



Appeal Decision

Site visit made on 18 December 2018

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2019

Appeal Ref: APP/L2630/W/18/3205905

Land to the south of School Lane, Little Melton

- 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 Mr Steward of Glavenhill Strategic Land (Number 8) Limited against the decision of South Norfolk District Council.
 - The application Ref 2017/2843, dated 14 December 2017, was refused by notice dated 26 April 2018.
 - The development proposed is residential dwellings together with a single point of access into the site from School Lane.
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Decision

1. The appeal is allowed and planning permission is granted for residential dwellings together with a single point of access into the site from School Lane at land to the south of School Lane, Little Melton in accordance with the terms of the application, Ref 2017/2843, dated 14 December 2017, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is for outline permission with details of means of access submitted for approval and all other matters reserved. An illustrative master plan was submitted which shows a possible layout and I shall consider that plan on this basis.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

4. The village of Little Melton is generally spread out with linear development along the road frontages as well as residential areas stretching back from the main routes. The appeal site consists of a field adjoining School Lane and part of a field adjoining Burnthouse Lane, the two fields being linked by a narrow area of land. There is residential development and a primary school on the opposite frontage of School Lane and residential development adjoining the western boundary of the site. To the east of the site there is a driveway to a complex of buildings at Elm Farm which are used for holiday accommodation and known as the Village Apartments. Beyond this there is a further field and

- then part of the built up area of the village. The site is outside the development boundary for the village as defined in the development plan.
5. The northern part of the proposed development would be contained to some extent by existing development on School Lane and the Village Apartments. However the proposal would clearly alter the open character of this area. The frontage hedge would be removed and although replacement hedges could be planted there would be a view through the access to the new development. The Council has confirmed that the hedgerow is not important within the terms of the Hedgerow Regulations 1997 and that its removal would accord with Policy DM4.8 of the Local Plan¹ (LP).
 6. The southern part of the development would be more intrusive in the context of the open countryside as it would extend the built up area to the south of the village and it would be separated from the existing dwellings along School Lane by a belt of scrub woodland. This part would be visible from Burnthouse Lane. There is a hedge along the frontage of that road which would be retained and strengthened but it is nonetheless likely that the development would remain visible from that route. This provides an entrance to the village from the south. The village is quite close to Hethersett and that urban area is visible across the intervening countryside. The proposed development would not appreciably reduce the open gap between the settlements however as its scale would be limited in relation to that gap.
 7. One of the reasons for refusal concerns the likely layout of the proposal. Layout is not a matter for determination but the illustrative plan shows a cul-de-sac extending into the site from School Lane. Along the nearest parts of School Lane there is linear development but there are also residential estate roads off the main routes. As there is already some variation in layout within the village the proposal would not be out of character in this respect.
 8. A number of mitigation measures are proposed which would help to assimilate the development into its setting. These measures include a new tree and hedgerow belt along the southern boundary, strengthening planting along other boundaries and providing a replacement hedge along the School Lane frontage. While those measures would go some way towards mitigating the harmful effects on the landscape there would still be residual harm in terms of loss of open areas. Taking into account the contained nature of part of the development and its limited scale in relation to the built up area of the village I give moderate weight to that harm.
 9. Policy DM4.5 of the LP requires all development to respect, conserve and, where possible, enhance landscape character. Proposals that would cause significant adverse impact on distinctive landscape characteristics will be refused under this policy. The Council's Landscape Architect has commented that the proposal would be generally compatible with the Landscape Character Assessments in terms of sensitivities, landscape strategy and development considerations. The landscape mitigation measures demonstrate that the proposal would respect the character. The loss of the open land would conflict with Policy DM4.5 but because the harm would not be significant the policy does not necessarily require refusal.

