



Appeal Decision

Site visit made on 29 July 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/Y2003/W/18/3217648

Allerton Lodge, 14 Wendover Road, Messingham DN17 3SJ

- 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 & Mrs Fisher against the decision of North Lincolnshire Council.
 - The application Ref PA/2018/1613, dated 14 August 2018, was refused by notice dated 1 November 2018.
 - The development proposed is the demolition of existing bungalow and erection of 8 dwellings with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and erection of 8 dwellings with associated parking and landscaping at Allerton Lodge, 14 Wendover Road, Messingham DN17 3SJ in accordance with the terms of the application, Ref PA/2018/1613, dated 14 August 2018, subject to the conditions listed at Annex A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located close to the centre of Messingham, within a predominantly residential area. The neighbouring residential properties are single storey, with garden-fronted, detached bungalows to the side and a terrace to the rear. There are some larger-scale commercial properties nearby, including a short parade of 2-storey shops opposite the site on the northern side of Wendover Road.
4. The appeal site is currently occupied by a bungalow and integral double garage, within a T-shaped plot of land that is significantly larger than the plots occupied by the neighbouring dwellings. There is a stone boundary wall to the front by Wendover Road behind which are a number of substantial, mature trees. There are further hedges and bushes at the rear of the garden.
5. The proposed development would involve the clearance of the site and the creation of a new central vehicular / pedestrian accessway from Wendover Road. The new access would lead to a seven-space car park in front of a terrace of five 1-bedroom, single storey dwellings at the rear of the site, with a 1.5-storey, 2-bedroom dormer bungalow, attached to the front and side of the

- terrace. Four of the terraced dwellings would have a dedicated parking space within their front curtilage areas. On either side of this new access drive, facing onto Wendover Road, would be two detached 1-bedroom bungalows, with two car parking spaces each on their front curtilage.
6. The proposed terrace would have a similar design, scale, massing and density to the existing single-storey terrace to the rear of the appeal site, separated by a footpath that provides / would provide access to both terraces. The scale, massing and position of the proposed 1.5-storey dormer bungalow would make it distinct from the proposed single storey terrace, which it adjoins. However, both would face onto the largely enclosed car parking area and their design and materials would be similar to the remainder of the proposed development, providing a visual coherence to the appeal development.
 7. Whilst clearly part of the same development, the proposed bungalows facing onto Wendover Road are separated from the terrace and dormer bungalow at the rear of the site by the car park. Whilst set within smaller plots than the existing bungalows next door on Wendover Road, they would be of a similar scale and massing to these buildings.
 8. The rear garden areas would be significantly smaller than the next door dwellings, but when seen from Wendover Road this would not be readily visible. When seen from within the site, looking northwards across the car park, the small size of the rear gardens would not look out of place.
 9. The scheme before me has been developed following the dismissal at appeal of a more intensive residential scheme¹ in 2018. I note the significant differences between the two schemes, including the different layouts and the design, scale and massing of the proposed dwellings in each. In the scheme before me the number of dwellings proposed has also been reduced² and consequently so has the density³.
 10. Policy CS7 (overall housing provision) of the North Lincolnshire Core Strategy 2011 (NLCS) sets minimum densities for new housing developments in different types and sizes of settlements. For settlements such as Messingham, the minimum density is between 30-35 dwellings per hectare⁴, whereas the proposed density would be something that should be achieved in Scunthorpe Town Centre.
 11. The proposed development would significantly exceed the minimum density set by Policy CS7 for Messingham. However, in this case, and for the reasons given above, the proposal would not be out of keeping with the character and appearance of this part of the settlement, which contains a mix of housing types and densities.
 12. It is not disputed that the Council cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer)⁵. The Government's 2018 Housing Delivery Test (HDT) shows that North Lincolnshire District Council has only delivered 73% of its housing requirement over the latest 3-year period, meaning that a 20% buffer would be required⁶. At the time of

¹ Ref. APP/Y2003/W/17/3185658

² From 10 to 8 dwellings.

³ from 58 dwellings per hectare to 47 dwellings per hectare

⁴ Council's officer report – page 5.

⁵ Paragraph 73 of the National Planning Policy Framework 2019 (the Framework)

⁶ Paragraph 73 c) and footnote 39 of the Framework

- the aforementioned appeal decision, the Council was said to have a 3.9 year deliverable housing land supply, which is a significant shortfall. There is no evidence before me to demonstrate that the Council's Housing Land Supply has changed since the previous appeal was determined in February 2018.
13. The appeal site is not subject to policies in the Framework that protect areas or assets of particular importance⁷. Consequently, paragraph 11 d) ii) of the Framework, concerning the presumption in favour of sustainable development, is engaged⁸.
 14. The proposal would not conflict with saved Policies DS1 (general development requirements) and H5 (new housing development) of the North Lincolnshire Local Plan 2003 (NLLP) and Policies CS5 (design) and CS7 of the NLCS.
 15. The provision of 8 dwellings in a district that has a significant shortfall in its five year housing land supply, and which has also underdelivered against its housing requirement in recent years, carries weight in favour of the proposal.
 16. The Framework sets out three overarching and interdependent objectives for the planning system in terms of sustainable development: economic, social and environmental. It goes on to state that *these objectives should be delivered through...the application of the policies in this Framework*.
 17. The proposal would be supported by policies in the Framework which seek to increase the supply of housing, to support economic growth, to make effective use of land, and to achieve well-designed places. It would not conflict with policies contained in the Framework.
 18. For the reasons given above, I find that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Therefore, the proposal does constitute sustainable development in accordance with paragraph 11 d) ii) of the Framework.
 19. The proposed development would not conflict with the development plan and there are no material considerations that would cause me to determine this appeal other than in accordance with the development plan for the area. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be allowed.

