
Appeal Decision

Site visit made on 11 October 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 26 October 2017

Appeal Ref: APP/A2525/W/17/3172336

Park Lane, Donington, Spalding PE11 4UE

- 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 Calderdale Homes (Eastern) Ltd against the decision of South Holland District Council.
 - The application Ref H04-1092-16, dated 26 October 2016, was refused by notice dated 6 February 2017.
 - The development proposed is the erection of 7 x 2 bed and 2 x 3 bed dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 7 x 2 bed and 2 x 3 bed dwellings at Park Lane, Donington, Spalding PE11 4UE in accordance with the terms of the application, Ref H04-1092-16, dated 26 October 2016, subject to the conditions in the schedule to this decision below.

Main Issues

2. I consider the main issues in this appeal to be firstly, whether the layout of the proposed development would meet the day-to-day needs of its occupants in terms of the convenience and security of its parking arrangements; and secondly, whether the proposed development would preserve or enhance the character or appearance of the Donington Conservation Area.

Reasons

Site, surroundings and proposed development

3. Set within the Donington Conservation Area, and addressing Park Lane, the appeal site is a broadly level, roughly square-shaped plot of land. The immediate surroundings of the appeal site are predominantly residential with two-storey dwellings fronting Park Lane to one side and one-and-a-half storey dwellings, set around a green square on Millson's Close to the other. The streetscene has a pleasant open character deriving from mature trees and hedges present in gardens and other open spaces. Across from Millson's Close, 5 Park Lane is a brick-faced, two-storey domestic property listed at Grade II. Whereas the plot ratios and site coverage of buildings in the wider Conservation Area vary, the consistent materials palette of brick facing, the general regularity of their scale, and the leafiness of their surroundings are matters that contribute considerably to its character, appearance and significance.

4. The current character of the appeal site is a stark contrast to its residential environs, comprising hardstanding and single-storey buildings of a functional and commercial appearance, one tucked into the corner adjacent to Millson's Close, and another long, brick-faced building in a state of some disrepair.
5. The appeal scheme would see the residential re-development of the site comprising two-storey properties. Seven (plots 1 to 7 on the submitted plans) of the dwellings would front Park Lane, with an access taken from there between plots 5 and 6, to a parking courtyard, with two dwellings (plots 8 and 9) fronting this area, facing towards Millson's Close.

Parking Arrangements

6. Except in the case of Plot 9, the parking for the proposed dwellings including visitor parking would be provided in a courtyard to the rear of Park Lane. The dwellings that front Park Lane would be provided with rear accesses to the parking courtyard.
7. The proposed dwellings that would front Park Lane would, in some cases, be located a modest distance from their designated parking bays. However, they would not be detached from them to such a degree that would render their use inconvenient, and whilst in some instances for some of the properties on-street parking may be more desirable, I consider that this would be unlikely to be of a frequency or duration that would lead to the parking area becoming wholly redundant.
8. Moreover, whilst I note concerns about natural surveillance, the parking area would be overlooked by the fronts of plots 8 and 9, the rears of 5, 6 and 7, and also to some extent from dwellings on Millson's Close. Consequently, whilst noting Lincolnshire Constabulary's comments regarding the layout, I consider that it has not been demonstrated that the proposed development's parking arrangements would be unsafe or insecure. In arriving at this view, I am also conscious that the Constabulary did not object to the scheme and commented that cul-de-sac layouts, such as the one proposed, have been proven to reduce crime. Furthermore, an appropriately worded condition regarding lighting measures for the courtyard parking could further enhance its safety.
9. Although I note references to research regarding the shortcomings of courtyard parking from a crime and anti-social behaviour point of view, for the site-specific reasons given above, I consider that this does not weigh against the proposed development to any material degree. Whilst the rear parking arrangement may reduce the use of front doors of the Park Lane facing properties, I saw that the appeal site was within easy walking distance of the centre of Donington, and that pedestrian trips to and from there would be likely to keep the proposed dwellings' front aspects in active use. I am mindful of the Council's references to the Building for Life Standards and their recommendation that courtyards should generally serve no more than 5 dwellings. However, the limited size of the proposed courtyard and the other site-specific aspects of the design I have referred to above, justify a departure from this general guidance in this instance.
10. These considerations, taken together, lead me to the conclusion that the proposed development would meet the day-to-day needs of its occupants in terms of the convenience and security of its parking arrangements. In these regards the proposed development would meet the expectations of the National

Planning Policy Framework (the Framework) and Policies SG1, SG14, SG15, SG16 and SG17 of the South Holland Local Plan (adopted July 2006) (the Local Plan). Taken together, and amongst other things, these policies seek to ensure that developments provide safe and convenient access to their sites, provide appropriate parking arrangements, and do not cause harm to residential amenity.

The Conservation Area

11. The proposed development would introduce dwellings of a similar scale to those present in its surroundings, on a similar building line to those fronting Park Lane, and in a layout echoing that of Millson's Close to the side. Moreover, it would remove the current commercial development occupying the site and create a softer and more verdant frontage to Park Lane. The proposed development would use the facing materials predominant in the area. Taking these matters together, I consider that the proposed development would not be inappropriate in its location or setting. Moreover, for these reasons, and cognisant of the duties arising from sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the proposed development would lead to an enhancement to the character and appearance of the Conservation Area, and would preserve the setting and special interest of 5 Park Lane.
12. Consequently, the proposed development would meet the requirements of the Framework and Policies SG1 and SG14 of the Local Plan, insofar as they seek to ensure, amongst other matters, that the significance of designated heritage assets is conserved, and that new development avoids harm to South Holland's essential character and makes a positive contribution to the architectural and visual quality of its surroundings.

