
Case Number	20/03202/FUL (Formerly PP-09072808)
Application Type	Full Planning Application
Proposal	Erection of 4x dwellinghouses with associated parking and landscaping works (Resubmission of application 18/01297/FUL)
Location	Land at rear Of 17 To 31 Tetney Road Sheffield S10 3GZ
Date Received	16/09/2020
Team	West and North
Applicant/Agent	Freeths LLP
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Drawing 134-10-C Proposed Site Plan
Drawing 134-11-B Site Sections
Drawing 134-12-B Plots 1 and 2 Proposed Plans and Elevations
Drawing 134-13-D Plots 3 and 4 Proposed Plans and Elevations

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the

site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

4. No development shall commence until full details of measures to protect the existing trees and hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

5. Before any work commences upon site, including any site clearance works, the applicant shall submit to the Local Planning Authority for approval, a statement confirming that the site is not occupied by protected species and, if development is to commence within the bird nesting season, to confirm that no nesting birds will be affected by the proposed works. The statement shall be prepared by a qualified ecologist and shall include measures that will be undertaken during course of development to protect wildlife. Thereafter development shall proceed in accordance with these approved measures.

Reason: In the interest of biodiversity.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

6. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation and access driveway shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of lighting and how water will be prevented from spilling onto the highway where the drive meets Tetney Road.

The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

8. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

9. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

10. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

11. Details of a suitable means of site boundary treatment to all plots, around the car parking area and to the raised terraces as well as to the periphery of the development shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The development shall not be used unless such means of site boundary treatment have been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality and the amenity of residents.

12. Prior to the commencement of development a management plan detailing responsibilities for the short and long term management and maintenance of the access and boundary hedging shall have been submitted to and approved in writing by the Local Planning Authority. The management plan shall thereafter be implemented as approved.

Reason: To ensure that an appropriate management plan is in place and the access

driveway and boundary hedging are maintained and managed to an acceptable standard.

13. Before the dwellings are occupied full details of bat and bird boxes that are to be erected within the site shall be provided for approval by the Local Planning Authority. The boxes shall thereafter be erected and maintained.

Reason: To increase biodiversity.

Other Compliance Conditions

14. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

15. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no enlargement, improvement or other alteration or extension of the development which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 shall be carried out without prior planning permission.

Reason: In the interests of the amenities of occupiers of adjoining property.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking or re-enacting that order), the parking spaces within the properties on plots 1 and 4 shall not at any time be enclosed.

Reason: To ensure that adequate parking provision for the development is maintained.

18. The hard surfaced areas of the site shall be constructed of permeable/porous materials. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction

sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

3. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
6. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
7. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

8. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

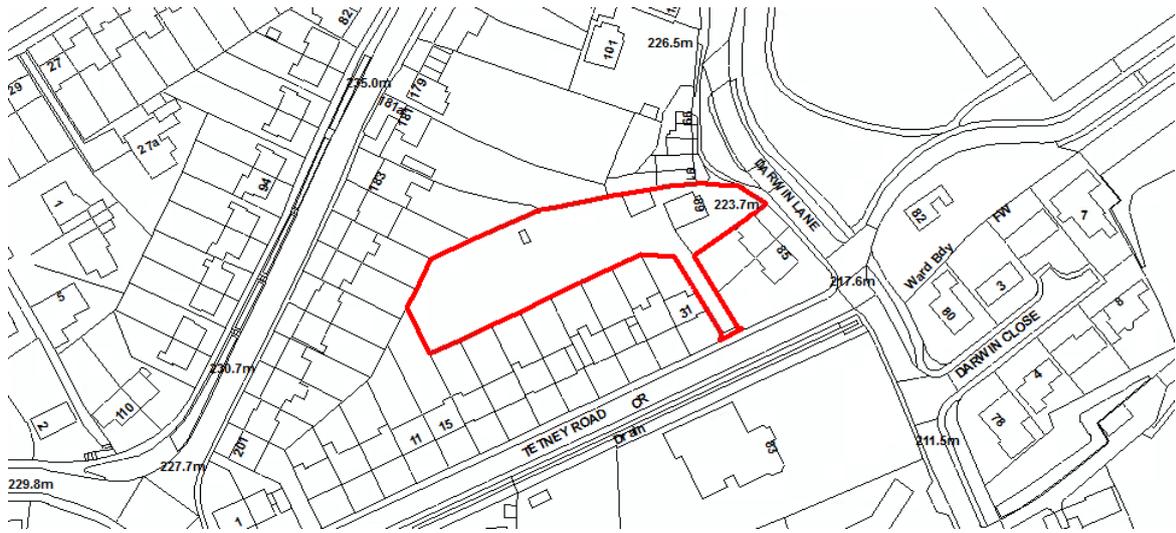
9. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

