



Appeal Decision

Site visit made on 6 January 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/K2610/W/20/3260027

296 Drayton High Road, Hellesdon, Norwich NR6 5BJ

- 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 Malcolm Turner (Little Melton Property Services) against the decision of Broadland District Council.
 - The application Ref 20190580, dated 03 April 2019, was refused by notice dated 26 March 2020.
 - The development proposed is residential development.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development with all matters reserved with the exception of access at 296 Drayton Road, Hellesdon, Norwich, NR6 5BJ in accordance with the terms of the application, Ref 20190580, dated 03 April 2019, subject to the conditions contained within the Schedule at the end of this decision.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether or not the appeal site is a suitable location for new housing.

Preliminary Matters

3. The proposal is for outline planning permission with approval sought at this stage for access only, with layout, appearance, landscaping and scale reserved for future approval. I have, therefore, taken the layout shown in the submitted plans as indicative only, except for the vehicular access.

Reasons

Character and appearance

4. The appeal site is located off the south-western side of Drayton High Road, at the interface between the built form of Hellesdon and the surrounding agricultural land located to the west. The site is L-shaped and predominantly comprises land associated with 296 Drayton High Road that has been separated from the main property. The proposed access would be located to the side (north) of no 296 and

the indicative plans show 4 detached dwellings located to the rear (south-west) of nos 296 and 298. A recent housing development and a training centre are located to the south-east of the site. The site's north-western, south-western and south-eastern boundaries are substantially lined with mature trees. The north-eastern side of Drayton High Road is an established residential area that extends approximately 250m further north-west than the site.

5. The Hellesdon Neighbourhood Plan¹ (HNP) identifies the site as within an open agricultural / river valley character area. Approaching the site along Drayton High Road from the north-west, gaps in the boundary hedge afford expansive views south-west across the open agricultural land of the Wensum Valley. The site, however, makes little contribution to these views, or to the above identified landscape character, given its clear separation from the open agricultural lands due to the existing boundary planting. Indeed, the site is currently more readily perceived as forming part of the leafy, dispersed housing and institutions character of the adjacent Carrowbreck Road. The proposed dwellings would not harmfully erode the undeveloped gap between Drayton and Hellesdon given they would be predominantly located to the rear of existing buildings.
6. The required highway improvement works, including the repositioning of the bus stop, provision of visibility splays and footways, would result in the loss of trees and vegetation at the settlement's edge. Such works would not, however, appear out of character with the interface of a main road entering the urban fringe of a settlement. The visual and landscape character effects of these works on the surrounding identified open agricultural / river valley character area would be negligible. Significant planting on the boundaries of the site is proposed to be retained and additional native species planting could reasonably be secured at the reserved matters stage to ensure a predominantly soft landscaped settlement edge is maintained.
7. Details of the proposed layout, appearance, scale and landscaping are not fixed. In principle, I see no reason why an appropriately and sensitively designed scheme could not be achieved at reserved matters stage to ensure compatibility with the area's character and an appropriate transition between urban fringe and open fields.
8. As such, the appeal scheme would not cause harm to the character and appearance of the area and would comply with Policy 2 of the Broadland, Norwich and South Norfolk Joint Core Strategy 2014 (the JCS), Policies GC4 and EN2 of the Broadland Development Management Development Plan Document 2015 (the DMDPD), and Policies 1 and 3 of the HNP. Amongst other things, these policies seek to ensure the highest possible standards of design that respects local distinctiveness, provides green infrastructure and avoids any significant detrimental impact, having regard to the character and appearance of the area. Furthermore, I do not find conflict with the National Planning Policy Framework (the Framework) requirements for planning decisions to, amongst other things, recognise the intrinsic character and beauty of the countryside² and to ensure developments are sympathetic to local character³.

