



The Planning Inspectorate

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Ruth Redding
King's Lynn and West Norfolk Borough
Council
Kings Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Your Ref: 18/01736FM

Our Ref: APP/V2635/A/14/2220845

Date: 2 February 2015

Dear Ms Redding

**Town and Country Planning Act 1990
Appeal by Hopkins & Moore (Developments) Ltd
Site at Land At Common Road, Snettisham, Kings Lynn, PE31 7PE**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Jacky Parsons

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You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

Richborough Estates

Appeal Decision

Site visit made on 22 January 2015

by David Spencer BA (Hons) DipTP MRTPI

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

Decision date: 2 February 2015

Appeal Ref: APP/V2635/A/14/2220845

Land south of Common Road, Snettisham, King's Lynn, Norfolk PE35 7RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Smith of Hopkins & Moore (Developments) Limited against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 13/01736/FM, dated 26 November 2013, was refused by notice dated 16 June 2014.
 - The development proposed is residential development of land to provide 25 residential dwellings, together with associated access road, parking, garaging and public open space.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 24 dwellings together with associated access road, parking, garaging and public open space at land south of Common Road, Snettisham, King's Lynn, Norfolk PE35 7RU in accordance with the terms of the application, Ref 13/01736/FM, dated 26 November 2013, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The proposal was amended following submission to the Council but prior to its determination. These changes, shown on the revised plans, resulted in a reduction in the number of units proposed from 25 to 24. I am satisfied that all relevant parties have been made aware of these amendments and would not be prejudiced. Therefore, I have determined the appeal on this basis which is reflected in my description of the development derived from the decision notice.
3. A signed and dated (21 October 2014) planning obligation by way of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 was submitted as part of the appeal. The undertaking contains obligations regarding the provision of the affordable housing and the public open space. As such the obligations would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 and National Planning Policy Framework (the Framework).
4. The appeal site was proposed as an allocation for 20 dwellings at the preferred options stage of the Detailed Policies and Sites Plan Development Plan Document (the DPD). The Council's appeal statement advises that the extent of the residential allocation at Common Road, Snettisham has changed since the Council made its decision in that the site area has almost doubled to include

additional land to the south. The proposed larger residential allocation is due to be consulted on in December/January 2015 before the DPD is submitted for examination. Therefore, the proposal for the enlarged allocation remains at an early stage and I give it very little weight in accordance with paragraph 216 of the Framework. I have noted that prematurity to the DPD process was not one of the Council's reasons for refusal. Accordingly, the appeal proposal will be determined in the light of the main issues informed by the Council's reasons for refusal.

Main Issues

5. The main issues in this appeal are whether the design and layout of the proposed affordable housing would secure a cohesive development and the effect of the proposed parking arrangements on highway safety.

Reasons

Affordable Housing

6. The appeal site is flat and broadly rectangular in shape. It has a frontage onto Common Road and adjoins existing housing of varying ages along certain boundaries. Consequently, there is not a neighbouring land use or topographical feature which makes one part of the site less attractive another part. Whilst the proposed affordable housing would not be prominent within the site, I am nonetheless satisfied that by locating the affordable housing in the south-east corner of the appeal site close to existing housing at Roosters Close and Teal Close it has not been banished to the least attractive part of the site.
7. Whilst the proposed layout of the affordable housing would be of a higher density compared to the proposed open market housing on site I do not find their overall appearance to be cramped or conspicuously out of character. In coming to this view I have taken into account the informal green space to be provided between the affordable houses and the proposed private amenity spaces for these dwellings which would be of a sufficient size for sitting out, drying clothes and children's play. I also noted elsewhere in the locality that small pockets of higher density two storey terraced dwellings are characteristic in the established settlement pattern, including, the short row of cottages immediately to the west of the appeal site on Common Road.
8. I note the Council has a policy for the provision of affordable housing to avoid clusters of more than 4 affordable dwellings in any one location to prevent large concentrations of any single tenure. This is an adopted policy of the Council but it is not adopted development plan policy for the purposes of paragraph 11 of the Framework. As such, I can only afford the policy limited weight, particularly as I have little evidence of the date the policy was adopted and whether or not it was subject to consultation. In any event, I am not persuaded that by exceeding the Council's policy by a single dwelling that the proposed single location of the affordable housing would result in significant harm to the social cohesion or character and appearance of the appeal proposal.
9. The Planning Practice Guidance¹ is clear that in well-designed places affordable housing should not be distinguishable from private housing by its design.