Site Location



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LOCATION AND PROPOSAL

The application relates to a vacant piece of land that forms part of the curtilage of 89 Darwin Lane. The site measures some 1,400sqm and there is an existing vehicular access into the site between the rear gardens of No.87 / 85 Darwin Lane (which are a pair of semi-detached properties) and the side of No.31 Tetney Road.

The site slopes steeply to the north, such that properties to the south of the site on Tetney Road are at a significantly lower level. To the north-west the site is bounded by the rear gardens of properties on Watt Lane. These dwellings are set at a higher level than the site. The southern and western boundary of the site consists of a high conifer hedge and to the north is a dry stone wall.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and is surrounded by residential properties.

Planning permission is sought for the erection of 4 dwellings on the site. These would be in the form of two pairs of semi-detached properties arranged around a parking court. The properties would be set at right angles to dwellings on Tetney Road with windows facing north-east and south-west. The properties would be flat roofed with accommodation over three levels, and would be cut into the site. To the rear of the dwellings on Plots 3 and 4 an elevated terrace is proposed to provide access from the properties to the garden area below.

The dwellings on Plots 1 and 2 would each have 4 bedrooms and the dwellings on Plots 3 and 4 would each have 3 bedrooms.

The development would be accessed via a private drive from Tetney Road. On the ground floor of the properties on Plots 1 and 4 two parking spaces are proposed. Parking for Plots 2 and 3 would be set between the pairs of properties (with each property having 2 spaces). Two visitor parking spaces are also proposed. A new driveway would be created to provide parking for 89 Darwin Lane and this would be taken directly from Darwin Lane.

RELEVANT PLANNING HISTORY

Planning permission was refused earlier in the year for the erection of 5 dwellings on the site. These properties were proposed to be in a single terrace run with windows facing north and south towards the rear of properties on Tetney Road. Application 18/01297/FUL refers.

It was considered that the proposed development would result in unacceptable overlooking and would be overbearing in relation to adjoining residential property on Tetney Road and so would result in an unacceptable effect on the living conditions of occupiers of adjoining property.

Overall, the proposed development was considered to be contrary to UDP Policy H14, policy CS74 of the Core Strategy or paragraph 127 of the revised NPPF (2019) which is why it was refused.

SUMMARY OF REPRESENTATIONS

A combined Resident Objection Letter has been submitted on behalf of 23 neighbouring households.

This raises the following issues:

The proposed development would result in overlooking between the properties across the parking court, there being around 15m separation. This is contrary to the Council's Supplementary Planning Guidance on Designing House Extensions which requires 21m between habitable room windows.

No detail has been given as to how pedestrians would access the site and the proposal would be detrimental to pedestrian safety. This would be contrary to UDP Policy H14.

A refuse lorry would not be able to access the site. Bins left at the entrance to the development would affect the width of the drive way which may be detrimental to highway safety.

The private driveway would not be as wide as is shown on the submitted plans, as the measurements are taken from the centreline of the hedge.

