



Appeal Decision

Site visit made on 17 November 2020

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2020

Appeal Ref: APP/Y2003/W/20/3257523

Land adjacent to 1 Silver Street, Barnetby Le Wold, DN38 6HS

- 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 Liam Liddy against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/685, dated 4 May 2020, was refused by notice dated 21 July 2020.
 - The development proposed is 'erection of four dwellings with associated access and landscaping'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four dwellings with associated access and landscaping at land adjacent to 1 Silver Street, Barnetby le Wold, DN38 6HS in accordance with the terms of the application, Ref PA/2020/685, dated 4 May 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matter

2. In the banner heading and my formal decision above I have used the site address given in the Council's refusal notice since it more accurately describes the location of the site.

Main Issues

3. The main issues in this case are:

The effect on the character and appearance of the area; and

The effect on the safety of highway users, having particular regard to the free and safe passage of vehicles on Silver Street and Victoria Road.

Reasons

Character and appearance

4. The appeal site is located within the built-up area of Barnetby le Wold and comprises an undeveloped area of land with a road frontage of approximately 30 metres between No 1 Silver Street to the south and the shop on the corner of the Silver Street/Victoria Road junction. To the south of the appeal site, development along Silver Street comprises terraced rows whilst on the opposite side of the road, dwellings are in semi-detached pairs. Their traditional character and detailing and position close to the back edge of the

pavement create a strong building line and a tight knit character and appearance. The more modern properties at either end of the road including opposite the appeal site are detached, providing some variation in the street scene.

5. Policy CS1 of the North Lincolnshire Core Strategy (2011) (CS) supports proposals within rural settlements, which include Barnetby le Wold, where it will be in keeping with the character and nature of the settlement and CS Policy CS8 supports development within rural settlements where it will help to support sustainable communities. The appeal site is within the Barnetby le Wold development limit in the North Lincolnshire Housing and Employment Land Allocations Development Plan Document (2016) (HELA).
6. The Council raises no objection to the principle of development on the site and I see no reason to disagree with that position. Barnetby le Wold is a rural settlement with a reasonable range of services and facilities including a railway station and the proposal would assist in supporting those services. However, the Council is concerned that four dwellings would appear cramped and represent an overdevelopment of the site.
7. The appellant indicates that the site has an extant planning permission for three dwellings¹ which would have a density of 27 dwellings per hectare (dph), lower than the minimum density of 30 - 35 dph set out as a guide in CS Policy CS7. Whilst the appeal scheme would represent a more efficient use of land, the policies referred to above also require an assessment of the impact on the form and character of the settlement.
8. The proposed terrace of three dwellings would be positioned slightly further back from the building line of the existing terraced rows to the east of Silver Street to accommodate parking spaces to the front. However, the terraced form would reflect the form of development to the east of Silver Street and would be in keeping with the pattern of development in the surrounding area. The terrace would be separated from the rear of the shop by the shop's access/parking area and from the detached dwelling on plot 1 by the latter's private drive. As such, there would be sufficient separation distance between the proposed terrace and adjoining development to ensure that it would not appear cramped or incongruous in the street scene.
9. Plot 1 would be in close proximity to No 1 Silver Street, but the spacing would reflect the close spacing of the semi-detached pairs on the other side of the road. The officer report indicates that the design of the proposed dwelling is largely unchanged from the previous scheme approved in 2018 and that is a material consideration of significant weight in this case. The scheme also incorporates reasonably sized gardens to the rear which would provide adequate separation distance from No 30a Victoria Road and the development on St Marys Avenue to the east of the site.
10. For the reasons outlined above, I conclude that the proposed development would not appear cramped and nor would it represent an overdevelopment of the site. The proposal would accord with CS Policy CS5 and with LP Policies DS1 and H5 in so far as they require that development should be of a high quality which reflects or enhances the character, appearance and setting of the

¹ Reference PA/2017/1155 (approved 16.3.18)

immediate area and that the scale and layout are in keeping with the character of the area.

