

<b>APPLICATION NO</b>	<b>PA/2022/1158</b>
<b>APPLICANT</b>	Mr James Pearson
<b>DEVELOPMENT</b>	Planning permission to erect six dwellings with a new entrance, access road and landscaping (including demolition of existing dwelling)
<b>LOCATION</b>	Briar Lodge, Silver Street, Barrow upon Humber, DN19 7DN
<b>PARISH</b>	Barrow upon Humber
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Barrow upon Humber Parish Council Significant public interest

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

### **North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy DS7 (Contamination)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy H5 (New Housing Development)

Policy H7 (Backland Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE9 (Archaeological Excavation)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource and Climate Change)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

**Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

**CONSULTATIONS**

**Highways:** No objections subject to conditions relating to access, visibility, car parking and turning.

**LLFA Drainage:** Based on the resubmitted information, whilst aware that the proposed design is reliant on a new connection into Anglian Water's foul sewer and overland flow from the neighbouring developments has not been addressed, the LLFA withdraws their objection subject to conditions requiring the submission of a surface water drainage scheme for the site and relating to the prevention of surface water run-off from the site onto the highway and from the highway onto the site.

**Anglian Water:** Views awaited.

**Environmental Protection:** No objection, but recommend conditions relating to contamination, and restriction of working hours and site clearance operations. Also recommend the submission of an asbestos survey before the application is determined.

**HER (Archaeology):** Briar Lodge dates from before the late 19th century and may contain earlier structural fabric of mud and stud or timber-framed construction. A systematic record of the building should be made prior to and during its demolition. Archaeological remains of early occupation may also be anticipated within the application site. In accordance with NPPF paragraph 194 and local planning policies CS6 and HE9, the applicant has submitted a Written Scheme of Investigation (WSI) for archaeological monitoring and recording during below-ground construction work. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of a programme of historic building recording prior to development commencing and of the archaeological mitigation strategy in accordance with the submitted WSI.

**HER (Conservation):** No objection. The application site is approximately 100 metres to the west of Barrow conservation area and approximately 40 metres to the west of Welholme, a grade II listed building. The proposed development has the potential to impact on the setting of these heritage assets. What is important in this instance is firstly the design of the property on the street frontage (plot 1). The building on plot 1 has been designed in a traditional agricultural form that respects the setting of the listed building and the conservation area. What will be key are the materials used for construction, which should be a traditional brick and natural slate roof. This needs to be controlled by condition. Considering the proximity of the site to the conservation area and the style of the buildings on Silver Street, which contains some historic buildings, recommend that all the buildings are constructed with a traditional brick and natural slate roof and this should be controlled by condition. Should the planning department be mindful to approve the application then appropriate conditions should be included requiring details of the facing and roofing materials to be provided for consideration before installation.

**Ecology:** Objects to the proposal, as it is contrary to policy CS17. The ecological report has not been submitted. The biodiversity metric calculation is outdated and based on a previous scheme. If permission is ultimately granted contrary to this objection, there will be a need to secure biodiversity enhancements in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1.

**Trees:** There will be a loss of trees; however, within the appeal this was not the main concern of the inspector, and taking into account the low overall retention values of these trees, their loss is a reasonable consequence if development is given consent. The distances between the trees being retained and/or in other ownership are more acceptable than the previous submission and the works are outside the protection areas around the trees. Suitable protection areas in line with BS5837:2012 recommendations will be required and conditioned if consent is given for the application.

**Recycling:** General observations and guidance relating to bin types, bin storage, access for refuse vehicles, and pulling distances for crews and residents.

## **PARISH COUNCIL**

**Original plans:** Objects strongly to the application which is the latest of several that have been made in recent years, all of them refused, one on appeal. Despite the amendments made on this application, the access is still on the narrowest part of Silver Street, a real

pinch-point for traffic and to have extra cars entering and exiting at this point would cause real problems. In addition, as mentioned in the recent appeal refusal, to build this many houses on this site would not be in keeping with the surroundings. Reducing the number by one does not make an appreciable difference. As mentioned previously, this development would also add to flood risk in the area, a well-known factor that has to be considered. There is also potential damage to consider to the trees around the boundary which overhang the site, again mentioned in the appeal refusal. In 2010 permission was given for two houses on this site which would seem reasonable. Six is too many and would harm the visual amenity of the area.

**Amended plans:** The parish council has already objected most strongly to several applications for this site, so obviously has concerns about this one. Applications for seven and five houses have already been refused so there is no reason why six should be acceptable, even with changes to windows.