¹ Reference ID: 26-040-20140306

Whilst I accept that the proposed affordable housing lacks some of the detailing such as chimney stacks, local materials and decorative quoins as proposed on the open market dwellings I nonetheless find that their appearance not to be markedly different in terms of materials, number and positioning of openings and overall massing. The proposed affordable housing would include some detailing such as arched header courses over ground floor windows and canopies over the front door. Whilst further detailing would be desirable, I nonetheless find the simple design of the proposed affordable dwellings to be acceptable in the context of the appeal proposal as well as not being out of character with neighbouring housing at Roosters Close and Fisher's End Close.

10. The proposed affordable housing would occupy a peripheral location within the scheme with limited connection and inter-visibility to the remainder of the scheme. As such I accept that there would be restricted integration regarding the position of the affordable units with the open market houses. However, I find that any harm in this regard would not be significant and would not on its own justify withholding permission.
11. I therefore conclude that the design and layout of the proposed affordable housing with particular reference to securing cohesive development would be acceptable. As such the requirement at Policy CS06 of the King's Lynn & West Norfolk Local Development Framework Core Strategy 2011 (the Core Strategy) for development in the rural areas to maintain local character and a high quality environment would remain uncompromised. The appeal proposal would also secure 20% on site affordable housing provision in accordance with Policy CS09 of the Core Strategy which is a benefit which weighs significantly in its favour. The proposal would also accord with the objectives of the Framework at paragraph 17 to secure high quality design and at paragraph 50 to create sustainable, inclusive and mixed communities.

Highway Safety

12. The appeal proposal proposes a mix of parking spaces and garages to meet the Norfolk County Council Parking Standards 2007 (the Standards). The Standards state that a garage must measure 3metres x 7metres to be considered a parking space. From the evidence before me I am satisfied that there is consensus that the proposed garages meet the required width but vary in terms of depth below the 7metres figure in the Standards. Notwithstanding the proposed shorter depths to the garages I note there is no objection from the Local Highway Authority on the proposed parking provision, to which I attach significant weight. Nor am I presented with any compelling evidence from the Council that the consequence of the proposed garage sizes would be displaced on-street parking to the detriment of the amenity of the general locality.
13. I noted that Common Road has no parking restriction at or in the vicinity of the appeal site and is restricted to 30mph. Whilst my site visit, which took place on a weekday mid-morning, can only represent a snapshot, I nonetheless observed instances of on-street parking on Common Road near to the appeal site. Whilst I am satisfied that the proposed off-street parking provision on the appeal proposal would be sufficient, were there to be instances of on-street parking within the scheme or onto Common Road, I do not find that it would result in significant harm to highway safety or the character, appearance and environmental quality of the locality.

14. I therefore conclude that the appeal proposal would provide adequate parking arrangements which would not adversely affect highway safety. Consequently, the objective of Policy CS11 of the Core Strategy to provide safe and convenient access for all modes would remain uncompromised.