Highway safety

11. Silver Street is a cul-de-sac which serves residential properties in addition to the village hall, playing field and playground located at the end of the road. Whilst there will be some increase in the number of vehicle movements when events take place at those facilities, the road is not a through road and the overall volume of traffic is likely to be low. The additional traffic generated by the occupiers of four dwellings would represent a marginal increase in the number of vehicle movements and there is nothing in the evidence to suggest that it would lead to conditions which would be likely to be harmful to the safety of other highway users.
12. The proposal includes two off-street parking spaces for each dwelling. There would be no turning/manoeuvring space within the curtilages of the terraced properties and parked vehicles on Silver Street could present some obstruction to visibility when leaving the driveways. However, due to the proximity of the site to the Victoria Road junction, vehicle speeds in the vicinity are likely to be low, enabling such manoeuvres to take place safely. Visibility at the entrance to each access could be secured and maintained in the future by means of a planning condition as recommended by the Highway Authority.
13. The Council is also concerned that the proposal would lead to the loss of on-street parking spaces outside the site, exacerbating existing problems with on-street parking. At the time of my site visit mid-morning, there were parked vehicles along the length of Silver Street, but a number of spaces were still available, particularly towards the junction with Victoria Road. Whilst this could change at certain times of the day, overall there is nothing to indicate that the proposal would lead to levels of on-street parking that would lead to situations where there would be insufficient on-street space to enable vehicles to manoeuvre out of the path of oncoming traffic to enable it to pass, including at the junction with Victoria Road.
14. Overall, I conclude that the proposal would not be harmful to the safety of other highway users and in coming to this view, I have taken into account that the Highway Authority has not objected to the proposal, subject to the imposition of conditions. The requirements of LP Policies T2 and T5 would be met in so far as they seek to ensure that development is provided with a satisfactory access which will not create a traffic or road safety hazard and that adequate parking is provided within the curtilage of the site to prevent on-street parking which would be detrimental to the free and safe flow of vehicles on the public highway.

Planning Balance and Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
16. I have concluded that the proposal would not harm the character and appearance of the area nor would it have an adverse effect on the safety of highway users. Barnetby le Wold is a rural settlement and the development would help to support local services and facilities contributing to its

sustainability. The proposed development would also contribute to the supply of housing in an area with an acknowledged shortfall. In short, the proposal would accord with the policies in the development plan, read as a whole and in these circumstances, planning permission should be granted.

Conditions

17. I have considered the conditions suggested by the Council in light of the advice in the National Planning Policy Framework and the Planning Practice Guidance. In the interests of precision and enforceability, and to accord more closely with advice in the Practice Guidance, I have amended the Council's suggested wording where appropriate.
18. In addition to the standard time limit condition, a condition requiring that the development is carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
19. A condition preventing the occupation of the dwelling on plot 1 prior to construction of the private driveway is necessary in order to ensure that off-street parking is provided. I have deleted the requirement for the street name plates to include 'private drive' since this is a matter that can be dealt with as part of the street naming process. In order to prevent extraneous material being deposited onto the adjoining highway, a condition controlling the use of loose material for driveway surfacing is necessary. In the interests of highway safety, a condition is also necessary to restrict the height of structures and planting within the visibility splays.
20. In the interests of guarding against potential flood risk, details of measures to manage the discharge of surface water from the site onto the adopted highway and vice versa should be agreed with the local planning authority before development commences. An assessment of the site's ground conditions is reasonable and necessary to control pollution and in the interests of public safety. In the interests of brevity, I have modified the condition proposed by the Council to set out the key requirements for the contamination survey and report. To ensure investigation and recording of the historic environment, it is necessary to secure a scheme for the investigation of archaeological interests. I am satisfied that the conditions relating to flood risk, contamination and archaeology should be dealt with prior to development starting on the site and the appellant has confirmed in writing their agreement to the conditions being pre-commencement.
21. For the reasons outlined above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Sarah Housden

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: BA/LI/MF/01, BA/LI/MF/02, BA/LI/MF/04, BA/LI/MF/05, BA/LI/MF/06RevA, BA/LI/MF/07RevA, BA/LI/MF/08.
3. The dwelling on plot 1 served by the private driveway shall not be occupied until it has been constructed in accordance with details which have been agreed in writing by the local planning authority which shall include:

the proposed method of forming the access from the highway, including the required visibility splays;

the method of constructing/paving the drive;

the provision of adequate drainage features;

the provision of suitable bin collection facilities adjacent to the highway; and

the provision of suitable lighting arrangements.

Once constructed the private driveway shall be retained thereafter.

4. 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.
5. 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), 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.
6. No dwelling shall be occupied until the vehicular access and the parking spaces shown on drawing number BA/LI/MF/06 Revision A have been completed and the spaces shall thereafter be kept available at all times for the parking of vehicles.
7. 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.
8. 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.

9. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

The 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, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeology.
- (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) (or equivalent British Standard and Model Procedures if replaced).

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional 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 approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological

mitigation strategy, 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 and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance;
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts;
- (iii) post-fieldwork methodologies for assessment and analysis;
- (iv) report content and arrangements for dissemination, and publication proposals;
- (v) archive preparation and deposition with recognised repositories;
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works;
- (viii) a list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least one week/seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

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