## **PUBLICITY**

Both the original and amended plans have been publicised by site notice. Thirty-four responses have been received in total raising the following material planning issues:

- the access is unsafe
- increased traffic and congestion
- there is enough housing in the area
- loss of outlook/enclosure
- overlooking/loss of privacy/overshadowing
- the site would be over-developed
- loss of wildlife
- loss of and damage to trees
- works to off-site trees have not been agreed by the owner of the trees
- the arboricultural report is out of date
- potential tree disputes with occupiers of proposed dwellings
- the surveys are inaccurate – surveys undertaken during Covid19 do not reflect the current situation
- increased noise and disturbance
- surface water concerns
- the bin store location is unacceptable
- tree works may affect trees' stability and proportions

- loss of a historic building
- no boundary treatments, materials to be used not shown
- light pollution.

## **ASSESSMENT**

### **The proposal**

The proposal comprises the erection of six detached dwellings. The main access to the site is from Silver Street. The access leads into the site and forms a cul-de-sac arrangement with a 'hammer head' turning to the western side of the site. Each dwelling has two car parking spaces. The dwellings comprise a mix of three-, four- and five-bedroom properties. Plot 1 is on Silver Street, the remaining dwellings being set back into the site. Plot 1 also has its own separate access from Silver Street. The plans have been amended during the application process by the alteration of window positions, the installation of a rooflight to plot 6 and additional information in relation to surface water. To facilitate the development a large number of trees are to be removed.

### **The site**

The site comprises an L-shape with Briar Lodge and detached bungalows located on the site frontage adjacent to Silver Street. Access to serve Briar Lodge is from Silver Street. The land rises from Silver Street to its north-eastern corner by approximately 2 metres. The land is overgrown rough grassland with various trees on the site and some substantial trees adjacent to its southern boundary. It must be noted that none of the trees on the site are protected. Briar Lodge is vacant and in need of repair and does not appear to have been in residential use for some time. The site is fenced off with steel fencing to prevent/deter intruders. The site is within the development boundary of Barrow and in flood zone 1 (low risk of flooding). It is surrounded by residential development. The residential estate known as Highfields lies to the north-west of the application site; there is a detached bungalow with extensive garden area to the north; to the east lies England's Row, comprising terraced properties; to the west are gardens to properties on Ferry Road; and to the south-west is a property known as Evergreen. Opposite the site on Silver Street are residential properties with access onto Silver Street. The site is surrounded primarily by detached dwellings of differing designs and sizes. A listed building known as Welholme is located 45 metres from the application site to the south-east.

### **Planning history (most relevant)**

PA/2021/1306: Planning permission to erect seven dwellings, including a new entrance, site access road and associated landscaping (following demolition of existing dwelling) (re-submission of PA/2020/1348) – refused 30/09/21, appeal dismissed 30/03/2022 (appeal decision appended to this report)

PA/2020/1348: Planning permission to erect seven dwellings, including a new entrance, site access road and associated landscaping (following demolition of existing dwelling) – refused 29/04/2021

PA/2010/0005: Outline planning permission to erect two dwellings with access and layout not reserved for subsequent approval – approved 01/04/2010

- PA/2010/0110: Planning permission to erect a single-storey extension, increase height of roof in connection with the provision of additional living accommodation in the roof space, erect a domestic garage and construct a garden wall – approved 13/04/2010
- PA/2009/0765: Outline planning permission for four detached dwellings and garages with scale, appearance and landscaping reserved for subsequent approval – refused 28/08/2009
- PA/2009/0968: Planning permission to erect extensions to create a two-storey dwelling – approved 09/09/2009.

## **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is within the development boundary of Barrow where, in principle, residential development is considered to be acceptable. Barrow is identified as a large service centre and is ranked 12<sup>th</sup> out of 76 settlements in the North Lincolnshire Settlement Survey 2019. It contains five of the seven key facilities and is therefore considered to be a sustainable settlement due to its number of services and facilities.

The proposed scheme would result in the delivery of five dwellings on the site (an additional five dwellings as Briar Lodge is proposed to be demolished), which would contribute to the mix of housing types within the locality and make a modest contribution towards meeting local need and the council's five-year housing land supply.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In this case, the proposal will make a modest contribution to the council's housing land supply and this is also a key material consideration in determining this application.

The proposal would generate a residential density of 30 dwellings per hectare. This aligns with policy CS7 which indicates a requirement of a site of this size in this location to yield a density of between 30–35 dwellings per hectare. The broad principle of residential development on this site is therefore considered acceptable, and aligns with policies CS1, CS2, CS3, CS7 and CS8 of the Core Strategy, subject to detailed technical considerations below.