¹ South Norfolk Local Plan Development Management Policies Document (2015)

10. Policy DM3.8 of the LP requires protection and enhancement of the environment and locally distinctive character. Although layout and appearance are not matters for my consideration, the landscape mitigation measures would secure an appropriate quality of design. The proposal would accord with Policy DM3.8 of the LP.
11. Policy 2 of the Joint Core Strategy² (JCS) similarly requires a high standard of design. Proposals should respect local distinctiveness, including consideration of the landscape setting of settlements and landscape character. The proposal would accord with that policy.
12. Within the group of buildings at Elm Farm is a grade II listed barn. It is largely obscured from view from the two parts of the site by vegetation and adjacent buildings. The proposed development would be separated from the listed building by some distance. For these reasons the setting of this heritage asset would not be harmed. The Council is also of this view.
13. For the reasons given above I conclude on the main issue that the proposed development would result in moderate harm to the character and appearance of the area.

Other Matters

14. A Transport Statement was submitted with the application. This includes results from a local vehicle speed survey. The highway authority has no objection to the development in terms of highway safety, subject to the imposition of conditions, including securing part time 20mph speed limit signs. I acknowledge interested parties' concerns about parked vehicles on School Lane at school drop-off and pick-up times and concern about the volumes of traffic in connection with other developments in the area. However there is no evidence before me to demonstrate that there would be any harm to highway safety. The volume of traffic that would be generated by the proposal would be light and residents could walk to the school and other facilities in the village. There are also public transport facilities available.
15. The appellant has provided a plan which shows that the visibility splays would be either within land controlled by the appellant or the highway. Interested parties have disputed this but there is no evidence before me to demonstrate that the land required for the splays is not available for that purpose.
16. Concern has also been expressed regarding relocation of existing speed limit signs and positioning of new signs. These measures can be secured by a condition and precise details can be approved by the Council under such a condition.
17. The Lead Local Flood Authority removed its original objection following submission of further drainage information by the appellant. The Authority has recommended the inclusion of a condition requiring a detailed drainage scheme to be approved.
18. Neighbours have raised concerns about the potential effect on their living conditions. However detailed matters of the design of the proposal are not part of the application. The low volume of traffic generated by the development and

² Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted 2011, amendments adopted 2014)

the separation distance of the access road from the nearest properties would safeguard living conditions. The children's play area would also be a significant distance from the properties on School Lane and separated by an area of scrub woodland.

Overall

19. The 2017 Greater Norwich Area Housing Land Supply Assessment shows that there is currently 4.61 years' worth of deliverable housing sites in the Norwich Policy Area against the requirement in the JCS. The 2017 Strategic Housing Market Assessment (SHMA) indicates however that there is an 8.08 years' supply on the basis that the objectively assessed need (OAN) identified by the SHMA is used. The supply is 6.82 years if uplift associated with the Greater Norwich City Deal is considered. The OAN identified in the SHMA has not been subject to examination and for this reason I give limited weight to the housing supply figures calculated on the basis of the SHMA. The Council does not consider that the SHMA should be used as the basis for calculating supply in accordance with national policy requirements but nonetheless considers that the surpluses identified from that method reduce the weight that can be given to the benefit of the proposed housing.
20. Paragraph 11 (d) of the National Planning Policy Framework (the Framework) states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Footnote 7 states that this includes situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites as is the case in this appeal.
21. The proposal would be of social benefit in terms of the provision of market and affordable housing. This would help to address the housing supply shortfall and provide for needed affordable homes. For these reasons I give significant weight to the benefit of the proposal in terms of housing provision. In coming to this view I have taken into account the surpluses revealed by the SHMA information.
22. The development would also be of economic benefit in terms of employment during construction and through the expenditure of future residents. I give limited weight to the economic benefits having regard to the limited scale of the proposal.
23. There would also be other public benefits in terms of new footways along the site frontage, bus stop improvements and public open space provision within the site. Those benefits would primarily be required to address the needs of the future occupants of the development rather than conferring any significant wider public benefit. I give limited weight in this regard. Any benefit in terms of biodiversity would also be likely to be limited given that the development would result in the loss of open land.
24. For the reasons given above I give moderate weight to the harm to the character and appearance of the area and limited weight to the conflict with Policy DM4.5 of the LP. Against this I have identified significant and limited weights to be attached to the benefits. The weights that I give to the identified harm and policy conflict are not sufficient to significantly and demonstrably outweigh the benefits of the proposal.

