in Lux) have first been submitted to and approved in writing with the Local Planning Authority. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason for the Condition:

In the interests of the amenities of local residents and to minimise light pollution in accordance with Policy DM3.13 of the South Norfolk Development Management Policies Document 2015.

Hours of use of the Rugby Club

- 53) Prior to the first use of the rugby club hereby permitted on Parcel C, the hours of operation shall be submitted to and agreed in writing with the local planning authority. The agreed hours of use shall then be adhered to for the duration of use of the development.

Reason for the condition:

In the interests of the amenities of local residents in accordance with Policy DM3.13 of the South Norfolk Development Management Policies Document 2015.

Restrict Generator, Compressor, Chilling Unit or Cooling Fan on site

- 54) No generator, compressor, chilling unit or cooling fan shall be installed on Parcel C without precise details of the equipment for Parcel C first being submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason for the Condition:

In the interests of the amenities of local residents in accordance with Policy DM3.13 of the South Norfolk Development Management Policies Document 2015.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.