## **Flood risk and drainage**

The site is within flood zone 1 of the council's SFRA and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. The applicant has submitted a Flood Risk Assessment with the application, which includes drainage information. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

The applicant has submitted a Drainage Strategy and an outline drainage layout for the scheme. In terms of drainage, concerns from residents and the parish council are noted. In terms of the disposal of foul water, some residents have commented on the sewage system in Barrow upon Humber. No technical evidence has been submitted to demonstrate that the sewage system cannot accept additional flows. If the developer wishes to connect to the sewerage network they would need to serve notice under Section 106 of the Water Industry Act 1991. Subject to conditions, the proposal would therefore accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

In terms of surface water disposal, concerns from residents and the parish council are noted. The LLFA has carefully assessed all the submitted information and, although has some concerns, recommends conditions requiring the submission of a detailed surface water drainage scheme, together with details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the site. Subject to conditions, this aspect of the proposal will accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

## **Highway safety**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both are considered relevant. The site is within the existing settlement boundary and benefits from access to public transport links and local services. It is therefore considered that the scheme is in a sustainable location.

The scheme is for six dwellings and as such the access road has been designed to adoptable standards. The council's Highways team has offered no objections to the proposed layout or parking arrangements, subject to appropriate conditions. The site features a minimum of two off-street spaces for each new dwelling. Concerns over the transport report providing data during the pandemic is noted. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network. It is therefore considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard. The new access proposed would not create additional highway safety concerns other than the modest intensification of use. In addition, it must be noted that the Inspector, when dismissing the appeal for seven dwellings under PA/2021/1306, did not raise any highway matters in this appeal decision.

## **Heritage matters**

In terms of archaeology, the council's HER has commented on the proposal. Briar Lodge dates from the late 19th Century and has historic and potentially archaeological interest. Its scale and form suggest that it may contain earlier structural fabric of mud and stud or timber-framed cottage construction. As a local non-designated heritage asset its demolition should be considered in line with paragraph 197 of the NPPF. Briar Lodge is currently vacant and does not appear to have been occupied for some time. The site is fenced off. The building is small and falling into serious disrepair. Briar Lodge would require significant extensions and alterations to provide a more functional residential building. The planning history for the site shows a number of planning permissions have been granted for extensions to this property. Briar Lodge is not a listed building nor is it within Barrow conservation area. It is considered that conditions requiring the recording of the building before it is demolished would provide an historic and archaeological record for present and future generations to understand the significance of this building to Barrow. In terms of heritage, therefore, the proposal accords with chapter 15 of the NPPF, policy CS6 of the Core Strategy and policy HE9 of the NLLP.

In terms of impact on the listed building (Welhome, over 40 metres away) and on Barrow conservation area (100 metres to the west of the site) the council's heritage officer has no objections subject to a condition requiring the submission of material details. It is considered, due to the distance the site is from this listed building and the conservation area, that no adverse impacts will be caused. The Inspector, when dismissing appeal PA/2021/1306, agreed with the council, stating that "given the distance between the appeal site and listed building as well as the intervening built development and road, I am satisfied that the scheme would have a neutral effect on the heritage asset and would preserve the special interest of the listed building." The proposal therefore aligns with policies HE2 and HE5 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

## **Character, appearance, visual impact and residential amenity**

In terms of character and appearance, the scheme proposes six detached dwellings. The previous application dismissed at appeal (PA/2021/1306) was for seven dwellings. The Inspector considered that seven dwellings created a cramped appearance on the site and the density of the development would not be in keeping with the surrounding area which is characterised by properties within spacious plots. In this case the six dwellings now proposed would result in a lower density on the site (30 dwellings per hectare). The scheme has been redesigned to provide detached dwellings within larger individual plots with larger garden areas than the scheme proposed under PA/2021/1306. The proposed layout is not considered to be out character with this part of Silver Street.

In terms of design, the dwellings are of a simple design that complements this part of Silver Street which is characterised by a mix of housing designs. In terms of visual impact, the proposed development will be visible from Silver Street and there will be more limited views of the site from Highfields. Plot 1 and the access road are on the site frontage, with the remaining five dwellings to the rear of plot 1 arranged in an L-shaped cul-de-sac. Due to the design and siting of the development and with additional landscaping that can be conditioned, the proposal would not cause demonstrable harm to the amenity of the locality. In terms of character, appearance and visual impact, the proposal is considered to be acceptable and therefore accords with policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan and policies CS5 and CS7 of the Core Strategy.



In terms of residential amenity, each property has good-sized rear garden areas that provide private amenity space for occupants. The dwellings would be a sufficient distance from the adjacent trees along the south-western boundary and, with larger garden areas, the neighbouring trees will not cause demonstrable harm to the living conditions of occupiers of the proposed dwellings in terms of shade and overshadowing.

