



Appeal Decision

Site visit made on 25 April 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/L2630/W/22/3309497

Land between London Road and Sutton Lane, Wymondham, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Darron Keen on behalf of Lovell Partnerships Ltd against South Norfolk District Council.
 - The application Ref 2022/1111, dated 9 June 2022, sought approval of details pursuant to condition No 9 of a planning permission Ref 2014/2495/O granted on 13 September 2016.
The development proposed is up to 335 dwellings and associated infrastructure, new cemetery and 1.2ha of land for neighbourhood centre comprising A1, A2, A3, A4, A5 and/or B1 and/or D1 uses.
 - The details for which approval is sought are: There shall be no occupation of any phase of the development hereby approved until a scheme for the off-site highway improvement works identified on drawing reference 10210-HL-04 Rev B has been submitted to and agreed in writing by the local planning authority. No more than 250 of the dwellings hereby approved may be occupied prior to the satisfactory completion of the approved highway improvement works.
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Decision

1. The appeal is dismissed and details submitted pursuant to condition No 9 attached to planning permission Ref 2022/1111, dated 9 June 2022 are refused.

Main Issue

2. The main issue in this appeal is whether the details proposed would secure the delivery of a specified off-site junction improvement to mitigate the effect of the scheme on the highway network.

Reasons

3. Condition 9 secures off-site highway improvement works to a junction between London Road and Station Road for the purpose of mitigating the effects of the development of the appeal site on the highway network. The junction also provides access to two other residential developments off Station Road, and those developments also require highway improvements works to the junction. The parties agree that development of one of those sites has progressed so as to exceed the requirement for the junction improvements. Likewise, the appellant confirms that Phase 1 of development of the appeal site is virtually fully occupied, thereby exceeding the requirement of Condition 9 that a scheme

for the off-site highway improvement be submitted and agreed in writing by the Council prior to occupation.

4. Drawings of proposed works were submitted to the Council as part of the appellant's application for the partial discharge of Condition 9. The Council consulted Norfolk County Council as Highway Authority. However, I understand a delay in receiving a response from the Highway Authority led to the Council's failure to determine the application within the prescribed period. The Highway Authority has subsequently confirmed the design of the required junction improvement scheme has not been completed and is currently at the design stage.
5. I note that alterations and improvements to the public highway required by the planning permission would be subject to a legal agreement with the Highway Authority under section 278 of the Highway Act (1980). As identified by the appellant, the Highway Authority has published guidance on its website defining the scope of details which must be included within design drawings for highway schemes. There is no indication within Condition 9 that a lesser standard of technical detail is required for the purpose of discharging the condition.
6. The submitted drawings show a General Arrangements Plan for the proposed scheme. However, the drawings state they have been produced for traffic signals target cost purposes only, and therefore the status of the drawings is not clear. In addition, the submitted drawings do not appear to provide all information listed as required for technical review. For example, the drawings do not include details of a topographical survey, drainage, site investigations, structural works, cross sections, or specifications for works, and other features as indicated by the appellant. I therefore consider that the drawings submitted by the appellant do not constitute the scheme for off-site highway improvement works capable of the decision-makers written approval, as required by Condition 9.
7. Paragraph 111 of the National Planning Policy Framework indicates development should be prevented if there would be an unacceptable impact on highway safety. In the absence of the information required for technical review, I must conclude that the submitted drawings do not demonstrate that the scheme would not have an unacceptable impact on highway safety.
8. I therefore conclude that the information submitted by the appellant is not sufficient to secure the delivery of the off-site junction improvement in order to mitigate the effects of the scheme on the highway network, and the condition should not be discharged.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed, and the condition should not be discharged.

E Dade

INSPECTOR