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**From:** Joe Alderman <Joe@replanning.co.uk>  
**Sent:** 23 April 2019 09:31  
**To:** North 1  
**Cc:** Tony Dicker  
**Subject:** RE: Planning Inspectorate APP/G5180/W/19/3222725: Trees, BR1 4JB

Dear Nicholas

Thank you for sending through the Council's additional statement in respect of the above appeal. The appellant's case is set out in detail in our main statement, namely the additional arboricultural appeal statement prepared by Quaife Woodlands and the addendum highways report prepared by Motion Transport Consultants. However, we have reviewed the Council's additional comments and would offer the following in reply.

**The Council's statement of case**

In paragraph 2.2 it is stated that "*an oak tree marked T27 on the applicants tree survey is subject to a separate TPO No 2832A confirmed July 2011*" This is incorrect. Schedule 1 of this TPO lists the protected species as a Sorbus which the appellants tree consultant advises is the Whitebeam. The appellants tree consultants evidence covers this issue in detail, but the Councils statement that the oak is protected under this TPO is incorrect. It is also stated that "*the site forms part of a blanket TPO....*" This is incorrect. Only part of the site is covered by the TPO and not the whole site.

In response to the comments of the highways officers in paragraph 6.2 and 6.3 of their statement, we would point the Inspector towards our comments in section 6 of the main grounds of appeal statement and the detailed analysis in Appendix 1 of our statement, the addendum highways report prepared by Motion Transport Consultants. We remain of the firm view that the carriageway widths of roads in the surrounding area clearly demonstrate that the potential revised arrangement can be accommodated comfortably, whilst still providing an effective carriageway width in excess of surrounding roads.

The Council suggest that '*allowing for the possibility that it is made up and adopted, the width of the carriageway remains to be determined*'. It is not considered wholly reasonable for the Council to resist sustainable development on the basis of a hypothetical adoption of the adjoining currently unadopted highway at some indeterminate time in the future. In any case, for the reasons set out in detail by Motion in their statement, there would remain sufficient space to provide a carriageway of a sufficient width commensurate with the surrounding area whilst providing the proposed car parking layout (which is on land which is within the applicant's ownership) without restricting car or foot traffic.

Turning to the issue of trees and the Council's comments in paragraph 6.4 of their statement, we would again refer the Inspector to appendix 2 of the appellant's main statement and the detailed analysis by Quaife Woodlands. The Council's additional statement accepts that one of the trees in question (the Oak tree) is not the subject of a Tree Preservation Order in any case (see our comments above in relation to the incorrect assertion at para 2.2). Whilst the Whitebeam is the subject of a separate Tree Preservation Order, the appellant's consultants are of the firm view that this tree does not have reasonable long-term potential and the overall benefits of the proposed development outweigh any '*harm*' which would be caused by the removal of this category B tree. In the overall planning balance, therefore, we remain of the firm view that the benefits of this development outweigh the loss of the Whitebeam which is of limited value.

Section 7 of the Council's statement continues to make reference to the '*loss of protected trees*'. It has been demonstrated that it is only a single tree which is the subject of statutory protection, so the use of the word '*trees*' (plural) is incorrect.

**Third party representations**

A single third party representation has been received from a local resident. The comments therein are noted, however, we would refer the Inspector to the Council's own assessment of this proposal in terms of its overall design which has been deemed to be acceptable. The Council accept that the proposal would not give rise to any harm to neighbouring residential amenities and that the development sits comfortably within the context of the site.

### **Suggested planning conditions**

The Council have suggested a total of 17 planning conditions should the Inspector be minded to allow this appeal. These have been reviewed in light of the guidance set out in *Planning Practice Guidance: Use of Planning Conditions*, and the advice in paragraph 55 of the NPPF. The Framework encourages planning conditions to be kept to a minimum and the guidance is clear that the six tests (whether the conditions are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable) must be satisfied in each case.

Subject to an express finding by the Inspector that any suggested conditions meet the requirements of the statutory tests, then the appellant raises no objection to the conditions, in principle. We would note, however, that condition 8 and condition 9 call for details for the arrangement for the storage of refuse and recyclable materials and for the storage of bicycles to be submitted to the Council and approved prior to the commencement of the development (in the case of condition 8) and prior to the occupation of the proposed houses (in relation to condition 9). The Inspector will recognise that the submitted plans clearly indicate the positioning of the proposed refuse bin storage areas within the frontage of each property, as well as appropriate cycle storage provision with the rear gardens of each dwelling. We would question, therefore, the need for condition 8 and condition 9 in this instance.

### **Summary**

The Council have supported their refusal of planning consent with a further statement of case. However, many of the points raised are covered in detail in the appellant's own statement already provided, and within the additional supporting information from a highways and trees perspective which is appended to our main statement of case. We remain of the firm view that, in the overall planning balance, the significant and obvious benefits associated with the delivery of new residential accommodation on site outweigh any perception of harm or objection from a highways or arboricultural perspective.

In light of these further comments and the detailed case set out already to the Inspector, it is respectfully requested that this appeal is allowed and planning consent granted for the proposed development, subject to any appropriate planning conditions.

Kind regards,

Joe

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**From:** north1@planninginspectorate.gov.uk <north1@planninginspectorate.gov.uk>

**Sent:** 09 April 2019 10:00

**To:** Joe Alderman <Joe@replanning.co.uk>

**Subject:** Planning Inspectorate APP/G5180/W/19/3222725: Trees, BR1 4JB

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