In terms of impact on adjoining dwellings, the proposed dwellings will be visible from several adjoining properties. In terms of the impact on Evergreen Cottage, this property is to the south side of the application site. Evergreen Cottage has mature trees and a garage along this boundary. With regard to plot 1, the impact on Evergreen Cottage needs to be assessed. In the south-west elevation of plot 1 no habitable windows are proposed at first-floor level. At ground-floor level a lounge window is proposed which will allow views only onto the front garden and driveway of Evergreen Cottage. No loss of privacy will therefore be caused to Evergreen Cottage. In addition, conditions will be used to ensure a scheme of landscaping and boundary treatment is submitted to retain privacy between these properties.

In relation to England's Row, plot 1 has a study and kitchen/diner at ground floor and a bedroom window at first floor. There is a distance of over 15 metres from plot 1 to England's Row cottages, and boundary treatment and landscaping will further mitigate overlooking. With regard to the bedroom window, this faces the rear of England's Row cottages and no significant loss of amenity will be caused. With regard to plot 2, this has a kitchen/living room window on the ground floor in the south-west elevation. This window will be screened by the existing tree in Evergreen Cottage's garden, and boundary treatment and landscaping will further mitigate any overlooking. In terms of England's Row, no demonstrable loss of privacy will be caused as plot 2's side elevation faces the rear garden/paddock area of England's Row. Plot 2 has no habitable windows facing into the rear garden of plot 1 so privacy between those two plots will be secured.

Plot 3 has habitable windows in its south-west elevation. These windows do not overlook the private garden area of Evergreen Cottage. Evergreen Cottage's trees also provide some screening and boundary treatment which can be conditioned. Plot 3 has a bedroom and kitchen window in the north-west elevation. These do not directly overlook the rear gardens of properties on Highfields. Boundary treatments are also to be conditioned to further secure privacy. Plot 3 has no habitable windows in the north-east elevation and therefore will not overlook Plot 4. Plots 4 and 5 have no habitable windows in the north-west elevation at first-floor level so no overlooking will be caused to 19 and 21 Highfields' rear garden areas. The proposed ground floor windows in this elevation will need to be screened by boundary treatment which will be conditioned. Plot 4 is approximately 12 metres and plot 5 approximately 14 metres from 21 Highfields; due to these distances it is not considered that the proposed plots will cause overshadowing or loss of outlook to this property. Plot 5 has no habitable windows in its north-eastern elevation and therefore no overlooking will be caused to the adjacent dwelling to the north-east. Plot 5 will not overlook plot 4 as plot 4 has no habitable windows in its north-east elevation. Plot 6 does not overlook 15 Highfields or England's Row. There is a distance of over 30 metres between plot 6 and England's Row. The careful positioning of the windows to plot 6, together with boundary treatment, will secure privacy between the plots within the site.

The impact the proposed scheme would have on adjoining dwellings and dwellings within the site is therefore acceptable and no demonstrable loss of amenity would be caused. Conditions can be used to secure boundary treatment and landscaping to safeguard privacy, and to remove 'permitted development rights' from plots 1 to 6 so that no windows

can be installed in the elevations and roofs of the dwellings without permission from the council. This is necessary as additional windows could cause overlooking to existing and proposed dwellings. The proposal is therefore acceptable subject to conditions and will align with policies H5 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

## **Trees**

In terms of trees, a substantial number of trees on the site are to be felled to accommodate the proposed development. Residents have expressed concern about the loss of these trees, but they are not protected. The quality and value of the trees to be removed have been categorised as low quality in the submitted tree reports. The Inspector in the appeal decision for PA/2021/1306 stated that “although the proposed development would result in the loss of a large number of trees, it would not conflict with the aims of policies DS1 and LC12 of the local plan.” Therefore, due to the low quality and value of the existing trees on the site, their removal is considered acceptable.

A small number of mature trees overhang the application site, but are not within it. The tree reports set out the how the trees would be protected during construction and root protection zones. Some of the dwellings proposed are now further away from these trees than they were under PA/2021/1306. In the appeal decision the Inspector stated, “I have no substantiated evidence before me to demonstrate that the development would adversely affect the health and longevity of the off-site trees. I am satisfied that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees.”

The council’s tree officer also considers the distances to the trees being retained and/or in other ownership are more acceptable than the previous submission and the development is outside the protection areas around the trees. Conditions can be used to ensure the trees are protected during construction works. The comments from the parish council and residents in respect of the impact the development will have on these adjoining trees is noted. However, there is no evidence to suggest the proposed tree works will affect the longevity of these trees. Concern that the submitted tree reports are out of date is noted. There is a tree protection plan dated June 2022 in the Arboricultural Method Statement which sets out tree protection zones, ground protection and barrier positions around the off-site trees. Comments from the owner of the trees that they have not agreed the works to them are noted. This is a private matter for the owner and applicant to resolve. The applicant is entitled to cut back trees overhanging the application site. The impact on the adjoining trees is acceptable subject to conditions and therefore the proposal will align with policies DS1 and LC12 of the North Lincolnshire Local Plan.

