Addendum to committee report for item no. 4(a): application 15/01928/F, St Peters Methodist Church, Park Lane

1. This addendum provides further information regarding the consideration of this application in the context of a lack of a five-year land supply within the Norwich Policy Area and associated guidance within the National Planning Policy Framework (NPPF) and revised wording for the reason for refusal. Members are advised to read the following in conjunction with the assessment set out under "Main Issue 7" in the main report.

2. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that ""where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

3. Section 38(6) applies to the determination of all applications although the NPPF is a material planning consideration which must be taken into account in the assessment.

4. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date where a five year land supply cannot be demonstrated. Policy 4 of the Joint Core Strategy (JCS4) forms part of the development plan for the Norwich policy area and carries clear implications for the supply of housing as it seeks to secure provision of a certain type of housing. This policy should therefore be considered out-of-date in context of paragraph 49 of the NPPF.

5. Paragraph 14 of the NPPF states that where relevant policies are out-of-date planning permission should be granted unless: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 in the NPPF taken as a whole or;
- specific policies in the NPPF indicate development should be restricted.

6. Although JCS4 is considered out-of-date, this does not mean that it is not a material planning consideration that can be given significant weight in the determination of the application and recent appeal decisions support this position.

7. In determining the current application the Council considers that whilst JCS4 may be rendered out-of-date by paragraph 49 of the NPPF, significant weight can nonetheless be attributed to the requirements of the policy in relation to the delivery of affordable housing, especially when considered against the identified need for more affordable housing in the Norwich policy area and the fact that the NPPF advocates setting policies to meet this need (paragraph 50, bullet point 3).

8. The proposed development does not meet with the council's development plan with regard to the required level of affordable housing and for the

purposes of paragraph 14 of the NPPF, the failure to comply with JCS4 in this regard amounts to a substantial adverse impact which significantly and demonstrably outweighs the benefits of the development when assessed against the policies in the NPPF taken as a whole.

9. As a result of the above, a revised reason for refusal is recommended as follows:

1. The proposal fails to meet the requirement for affordable housing either through on-site provision or through the provision of a commuted sum towards off-site provision of a level which has been independently assessed to be viable for the proposed scheme. Notwithstanding the fact that a five year land supply for housing cannot currently be demonstrated within the Norwich Policy Area, the shortfall in affordable housing provision associated with the proposal represents an adverse impact that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The proposal therefore fails to represent sustainable development in the context of paragraph 14 of the National Planning Policy Framework and conflicts with the requirements of policy 4 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014) and guidance within paragraph 50 of the National Planning Policy Framework."