25. The second part of Policy DM1.3 of the LP restricts development in the countryside outside of the defined development boundaries but provides for exceptions to be made where there are overriding benefits in terms of the social, economic and environmental dimensions. The restrictive part of the policy is out-of-date on the basis that there is not a 5 year housing land supply. Furthermore, for the reasons given, the proposal would provide overriding benefits and so the proposal would accord with the latter part of that policy.
26. Paragraph 11 of the Framework provides the basis for considering the presumption in favour of sustainable development. For the reasons given the proposal would constitute such development. On this basis it would accord with Policy DM1.1 of the LP which has a similar requirement to the Framework. The proposal would accord with the development plan as a whole.

Planning Obligation

27. The planning obligation would secure the provision of 33% affordable housing with a mix of 85% rented and 15% intermediate housing. This provision would accord with Policy 4 of the JCS which has these requirements. The obligation would also secure the provision of public open space within the site, in accordance with Policy DM3.15 of the LP. The obligation is necessary to ensure that the development accords with the development plan. Its provisions are directly related to the development and fairly and reasonably related in scale and kind to the development. The obligation therefore meets the tests in paragraph 56 of the Framework.

Conditions

28. I have imposed the conditions suggested by the Council. In doing so I have considered whether they accord with the tests in paragraph 55 of the Framework and have made some minor amendments to ensure that they meet those tests. The Council suggested that the time limit for submission of reserved matters should be 1 year. This would encourage early delivery and thus help to address the housing supply shortfall. For this reason a 1 year time limit would be justified in terms of its necessity and this would also be reasonable.
29. It is necessary to require approval of details of ground and finished floor levels in order to ensure the appearance of the development is acceptable. Drainage conditions are necessary to ensure that the development meets the required standards, that drainage is sustainable and that localised flooding is avoided. Policy 3 of the JCS requires provision for water efficiency. The national technical standards can be used in this respect by application of a relevant condition. I have included a condition as suggested to ensure the development accords with the policy requirement.
30. Conditions are necessary to ensure full details of the access road are approved, provision of the visibility splays and that works are in accordance with an approved Construction Traffic Management Plan in the interest of highway safety. Off-site works in respect of bus stop improvements, signage and provision of new footways are also necessary to ensure highway safety and that opportunities for sustainable transport are utilised.
31. An archaeological investigation is necessary as the site has been identified as having clear archaeological potential. It is necessary to ensure that ecological

mitigation measures are carried out in accordance with a method statement in order to safeguard biodiversity. Conditions requiring investigation of potential contamination are necessary to ensure the safety of the future occupiers of the development. Policy 3 of the JCS requires at least 10% of the energy requirements to be from decentralised and renewable or low carbon energy sources, and a condition is necessary to secure this provision.

Conclusion

32. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 1 year from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which shall remain undisturbed during the development have been submitted to and approved in writing by the local planning authority. The details shall also provide comparative levels of eaves and ridge heights of adjoining properties and details of the levels of any existing or proposed boundary treatments. The development shall be carried out in accordance with the approved details.
- 5) No foul drainage from the development hereby approved shall be discharged other than to the main sewer. The foul water disposal shall be implemented prior to the first occupation and retained as such thereafter.
- 6) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Rossi Long Consulting, ref. 171352, December 2017), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:
 - i) Detailed infiltration testing in accordance with BRE Digest 365 at the location and depth of the proposed infiltration features;
 - ii) Infiltration features 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.
 - 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.
 - iv) Infiltration features shall either have a half drain down time of less than 24 hours or it shall be demonstrated that there is capacity for a subsequent storm of a 1 in 10 year (10% annual probability) rainfall event.
 - v) Detailed designs, modelling calculations and plans of the drainage conveyance network which shall show no above ground flooding on any part of the site in the 1 in 30 year critical rainfall event.