## **Ecology and biodiversity**

In terms of biodiversity, the applicant has submitted a biodiversity assessment with the application. This has been assessed by the council’s ecologist, who objects to the proposal because, although the application site is largely species poor rough grassland and not of high value, the proposal would result in the loss of all existing habitat, representing a net loss of biodiversity value. This is contrary to policy CS17 of the Core Strategy. However, the previous ecological appraisal for PA/2021/1306 found no evidence of bat roosts, badgers or other protected or priority species on the site. It is regrettable that the proposal will lead to a net loss of biodiversity habitat. Compensatory measures through planning conditions will ensure biodiversity enhancements are provided on the site. It must also be noted that the

Inspector did not raise any biodiversity matters in the recent appeal decision on PA/2021/1306.

### **Land contamination**

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. In this case, the submitted site investigation is not considered sufficiently robust and therefore a condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place. Environmental Protection also request an asbestos survey be carried out before the application is determined due to a garage on the site having potential to contain asbestos. This does seem onerous on the applicant and it is considered this matter can be dealt with by a condition requiring an asbestos survey to be submitted to and agreed in writing by the council before any development, including demolition, takes place on the site.

### **Other matters**

Concerns from neighbours about the location of the proposed bin store adjacent to England's Row cottages is noted. Conditions will be used to ensure an acceptable scheme for bin storage on collection days, which will include screening/boundary treatment. This will ensure no loss of visual amenity to residents. Concerns regarding light pollution from the access road are also noted. However, it is not considered that illuminating the access road for six dwellings would result in demonstrable light pollution to adjoining residents. Details of facing materials for the development will be required by condition to ensure the materials used respect the character of the area. Details of boundary treatments will also be required by condition to secure privacy for occupants within the development, and between occupants of the proposed dwellings and existing dwellings surrounding the site.

### **The planning balance and conclusion**

When applying the planning balance to this application, it is clear that due to the council's lack of a five-year housing land supply there is a need for housing in North Lincolnshire. This proposal will provide a modest contribution towards it. The proposed scheme is within the development boundary of Barrow upon Humber, close to a range of services and facilities, and a bus route. It is therefore a sustainable form of development. The design of the scheme is acceptable and will not result in demonstrable harm to the amenity of the area or to residents. No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of sustainable development as set out in the NPPF. The proposed development is considered to be acceptable in planning terms and is recommended for approval subject to the conditions set out below.

### **Pre-commencement conditions**

All pre-commencement conditions have been agreed with the applicant.

**RECOMMENDATION**      **Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- LDC3898-PL-03B Plot 1 and 2 elevations and floor plans
- LDC3898-PL-04B Plot 3 and 4 elevations and floor plans
- LDC3898-PL-05C Plot 5 and 6 elevations and floor plans
- LDC3898-PL-01A Existing Site Plan and Location Plan
- LDC3898-PL-02A Proposed site plan
- LDC3898-PL-06 Proposed site sections.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

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.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

6.

No development shall take place until a construction phase traffic management plan showing details of:

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

7.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development and must be based upon the submitted drawing and documentation dated 2nd September 2022.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained

and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 above, 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.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

9.

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 approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

#### Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

10.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site 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 and thereafter so retained.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

11.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

12.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

## Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

## 13.

No development, including any demolition, shall take place on the site until an asbestos survey has been submitted to and approved in writing by the local planning authority. This asbestos survey will need to identify the location, type and amount of asbestos containing material and proposals for managing and disposing of any asbestos identified. Thereafter, only the approved scheme shall be carried out in accordance with the approved details.

## Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised and that the development can be carried out safely



without unacceptable risks to workers, nearby residents and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public holidays.

HGV movements shall not be permitted outside these hours during the construction 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.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No demolition shall take place until the applicant, or their agents or successors in title, has secured the implementation of an historic building record, to be defined in a written scheme of investigation that has been submitted to, and approved in writing by, the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record equivalent to Historic England's Level 2 building survey. The historic building recording shall be carried out in accordance with the approved details and timings.

Reason

To comply with paragraph 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive to advance public understanding.

16.

The applicant, or their agents or successors in title, shall provide written confirmation to the local planning authority that they have secured the implementation of the archaeological mitigation strategy as defined in the document 'Written scheme of investigation: Archaeological Monitoring and Recording, Land off Silver Street, Barrow upon Humber, North Lincolnshire', PCAS Archaeology, July 2020, in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

#### Reason

To comply with paragraph 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive to advance public understanding.

17.