The orientation of the buildings mean that they will be energy intensive due to a lack of passive solar gain and natural light. It is not clear how the development would meet the 10% carbon reduction as required by Core Strategy Policy CS64.

Future occupiers of the properties could insert windows on the side elevations which would then overlook neighbouring homes and gardens.

The development would not be particularly user friendly for people with disabilities, being accessed by a steep driveway and steps to the reach the side and rear of some of the plots.

The proposed dwellings would not be pleasant to live in.

Some of the trees along the southern boundary of the site have already been removed.

The landscaping scheme should be submitted for consideration now and not be conditioned.

No tree survey or arboricultural impact assessment have been provided.

The development may not comply with National House Building Council (NHBC) Standards 2020, Foundations – Part 4, Section 4.2 Building near Trees.

10 of the trees to the rear of 23 Tetney Road are not within the site ownership of No.89 Darwin Lane.

If the trees are to be retained a construction and long term maintenance plan should be secured through the consent.

The Landscape Note is confusing setting out two different scenarios (one retaining the conifer hedge to the southern boundary and the other replacing it with an 'instant hedge').

Any maintenance regime should be for a minimum of 5 years.

The ecology report sets out that the hedge provides habitat for birds and foraging bats. The landscaping of the site should seek net gains for bio-diversity.

Contrary to the findings of the ecology report no bat or bird boxes are shown on the plans.

Screen fencing or walling should be considered to the boundary.

The plans do not show any visitor parking.

The level of parking indicated is not adequate for homes of this size and this is contrary to UDP Policy.

The size of the garages cannot be accurately determined from the plans and it is questioned whether they are wide enough.

The bin store to the rear of the garages is unlikely to be used.

What is to stop owners of the properties from converting the garages or putting on doors and using the space for storage (the properties have no lofts).

The site would not be accessible by the emergency services with a fire appliance unable to access and turn within the site.

The site is within a heavily trafficked area with significant parking issues particularly at school times and must not add to existing parking problems on Tetney Road and Darwin Lane.

In addition to the combined objection letter individual representations have been received from 21 households.

They re-iterate the concerns raised in the combined letter and in addition raise the following points:

The development is seeking to squeeze too much onto the site and is garden grabbing.

One representation suggests that two properties on the land would be more appropriate.

The development makes no reference to the local context.

It is not clear who would maintain the trees / boundary when development is completed, particularly the hedge along the driveway.

There are security concerns with the development potentially opening up access to the rear of properties.

How would the development (including the access driveway) be lit. This could cause issues for neighbours.

The amount of hardsurfacing would result in increased surface water run off which may cause problems for properties on Tetney Road which are at a lower level.

The surrounding roads are narrow and cars idling whilst waiting to negotiate parked cars result in increased emissions. The development is likely to exacerbate these problems with increased traffic using the surrounding road network.

Loss of view, parking for construction traffic during the works and access to the site for construction vehicles were also cited; however, these are not planning considerations.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the "tilted balance".

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

At the current time, the Council can demonstrate a five year supply. The Council's most recent assessment of supply, contained in the 5 Year Housing Land Supply Monitoring Report, which was published in May 2020, shows a 5.1 year supply of sites, and this includes the appropriate buffer. Consequently policies that are important for determining this application are not considered to be out of date due to a lack of housing supply.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the NPPF below.

Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use.

Housing Supply and Density

As set out previously, the NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer (paragraph 73).

Core Strategy (CS) Policy CS22 - Scale for the Requirement for New Housing - sets out Sheffield's housing targets until 2026 and states that a 5 year supply of deliverable sites will be maintained at all times. While the targets themselves carry little weight, as the Local Plan is now more than 5 years old and the NPPF requires the calculation of the 5-year housing requirement to be undertaken based on local housing need using the Government's standard method, the latter part of the policy conforms with the NPPF.

Sheffield has updated its housing land supply based on the revised assessment regime, and now has a 5.1-year supply of deliverable housing units.