- vi) Calculations shall be provided for a 1 in 100 year critical event, plus climate change, to show the depth, volume and 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.
 - vii) Plans showing the routes for the management of exceedance surface water flow routes that minimise risk to people and property during rainfall events in excess of 1 in 100 year return period shall be provided. Finished floor levels shall be not less than 300mm above any sources of flooding and not less than 150mm above surrounding ground levels.
 - viii) A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development. This shall also include any ordinary watercourse and any structures such as culverts within the development boundary.
- 7) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.
 - 8) No works shall commence on site until such time as detailed plans of the roads, footways and foul and surface water drainage have been submitted to and approved in writing by the local planning authority. All construction works shall be carried out in accordance with the approved plans.
 - 9) No works shall be carried out on roads, footways or foul and surface water sewers otherwise than in accordance with the specifications of the local planning authority and highway authority.
 - 10) Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 59m shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
 - 11) Prior to the commencement of any works on site a Construction Traffic Management Plan to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing by the local planning authority. The Plan shall be adhered to throughout the construction period.
 - 12) Notwithstanding the details shown on the submitted drawings no works shall commence on site until a detailed scheme for off-site highway improvement works as indicated on drawing numbers 171352-SK-100-P9 and 171352-SK-101-P2 (to include a site frontage footway, bus stop improvements and the erection of part-time 20mph signs in the vicinity of the village school) have been submitted to and approved in writing by the local planning authority. The approved works shall be completed to

the written satisfaction of the local planning authority before first occupation of the development.

- 13) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) provision to be made for analysis of the site investigation and recording;
 - iv) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

No development shall take place other than in accordance with the approved written scheme of investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the approved programme and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 14) No development shall take place (including any demolition, ground works or site clearance) until an ecological mitigation method statement has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved method statement. The content of the method statement shall include:
- i) the purpose and objective of the proposed works;
 - ii) detailed designs and/or working methods necessary to achieve the stated objectives;
 - iii) the extent and location of the proposed works shown on appropriate scale maps and plans;
 - iv) the timetable for implementation, demonstrating that works are aligned to the proposed phasing of construction;
 - v) persons responsible for the implementation of the works;
 - vi) initial aftercare and long-term maintenance (where relevant);
 - vii) disposal of any wastes arising from works; and
 - viii) details of enhancements for biodiversity.
- 15) The development hereby permitted shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to be first approved in writing by the local planning authority, to assess the nature and extent of any contamination on the site. 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 and
 - ecological systems
- iii) an appraisal of remedial options if required; and
- iv) a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, the timetable of works and site management procedures. The scheme must ensure that the site 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.

The investigation shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

- 16) The development hereby permitted shall not commence until the approved contamination remediation scheme has been carried out in full and a validation report that demonstrates the effectiveness of the remediation carried out has been submitted and approved in writing by the local planning authority.
- 17) In the event that contamination that was not previously identified is found at any time when carrying out the proposed development, it shall be reported in writing immediately to the local planning authority. All development shall cease and shall not recommence until:
- i) a report including results of an investigation and risk assessment together with a proposed remediation scheme to deal with the risk identified has been submitted to and approved in writing by the local planning authority; and
 - ii) the approved remediation scheme has been carried out and a validation report demonstrating its effectiveness has been submitted to and approved in writing by the local planning authority.
- 18) Prior to the first occupation of the development hereby permitted, a scheme for generating a minimum of 10% of the predicted energy requirement of the development from decentralised, renewable and/or low carbon sources (as defined in the National Planning Policy Framework) shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved strategy has been implemented. The approved scheme shall remain operational for the lifetime of the development.