The applicant shall notify the local planning authority in writing of the intention to commence the historic building recording and the archaeological site works at least one week/seven days before commencement. Thereafter, the historic building recording and archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

#### Reason

To comply with paragraph 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive to advance public understanding.

18.

A copy of any analysis, reporting, publication or archiving required as part of the historic building recording and archaeological mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and North Lincolnshire Museum Service within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

#### Reason

To comply with paragraph 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive to advance public understanding.

19.

No development shall take place until the applicant or their successor in title has submitted a biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) details of sensitive working practices to avoid harm to hedgehogs and nesting birds;
- (b) details of bat boxes and bat bricks to be installed on at least two dwellings;
- (c) details of swift boxes and sparrow terraces to be installed on at least two dwellings;

- (d) details of nesting sites to be installed to support other species, including starling and house martin;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (f) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (g) prescriptions for the planting and aftercare of native trees and shrubs, of high biodiversity value;
- (h) proposed timings for the above works in relation to the completion of the dwellings.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

20.

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 5th dwelling hereby approved, 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.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

21.

Before development is commenced, the method of protecting the existing trees on the site throughout the construction period shall be carried out in accordance with the approved arboricultural reports (Arboricultural method statement dated 5th July 2022) and maintained until completion of the development. Only the works to those trees which overhang the site specified in paragraph 3.4 of the submitted Arboricultural Method Statement shall be carried out. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

**Reason**

To protect the mature trees adjoining the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

22.

No development shall take place until proposals for landscaping have been submitted to and approved in writing by the local planning authority.

Reason

To enhance the appearance of the development in the interests of amenity.

23.

All works indicated by the approved scheme of landscaping shall be carried out within the first planting season (1 October to 31 March) and seeding season (the month of September or April) following the granting of the permission or within such extended time period as may be agreed in writing by the local planning authority. Any trees or plants which within a period of five years from the completion of the landscaping die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

24.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

25.

No above-ground works 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.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

26.

Before any dwelling is occupied, details of the location, design and screening of the bin store on the site shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on the site and retained.

Reason

To ensure satisfactory bin storage on the site and safeguard amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

27.

No above-ground works shall commence on site unless details of all the finished floor levels at which all the dwellings will be constructed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason

To safeguard the amenity of adjoining residents and the locality in accordance with policy DS1 of the North Lincolnshire Local Plan.

28.

Before any dwelling is first occupied the bathroom, WC and en-suite windows shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

29.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no new window openings shall be installed in any elevation or in the roof of any of the approved dwellings other than those shown on the submitted plans.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties and safeguard privacy within the approved residential development in accordance with policy DS1 of the North Lincolnshire Local Plan.

### **Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

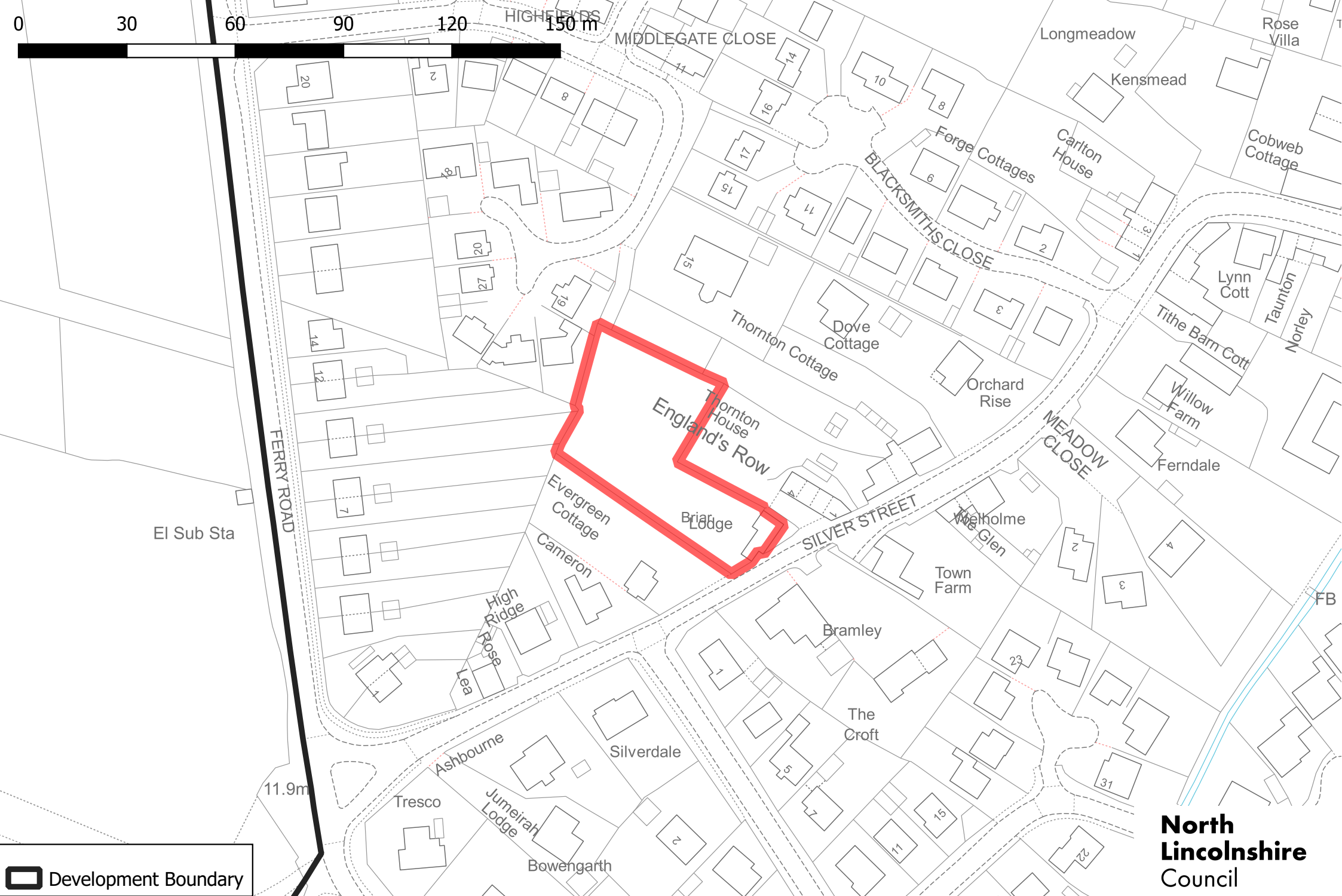
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