In addition, paragraph 68 of the revised NPPF sets out that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

Policy CS24 seeks to prioritise the redevelopment of previously developed sites and sets out that not more than 12% of dwellings should be erected on greenfield land. It goes on to say that, in the period to 2025/26, greenfield sites should also only be developed for housing in certain circumstances, including on small sites in urban

areas or larger villages where it can be justified on sustainability grounds.

As the NPPF actively promotes the reuse of brownfield (previously developed land) but does not specifically advocate a 'brownfield first' approach, policy CS24 carries reduced weight.

Nevertheless, the Council is below the 12% dwelling completion rate on greenfield site, and the site is within a sustainable location within an existing urban area.

Policy CS31 (Housing in the South West) of the Core Strategy states that, in South-West Sheffield priority will be given to safeguarding and enhancing its areas of character. As such, the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

The site is not within a Conservation Area and the garden that is to be developed does not contribute greatly to the character and appearance of the area; being concealed behind existing properties and primarily laid to lawn.

The submitted plans seek to develop the site with 4 dwellings. The density of development would equate to around 29 dwellings per hectare. This is roughly in line with the aspirations of Core Strategy Policy CS26 which sets an appropriate density range for this location of between 30 - 40 dwellings per hectare.

Para122 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services –both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.
- The proposal would achieve an efficient use of land and would make a positive contribution to the supply of housing.

It is considered that in principle the development of the site for housing would accord with Core Strategy Policies CS22, CS24, CS26 and CS31 as well as paragraph 68, 73 and 122 of the revised NPPF (2019).

Affect Upon Character and Appearance

Chapter 12 of the NPPF is concerned with achieving well-designed places and

paragraph 124 identifies that good design is a key aspect of sustainable development.

Paragraph 127 of the revised NPPF sets out that decision should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Policies CS74 of the CS and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. These policies are reflective of the aims of the NPPF and are considered to carry substantial weight.

The proposed development would take the form of 4 town houses, set in two pairs, which would face each other across a parking / vehicle turning area. The properties would be elevated above the semi-detached dwellings to the front (south of the site) on Tetney Road and set below properties to the rear on Watt Lane.

The dwellings would be three-storeys in height with flat roofs and so would be of a similar scale and massing to neighbouring dwellings (which are generally two-storey but have pitched roofs and many have accommodation within the roof space). There are variations in building styles / ages within the area and a mixture of detached and semi-detached dwellings.

The proposed development would be constructed from natural stone to the front elevations and render to the sides and rear. Amended plans have been received which introduce a step (of 450mm) between the properties which improves their appearance. It is considered that on balance the development is of an acceptable design.

Impact Upon Residential Amenity

UDP Policy H14 seeks to ensure that the site would not be overdeveloped or deprive residents of light, privacy or security.

UDP Policy H15 (Design of New Housing Developments) expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

The proposed development would be sited so that the front and rear of the dwellings would be at right angles to the properties on Tetney Road. These properties are set at a lower level and have steeply sloping rear gardens. At present a high conifer hedge forms the rear boundary to properties on Tetney Road and it is intended that this be maintained. Failing that the applicant has set out that an 'instant hedge' could

be provided along this boundary using trees that were of sufficient size to provide instant screening.

As the development would be set to the north of the properties on Tetney Road with a separation of 18m at the closest point, it is considered that the development would not result in unacceptable levels of overshadowing or loss of light to the properties themselves.

Cross sections of the proposed development show that the existing conifers that form the rear boundary of the properties on Tetney Road are to be reduced in height and width and that if this cannot be achieved replacement planting, at height would be introduced.

It is considered that the proposed boundary treatment would be adequate to prevent unacceptable levels of overlooking from the development to properties on Tetney Road, in particular from the proposed raised terrace to the rear of Plot 4. There are no windows on the side elevations of the properties and it is recommended that permitted development rights be removed so no windows can be inserted in future without planning permission.