Other Matters

Planning Obligations

15. Paragraph 204 of the Framework states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. These tests are repeated in Regulation 122 of the CIL Regulations 2010.
16. The signed and dated Unilateral Undertaking (UU) of 21 October 2014 would make provision for affordable housing in the proportions required by Policy CS09 of the Core Strategy. Having taken into consideration the submissions made by the Borough Council on the transfer arrangement to Registered Providers (RP) and the definition of "shared ownership lease" I nonetheless find that the proposed UU to be both reasonable and comprehensive on both these matters. I do not share the view that the UU as written provides a direct mechanism for the developer to circumvent the onsite contribution. It does, however, provide appropriate safeguards for the Council to identify a RP in, as the Council submits, the unlikely event that the developer does not secure a RP for the 5 units. Moreover, I consider the disputed paragraphs to appropriately ensure the ultimate viability of the proposal and thus accord with paragraphs 173 and 205 of the Framework.
17. I therefore find the provisions of the UU as they relate to affordable housing to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. These provisions therefore comply with the CIL Regulations and so I have taken them into account in making my decision.
18. The UU also reflects that the appeal proposal would provide on-site open space. Consequently, the Agreement includes for an open space area specification and timetable to get the open space to an adoptable standard. It also includes provisions for either a private management company or the transfer of the open space to the Borough Council including a maintenance contribution. These aspects of the Agreement are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and so I have taken them into account.
19. Norfolk County Council has submitted a statement seeking financial contributions towards library services in nearby Dersingham. The principle of such a contribution would satisfy the definition of community and recreational facilities as set out in Policy CS14 of the Core Strategy. However, whilst the County Council has evidenced that the library is below the size it ought to be to support the catchment population there is little evidence before me of a capital programme to expand Dersingham library. As such, the sums sought are to increase the lending capacity of the library (i.e. new books etc.) to meet the demands of the residents of the appeal proposal. Whilst I appreciate the County Council has provided detailed evidence to demonstrate that the sums sought have been fairly calculated I am not persuaded that they would be

necessary in this instance to make the development acceptable in planning terms.

20. With the provisions of the submitted UU in place, I conclude that the effects of the proposal on local infrastructure, including affordable housing and public open space provision, would be acceptable.

Flood Risk & Radon

21. Concern has been raised by a third party that the site is susceptible to flooding. It is also submitted that the high water table means that soakaways would not be a suitable drainage option as well as presenting a means for Radon to infiltrate the water network. The appellant has prepared a surface water strategy and flood risk assessment with the planning application together with an environmental report. These documents have been consulted on with the Environment Agency and Anglian Water Services. The Environment Agency raised no objection in principle confirming the site is in a low risk flood zone, although the Agency recommends local agencies are better placed to comment regarding local surface water disposal. Anglian Water confirms that the sewerage network and wastewater treatment works have capacity to accommodate the appeal proposal. Both Anglian Water and the Council's Community Safety Officer confirmed that the appellant's proposed surface water drainage solution² would be acceptable and a condition to any permission would ensure that the agreed foul and surface water drainage arrangements are implemented. Overall, I am satisfied that there would be no significant harm in relation to local flood risk and surface water drainage arising from the appeal proposal.
22. Turning to the issue of Radon and infiltration into the water network, I have little evidence before me to persuade me that this is a significant issue. In coming to this view I note that the Environment Agency, Anglian Water or the Council's relevant departments have not corroborated this local concern. Additionally, protective measures in relation to new buildings in high Radon areas would be a separate matter covered by Building Regulations.

Character and Appearance

23. Local concern has been expressed regarding the density of the scheme, the loss of hedging to the front of the site and the position of the open space. I find the proposed density would be comparable to residential development both to the east and west of the appeal site. Whilst there would be some loss of hedging to the front of the site I do not find this harm to be significant. Moreover, some of the verdant qualities of the site would be retained by the position of the proposed open space and landscaping and planting within the site. As such I am satisfied that the appeal proposal would not result in significant harm to the character and appearance of the locality.

Conclusions and Conditions

24. For the reasons given above, and having taken account of all other matters raised in the evidence, I conclude that the appeal should succeed.
25. The Council suggested a number of conditions which would be necessary if the appeal was to be allowed. I have considered these in the light of the Planning

² Flood Risk Assessment , Revision B (April 2014) JMS Consulting Engineers Ltd

Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording.