### **Informative 2**

The applicant's attention is drawn to the comments made by the LLFA.

### **Informative 3**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



FERRY ROAD  
El Sub Sta

11.9m

 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2022/1158**

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# PA/2022/1158 Proposed layout (not to scale)



**PROPOSED SITE PLAN**  
scale 1:200

Rev.A Addition of Scale 28/06/22

**DRAWING TITLES AND REVISIONS**  
Title: Landscape Consultancy | 12 Victoria Lane | South  
| Gloucestershire | GL4 1 9PL | [info@landscapeconsultancy.co.uk](mailto:info@landscapeconsultancy.co.uk)  
| 01282 811022 | [www.landscapeconsultancy.co.uk](http://www.landscapeconsultancy.co.uk)

**ldc** LANDSCAPE  
DESIGN  
CONSULTANCY

**PROJECT** Residential Development  
Silver Street  
Barrow Upon Humber

**DATE** May 2022  
**TITLE** Proposed

**SCALE** As Shown  
**ORIGINAL SIZE** A1 (Landscape)

**DRAWING NUMBER** LDC3898-PL-02A

This drawing is the copyright of LDC and is not to be reproduced without written consent. The contractor is responsible for taking and maintaining all dimensions on site prior to construction and ensuring they match the dimensions shown on this drawing. It is the contractor's responsibility to ensure that all dimensions and construction details are in accordance with the drawings and current codes of practice.  
All drawings are based on the information provided to LDC and are not to be used for any other purpose. If any dimensions shown on the drawings differ from those shown on site, the contractor shall be responsible for any such differences.  
The drawings are provided as an advisory tool and are not to be used for any other purpose.



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# Appeal Decision

Site visit made on 14 March 2022

**by L Wilson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 March 2022**

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## **Appeal Ref: APP/Y2003/W/21/3288458**

### **Briar Lodge, Silver Street, Barrow upon Humber DN19 7DN**

- 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 James Pearson, Charworth Homes, against the decision of North Lincolnshire Council.
  - The application Ref PA/2021/1306, dated 16 July 2021, was refused by notice dated 30 September 2021.
  - The development proposed is demolition of existing dwelling and construction of seven new dwelling houses, including a new entrance, site access road and associated landscaping.
- 

### **Decision**

1. The appeal is dismissed.

### **Application for Costs**

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

### **Main Issues**

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the surrounding area;
  - Whether the proposed development would provide a satisfactory standard of accommodation for its future occupiers, with particular regard to the proposed private garden areas of plots 2 and 3; and
  - Whether there is sufficient information to demonstrate that the on-site trees have been properly considered and the effect of the proposed development on off-site trees.

### **Reasons**

#### *Character and appearance*

4. The appeal site comprises an L shape with Briar Lodge fronting onto Silver Street and is surrounded by residential development. The site is currently overgrown, rough grassland and contains a number of trees. The surrounding area is predominantly characterised by detached properties, which vary in design and size, situated within spacious plots. There are also examples of



smaller plots, cul-de-sac arrangements as well as semi-detached and terraced properties within the vicinity of the site.