Other Matters

13. Whilst I am aware of comments regarding the ownership of the site and the extent of its boundaries these are essentially private matters that are not instrumental in a planning decision of this nature.
14. I note that there is an extant permission for a residential development on the appeal site, albeit with a parking arrangement the Council consider to be more appropriate. However, as I have found that no material harm would be caused as a result of the appeal scheme this matter does not weigh against its approval.
15. I note that Policy HS4 of the Local Plan is referenced on the Council's Decision Notice in respect of this scheme. However, the appeal site is previously developed land for the purposes of the Framework; and I have not been supplied with any evidence to suggest that it is outside of defined settlement limits. Consequently, I can find no conflict with Policy HS4 insofar as it seeks, amongst other matters, to control residential development within Donington.

Conditions

16. I have assessed the list of conditions suggested by the Council against the tests given in paragraph 206 of the Framework. This states that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other

- respects. In the instances where I have attached conditions I have made modifications to their wording in the interests of clarity and precision.
17. In the interests of certainty I have attached a condition which specifies the approved plans.
 18. Given the previous uses of the site and its surroundings, I consider it necessary to attach a condition relating to contaminated land; however, I have scaled back and simplified the Council's suggested condition in the light of the findings of the Site Investigation Report¹ submitted by the appellant. The condition is necessary to ensure that the health and safety of construction operatives and the appeal scheme's future occupants would be safeguarded, and to ensure that the proposed development would not harm the environmental quality of its surroundings.
 19. I have attached a condition relating to the visibility splays of the access in the interests of highway safety. For similar reasons, I have attached a condition requiring submission to the Council of details of the provision of a footway and surface water drainage at the front of the development for its approval. However, I consider that there are elements of the development that can progress prior to these aspects and have consequently found it unnecessary to require pre-commencement compliance with the conditions.
 20. In the interests of the residential amenity of the scheme's future occupants, and the character and appearance of the area more generally, I have attached a condition requiring submission of details of refuse and recycling storage to the Council for its approval. However, I consider that elements of the proposed development could progress prior to the approval of these details and as a consequence I consider it unnecessary to make this a pre-commencement condition in this instance.
 21. In the interests of the character and appearance of the site and its surroundings, I have attached conditions requiring the submission to the Council of a landscaping scheme for its approval, and requiring the implementation of the approved scheme. I have amalgamated the Council's suggested condition related to the detailing of boundary treatments with these conditions.
 22. In the interests of the character and appearance of the site and its surroundings I have attached a condition requiring submission to the Council of the details of the external facing materials and hard surfacing to be employed in the proposed development for approval. However, I consider that elements of the development could be carried out prior to the approval of these details and accordingly, I consider it unnecessary to make this a pre-commencement condition.
 23. In the interests of the security of the proposed car-parking, and the residential amenity of the occupants of the proposed dwellings, I have attached a condition requiring details of a scheme of lighting to be submitted to the Council for its approval prior to the first occupation of the proposed development.

¹ Prepared by Ground Engineering Limited April 2016

Conclusion

24. The appeal scheme would meet the requirements of the development plan insofar as the above-mentioned policies are concerned. Therefore, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1179-02-LP01: Site Location Plan; 1179-02-SP02-Rev B: Site Layout; 1179-02-01-DD01: 2 Bedroom House Design Details; 1179-02-01-DD02: 2 Bedroom House Design Details; 1179-02-01-DD03: 3 Bedroom House Design Details; 1179-02-101: Street Scene.
- 3) Development shall be carried out in accordance with the recommendations (the recommendations) regarding ground contamination set out in the Site Investigation Report produced by Ground Engineering Limited (dated April 2016). If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the recommendations and any subsequently approved measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the work being completed, and approved in writing by the local planning authority.
- 4) The vehicular access shall be provided prior to first occupation of the dwelling hereby approved, shall be of a minimum width of 4.2m and shall incorporate 8m visibility radii tangential to the nearside edge of the carriageway of Park Lane.
- 5) No development above slab level of the dwellings hereby approved shall take place until a scheme for the construction of a 2m wide footway together with the arrangements for the disposal of surface water run-off from the highway at the front of the site has been submitted to, and agreed in writing by, the local planning authority. Unless otherwise agreed in writing by the local planning authority, the agreed works shall be fully implemented before any of the dwellings hereby approved are occupied.
- 6) Prior to first occupation of the dwellings hereby approved details of the means of storage and disposal of refuse and recycling shall be submitted to and approved by the local planning authority. The approved scheme shall be fully implemented prior to occupation of any of the dwellings hereby permitted.
- 7) No development above slab level of the dwellings hereby approved shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping and tree planting indicating firstly, the number, species, heights on planting and positions of all trees; secondly, proposed boundary treatments including the size and species of any hedges, and a schedule of any materials used; and thirdly details of post-planting maintenance. The scheme shall also include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

- 8) All planting, seeding, turfing or boundary treatment comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.
- 9) No development above slab level of the dwellings hereby approved shall take place until a schedule of all external facing materials, and details of hard surfacing have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 10) Prior to first occupation of the development hereby approved details of a scheme of lighting for the car parking areas shall be submitted to and approved in writing by the local planning authority for its approval. The approved scheme shall be implemented prior to first occupation of the development hereby permitted.