26. In addition to the standard time limit condition, I have also specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to existing and proposed landscaping, together with a management plan, are necessary given the relationship of the proposed development to adjoining properties and to ensure the satisfactory appearance of the development at the edge of the village.
27. Conditions requiring the submission of details for the internal highway works within the site and the proposed off-site highway improvements at the site frontage are necessary in the interests of highway safety and to ensure a satisfactory appearance. I have simplified the conditions in the interests of clarity such that it requires the details and timetable for implementation of the highway works to be agreed between the parties. A further condition requiring the timely implementation of the necessary visibility splay is also needed in the interests of highway safety. The Council has also suggested a condition requiring the details of the proposed outdoor lighting scheme which is necessary in the interests of the character and appearance of the locality.
28. The Council has suggested a condition requiring a Construction Management Plan. Given the proximity of adjacent residential properties and the highway access this is an appropriate condition in the interest of highway safety and neighbouring living conditions. A condition requiring the implementation of a fire hydrant scheme is also necessary in the interest of public safety. A further condition requiring the agreed arrangements for foul and surface water drainage is necessary to ensure the site is properly drained. I have slightly amended the Council's condition to require that not only is the drainage strategy implemented but that any agreed connections for both foul and surface water into the public system have been accepted.
29. The Council suggested two further conditions requiring further details on the type, colour and texture of external materials and sample panels including details of mortar type, bond and pointing technique. The approved plans include a detailed materials plan and detailed plans of elevations. Given this level of detail, together with the absence of evidence that the appeal site is a particularly sensitive location in the built environment, I do not consider these proposed conditions to be necessary.

David Spencer

INSPECTOR.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. SNE1-000 Site Location Plan
Drawing No. SNE1-001 Rev C Planning Layout
Drawing No. SNE1-002 Rev C External Works Layout

Drawing No. SNE1-004 Rev A Materials Plan
Drawing No. SNE1-005 Rev C Proposed Floor Plans & Elevations (Plots 1-3)
Drawing No. SNE1-006 Rev B Proposed Floor Plans & Elevations (Plots 21-24)
Drawing No. SNE1-007 Rev C Proposed Floor Plans & Elevations (Plots 17-20)
Drawing No. SNE1-008 Rev D Proposed Floor Plans & Elevations (Plots 6-10)
Drawing No. SNE1-009 Rev B Proposed Floor Plans & Elevations (Plots 4-5, 11)
Drawing No. SNE1-010 Rev B Proposed Floor Plans & Elevations (Plots 12-14)
Drawing No. SNE1-011 Rev B Proposed Floor Plans & Elevations (Plots 15-16)
Drawing No. SNE1-012 Rev A Garages Proposed Floor Plans & Elevations
Drawing No. SNE1-013 Site Cross Section

- 3) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) working hours for the construction of the site
 - iv) measures to control the emission of dust and dirt during construction
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials; street furniture, refuse or other storage units and minor artefacts and other structures. The soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Any existing trees or hedging removed without such approval or that die or become severely damaged or seriously diseased within 5 years from completion of the development shall be replaced with trees or hedge plants of a similar size and species in the next available planting season, unless the local planning authority gives written approval to any variation.
- 7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape

areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

- 8) No dwelling shall be occupied until a scheme for the provision of a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 9) No dwelling shall be occupied until a detailed outdoor lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/cover of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.
- 10) No development shall commence until detailed plans of the roads, footways, cycleways and highway surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The works shall be carried out in accordance with the specifications and a timetable for implementation set out in the approved plans.
- 11) No dwelling shall be occupied until a visibility splay measuring 2.4m x 59m has been provided on both sides of the site access where it meets Common Road. 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.
- 12) No development shall commence until detailed plans for the off-site highway improvement works to comprise of the widening of site frontage carriageway and footway have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to the first occupation of any dwelling on the site.
- 13) No dwelling shall be occupied until the proposed means of foul and surface water disposal for the site as set out in the Flood Risk Assessment, Revision B, dated April 2014, has been implemented and the discharge of any foul or surface water from the site into the public system has been accepted.