Other Matters

20. A number of third party comments were made with regard to the appeal scheme. I note that the scheme has been amended so as to address some of the concerns raised, including with regard to car parking provision.
21. I have addressed the concerns with the design and density of the development in my reasons above, and I have had regard to the comments of statutory consultees, including the Council's Highways Service, Environmental Health Service, the Humberside Fire and Rescue Service, and the Lead Local Flood Authority in reaching my decision.
22. I have had regard to all of the comments raised and none of them, including those concerning the absence of a Community Infrastructure Levy charge, or

⁷ Footnote 6 of the Framework provides a complete and exhaustive list of such policies

⁸ Footnote 7 of the Framework

the Public Sector Equalities Duty under the Equality Act 2010, cause me to reach a different conclusion with regard to this appeal, as set out above.

Conditions and Conclusion

23. In addition to the standard time limit condition, the Council has suggested further conditions which I have considered in the light of government guidance, and in relation to the proposed development. In order to provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would be necessary.
24. A condition requiring the reinstatement of the former vehicular access to the site to be undertaken in accordance with a scheme to be agreed would be necessary to protect the character and appearance of the area and in the interests of highway safety.
25. Conditions concerning the drainage, construction and surfacing of the access drive, driveways and parking areas and the lighting and signing of the access drive would be necessary to protect highway safety and the living conditions of future occupiers.
26. A condition restricting development and planting within 2 metres of the highway would be necessary to protect highway safety. A condition requiring details of the private access driveway to be approved and preventing occupancy of the proposed dwellings until implemented would be necessary to protect highway safety and the living conditions of future occupiers.
27. A condition requiring a construction phase traffic management plan to be agreed, implemented and monitored would be necessary to protect highway safety.
28. A condition requiring details of bin collection facilities to be agreed by the Council and subsequently carried out would be necessary to protect highway safety and the living conditions of future occupiers.
29. A condition requiring approval of the details of the external facing materials to be used in the approved development would be necessary to protect the character and appearance of the area.
30. Conditions requiring the submission, approval, implementation and subsequent confirmation of a biodiversity management plan, would be necessary to protect and enhance biodiversity. One of the Council's suggested conditions, No 13, refers to the 'occupation of the ninth dwelling'. However, only eight dwellings are proposed and I have consequently amended the condition in this regard.
31. Conditions requiring the implementation of an agreed SuDS-based surface water drainage strategy, including details of adoption and maintenance would be necessary to protect the living conditions of future and nearby occupiers.
32. One of the Council's suggested conditions, No 14, refers to 'Surface Water Drainage Strategy, Document No: 15130 - SR - 001, Dated: 20 July 2017'. This document was not in the evidence before me at the time that I sought the appellant's agreement to the proposed pre-commencement conditions⁹, including Condition No 14, and I consequently removed reference to it. In my

⁹ Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

view, explicit reference to the document does not significantly alter the function of Condition 14.

33. A condition concerning measures to be undertaken should contamination be discovered on the site during construction would be necessary to protect the living conditions of future and nearby occupiers.
34. A condition restricting construction and demolition operations and associated works, including deliveries, would be necessary in order to protect the living conditions of nearby occupiers.
35. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR

Annex A – Conditions

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 6382/001, 6382/010 Rev a04, 6382/011 Rev a04, 6382/012 Rev a03, 6382/014 Rev a01, 6382/015 Rev a01 and 6382/016 Rev a01.
3. Within 3 months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.
4. No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.
5. No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.
7. No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.
8. No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.
9. No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.
10. Prior to the occupation of any of the dwellings hereby approved details confirming the provision of adequate bin collection facilities shall be submitted to and approved in writing by the local planning authority and the collections shall be carried out in accordance with the approved details thereafter.
11. No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and

- colour of all external facing materials for the development and only the approved materials shall be used.
12. Within 6 months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:
- details of at least one bat roosting feature to be installed;
 - details of nesting sites to be installed to support a variety of bird species;
 - restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
 - proposed timings for the above works in relation to the completion of the buildings.
13. The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the final dwelling, the applicant, or their successor in title, shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.
14. No development shall take place until a strategy for the management of surface water drainage that includes the implementation of SuDS, and their adoption and maintenance arrangements has been submitted to and agreed in writing by the local planning authority. The applicant must:
- (a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard-surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site and will not increase the risk of flooding off-site;
 - (b) provide principle/detailed design (surveys, ground investigations, drawings, network details and calculations showing critical storm details) in support of any surface water drainage scheme, including details on any attenuation system and its discharge rates;
 - (c) provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.
15. The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 and shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.
16. If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.
17. Construction and demolition operations shall be limited to the following days and hours:
- 7am to 7pm Monday to Friday;

- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction and demolition phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.