¹ Adopted 19 December 2017

² Framework Paragraph 170 (b)

³ Framework Paragraph 127 (c)

Location

9. Hellesdon is identified by the JCS Policy 12 as an urban fringe parish where opportunities will be sought to contribute towards the smaller sites allowance set out in JCS Policy 9. These strategic policies are further refined by the requirements of DMDPD Policy GC2 which states that new development will be accommodated within the settlement limits defined on the policies map. In addressing development outside settlement limits, the policy goes on to state that development will be permitted where it accords with a specific allocation and/or policies of the development plan. There is no dispute between the parties that the site lies outside any defined settlement limit and is not an allocated site.
10. Whilst there is conflict with DMDPD Policy GC2 due to the proposal's location outside defined settlement limits, Policy GC2 sits within a strategic framework provided by the JCS, where Policy 1 seeks to address climate change by linking development growth with proximity to public transport and a reduced need to travel, as does Policy 6 by encouraging walking and cycling. To this end, residential development is focussed in settlements which are well-linked and well-related to existing development and services. The Council's statement advises that future residents would have reasonable access to services, facilities and public transport. I find no reason to disagree. Indeed, the land immediately to the south-east of the site is part of a significant housing and employment allocation (HEL1) within the Council's Site Allocations DPD⁴. Future residents would have good access by sustainable means to facilities necessary for day-to-day living.
11. The Council contends that it can demonstrate a housing land supply of more than five years and that there is already sufficient housing land to meet local housing need on allocated sites and sites already benefiting from planning permission. Notwithstanding this, I do not regard the proposal for 4 dwellings in such close proximity to a the settlement limit of Hellesdon, and adjacent to a significant allocation, to be of such a scale as to materially undermine the Council's overall development strategy and settlement hierarchy.
12. Whilst there is conflict with DMDPD Policy GC2, I have not found the proposal to harm the Council's overarching spatial planning objectives, or any other material planning harms. Indeed, the proposal would accord with Policies 1 and 6 of the JCS which taken together, amongst other things, promote sustainable patterns of development that is concentrated close to essential services and minimises the need to travel. The proposal would also accord Policy 2 of the HNP in so far as it requires development to contribute to the creation of walking and cycling neighbourhoods.
13. Taking these findings as a whole, I conclude that the location would be suitable for the proposed development.

Other Matters

14. The proposal includes the relocation of the existing bus stop, new sections of footway and a pedestrian crossing. These works are necessary given the existing bus stop is located across the proposed access and to promote sustainable transport options. The Council advises that these works, and the required visibility splays can be provided within the application site and on highway land.

⁴ Adopted May 2016

Subject to these works, the County Highways Authority raises no objection to the proposal. I see no substantive reason to disagree.

15. The impact of the proposal with regards to living conditions will depend on the details of the reserved matters. In principle, I see no reason why an appropriately designed scheme could not be achieved at reserved matters stage to ensure appropriate living conditions, in terms of privacy and outlook, are maintained at nearby properties.

Planning Balance

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise.
17. Paragraph 213 of the Framework states that existing development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. There is no substantive evidence before me to suggest that the most important policies for the determination of the proposal are out-of-date. The policies referred to in the refusal reason are broadly in line with the aims of the Framework. I have no substantive evidence before me to suggest that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The 2020 Housing Delivery Test⁵ results indicate that, together with Norwich and South Norfolk, the Council managed to deliver 133% of the total number of homes required across the three authorities, within the previous three years. As such, the tilted balance, as set out in paragraph 11 of the Framework, is not engaged in this instance.
18. Nonetheless, I am mindful that the presence of a five-year housing land supply does not represent a ceiling on the delivery of housing. The proposal would align with the government's aim to boost housing supply, if only by a modest amount. This counts in its favour and aligns with the social role of sustainable development which seeks to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The development would comply with the Framework requirements to focus development on locations which are sustainable⁶, promote sustainable transport modes⁷ and have accessible services. I give moderate weight to the proposal's contributions to the environmental and social objectives of the Framework.
19. With regard to the economic role of sustainable development, the proposal would lead to the creation of construction work and support for local services and facilities arising from future occupiers. Despite the limited scale of the proposal, these are benefits of moderate weight.
20. When applied to a specific proposal, it is not unusual for some tension to be found between different policies in a development plan. The conflict with Policy GC2 is a limited harm and is outweighed by the proposals contribution to the development plan's overarching spatial planning objectives as supported by compliance with JCS Policies 1 and 6. Overall, I find the proposal to comply with the development plan when taken as a whole, including Policy GC1 which

⁵ Housing Delivery Test 2020 – Published 19 January 2021

⁶ Framework paragraph 103

⁷ Framework paragraph 108

supports development that improves the economic, social and environmental conditions in the area. There are no material considerations, taken individually or cumulatively, that outweigh the identified benefits or indicate that the appeal should not succeed.