5. Plots 1-3 would be detached properties and plots 4-7 would be semi-detached properties. I have had regard to the appellant's plot analysis. Nonetheless, the scheme would have a greater visual connection with Silver Street rather than other roads within Barrow.
6. In comparison to the predominant character of the surrounding area, the dwellings would have small gardens and would be built close to their boundaries. Due to a combination of the siting of the dwellings, number of dwellings, plot sizes, and gaps between the plots, the scheme would appear cramped within the site. The density of the proposed development would not be in keeping with the immediate surrounding area. Thus, the proposal would be poorly designed as it would appear at odds with the established character of the area which is primarily characterised by properties located on spacious plots.
7. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Consequently, the scheme would conflict with Policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan (2003) (LP) and Policies CS5 and CS7 of the North Lincolnshire Local Development Framework: Core Strategy (2011) (CS). These policies seek, amongst other matters, to ensure that proposals reflect or enhance the character and appearance of the area and that the density of new development is in keeping with the character of the area. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which states developments should be sympathetic to local character.

*Living conditions*

8. Trees outside of the appeal site would overhang plots 2 and 3. The appellant proposes to reduce the canopy of the trees which overhang into the site. The Council does not have any policies or guidance specifying appropriate levels of private amenity space for dwellings.
9. Although each plot would have a similar size garden and they are comparable to garden sizes within Barrow, the amount of useable space is also an important consideration. Based on the evidence presented, particularly trees T2 and T4 would cause shade and overshadow a large proportion of plots 2 and 3's rear gardens. This would limit the functionality of the private garden areas. Due to the size of the gardens and trees, the proposed private amenity space proposed for plots 2 and 3 would be inadequate. Thus, the development would result in poor quality accommodation and would fail to provide an acceptable standard of amenity for future occupiers.
10. In this regard, the appellant has referred to a recently approved development in Barrow. Based on the information presented, that development cannot be directly compared with the scheme before me because of the site's context and style of development. In any event, each application must be considered on its own merits.
11. For these reasons, the proposed development would not provide a satisfactory standard of accommodation for its future occupiers, with particular regard to the proposed private garden areas of plots 2 and 3. Consequently, the scheme

would conflict with Policies DS1 and H5 of the LP and CS5 of the CS. These policies seek, amongst other matters, to promote a high standard of design and ensure new developments create attractive private spaces that complement the built form. It would also conflict with the Framework which states developments should create places with a high standard of amenity for future users.

### *Trees*

12. There are a number of trees within and adjacent to the site which are not protected by TPO's or located in a conservation area. The trees within the site are primarily situated close to the site boundary.
13. The Arboricultural Method Statement and the Arboricultural Impact Assessment are clear that they should be read in conjunction with the Arboricultural Report. This report sets out information relating to the trees size, condition, quality and value. The proposed development would result in a large number of trees being removed in order to facilitate the development. Groups G1 and G2 are effectively hedgerow trees which explains the high stem count. The quality and value of those trees to be removed have been categorised as low-quality.
14. The trees to be retained overhang the site. The documents, particularly the Arboricultural Method Statement, details how the off-site trees would be protected. The Tree Protection Plan also sets out the root protection areas. Conditions could be attached relating to landscaping works and to ensure that the trees are protected, throughout the construction period, as set out in the relevant reports.
15. I have no substantiated evidence before me to demonstrate that the development would adversely affect the health and longevity of the off-site trees. I am satisfied that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees.
16. Accordingly, although the proposed development would result in the loss of a large number of trees, it would not conflict with the aims of Policies DS1 and LC12 of the LP. These seek, amongst other matters, to ensure wherever possible the retention of trees and particular regard will be given to the amenity value of trees within built up areas. It would also not conflict with paragraph 131 of the Framework which states trees make an important contribution to the character and quality of urban environments, can help mitigate and adapt to climate change and existing trees should be retained wherever possible.

### *Other matters*

17. A Grade II listed building, Welholme, is located close to the appeal site. The Council raise no concerns in respect of the effect of the development on the setting of the listed building, and I have no substantive reason to consider otherwise. Given the distance between the appeal site and listed building as well as the intervening built development and road, I am satisfied that the scheme would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. This is a neutral consideration and does not weigh in favour of the appeal.

## **Conclusion**

18. As set out above, I have found that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees. However, the proposed development would be visually harmful to the character and appearance of the surrounding area and would not provide a satisfactory standard of accommodation for its future occupiers to which I attach significant weight.
19. The development would provide social, environmental and economic benefits and would contribute to the mix of housing to meet the local housing needs. However, due to the scale of the development, these benefits would be modest and would not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.
20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

*L M Wilson*

INSPECTOR