Conditions

1. I have considered the conditions list suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I have amended, omitted and added conditions as necessary to ensure compliance with national policy and guidance.
2. I have omitted the Council's suggested landscaping scheme condition because landscaping details are to be submitted at the reserved matters stage.
3. Conditions to ensure the development is implemented in accordance with the reserved matters, required to be first submitted and approved, and within the standard time period, are necessary (1,2,3). For the avoidance of doubt, a condition requiring the development to be carried out in accordance with the approved plans (4) is necessary, as is one securing a maximum number of dwellings on the site (5).
4. In the interests of highway safety and to promote sustainable transport choices, it is necessary to have conditions securing provision of appropriate highway improvement works (6), vehicular access (11, 14) and visibility splays (13).
5. A condition to secure the implementation of a Construction Method Statement is also necessary in the interests of highway safety and to protect the living conditions of local residents (9). It is necessary that details are approved prior to the commencement of development as the construction management arrangements must be put in place prior to commencement to prevent harm.
6. In the interests of ecology, a condition ensuring appropriate enhancement of biodiversity in accordance with Framework paragraph 170 is necessary (7). To protect the character and appearance of the area, a condition requiring tree protection is necessary (9). Conditions 7 and 8 are pre-commencement conditions as ecology and tree protection measures will need to be agreed before works begin to prevent the development resulting in harm in these regards.
7. A condition is necessary to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire (10). In order to prevent increased risks of flooding, conditions are necessary to ensure appropriate surface water drainage (12).

Conclusion

8. For the above reasons, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Appeal Ref: APP/K2610/W/20/3260027
296 Drayton High Road, Hellesdon, Norwich NR6 5BJ

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 3 years from the date of this permission.
3. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise required by the conditions below:
Location Plan, Dwg. No. P 1803 01 A – dated 05 April 2019
Proposed Access to Private Drive Additional Plan – dated 12 Nov 2019
Proposed Highway Works Additional Plan – dated 12 Nov 2019
5. The development hereby approved shall not exceed 4 dwellings.
6. Notwithstanding the details indicated on the submitted drawings, no development above slab level shall commence until a detailed scheme for the highway improvement works (relocation of bus stop, pedestrian crossing point to Drayton High Road, and 1.8m wide section of footway linking the Bus Stop to the development site and adjacent dwellings 296 & 298 Drayton High Road, as indicated on Proposed Highway Works Additional Plan – dated 12 Nov 2019) have been submitted to and approved in writing by the Local Planning Authority. The highway improvement works shall be implemented in accordance with the approved scheme to the written satisfaction of the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved.
7. No development shall commence until a Biodiversity Enhancement Strategy [BES] to achieve biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The BES shall be implemented in accordance with the approved details (including a timetable) and shall be adhered to thereafter.
8. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- a. the parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. wheel washing facilities;
 - e. measures to control the emission of dust and dirt during construction;
 - f. a scheme for recycling/disposing of waste resulting from construction works;
 - g. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

10. No development above slab level shall take place until a scheme detailing the provision of a fire hydrant and any associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrant and associated infrastructure shall be provided in accordance with the approved scheme prior to first occupation of the development and shall be retained as such thereafter.
11. Notwithstanding the details indicated on the submitted drawings, no development above slab level shall take place until the vehicular access/crossing over the verge has been constructed in accordance with details submitted to and agreed in writing with the Local Planning Authority. The vehicular access/crossing over the verge shall thereafter be retained in accordance with the approved details.
12. No development shall take place until a scheme of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage works shall be implemented in accordance with the approved scheme prior to first occupation of the development and shall be retained as such thereafter.
13. Prior to the occupation of any dwellings approved as part of the development, visibility splays shall be provided in full accordance with the approved plan (Proposed Highway Works Additional Plan – dated 12 Nov 2019). The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
14. The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.