To the rear, at the closest point, there would be a distance of over 21m to properties to the north-west on Watt Lane. These are set at a higher level and would be at an angle to the development. As such it is considered that the proposal would not give rise to unacceptable levels of overshadowing / loss of light in this direction.

A degree of overlooking to the rear gardens of properties on Watt Lane would occur from upper floor windows in the new development, however these properties have long gardens and the areas that would be overlooked would not be the most private garden area (i.e. the area directly behind the house).

To the northern boundary of the site is a stone wall. A degree of overlooking could potentially occur from the rear terrace of the site on Plot 3 to the garden of properties to the north on Watt Lane, particularly as the development will come very close to this rear boundary. To overcome this it is recommended that a condition be imposed requiring a privacy screen to be erected to the northern edge of this terrace.

From the edge of the terrace on Plot 3 there would be a distance of around 26m to the rear of No.91 Darwin Lane and more than 30m to the rear of 89 Darwin Lane. This is sufficient to prevent unacceptable levels of overlooking from occurring.

As already mentioned, no windows are proposed on the side elevations of the properties. Main facing windows would face north-east or south-west. A degree of overlooking between the proposed properties would occur, with a distance of 15m between windows across the parking / vehicle turning area. This is below the Council's recommended standard of 21m; however it is across a communal area and is no different to overlooking across a street, which is often beneath the 21m threshold. Potential occupiers of the development would be aware of the close proximity of the neighbouring properties and would be making a purchase in the knowledge that a degree of overlooking would occur between the primary elevations.

Each of the proposed dwellings would have ample private garden space and No.89 Darwin Lane would also have sufficient useable amenity space, having a reasonably sized garden to the side as well as retaining a small garden to the rear.

Paragraph 127 (f) of the revised NPPF sets out that development should ensure a high standard of amenity for existing and future users. Similarly, UDP Policy H14 sets out that development should not deprive residents of light, security or privacy.

When weighed in the balance it is considered that, subject to the imposition of conditions, the development would not have a detrimental effect upon neighbours and occupiers of the development would be afforded satisfactory living conditions. The development would be complicit with UDP Policy H14 and H15, Core Strategy Policy CS74 and paragraph 127 of the NPPF.

Highways

Paragraph 109 of the revised NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

The scheme would provide 2 spaces within integral garages for the dwellings on plots 1 and 4 and 2 spaces each in a parking court for plots 2 and 3. As the development is only for 4 houses and there is ample room for turning in front of the properties, an area that was previously identified as a turning space part way along the drive is to be made into 2 visitor parking spaces (amended plans have been received which show this).

The applicant has shown that the garages would be of ample width to park two cars and open car doors, each having an internal width of 6m.

The level of parking proposed is therefore considered to be adequate and in the spirit of Core Strategy Policy CS53.

To prevent owners from adding garage doors and using the space for storage or conversion to an additional room, it is recommended that, should planning permission be granted, permitted development rights be removed so that this work cannot be carried out without planning consent.

The development would utilise an existing vehicular access from Tetney Road. This would be a private drive. Amended plans have been received indicating that although the driveway would be shared by vehicles and pedestrians, this could be hardsurfaced to provide a degree of separation. It is recommended that, should planning permission be granted, conditions be imposed requiring full details of the proposed driveway including materials and details of lighting. In addition a condition

will be required to ensure that surface water from the driveway does not run onto Tetney Road.

The new vehicular access to serve No.89 Darwin Lane also raises no significant highway safety concerns.

It is acknowledged that there are parking problems within the area, particularly around school drop off and pick up times and this can lead to localised congestion; however as the level of parking for the development is considered to be adequate it is considered that a highways based refusal of the application cannot be justified.

Landscape and Ecology

Policy GE11 of the UDP seeks to protect and enhance the natural environment and promote nature conservation. UDP Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained

The southern and western boundary of the site consists of very high conifer hedging. The applicant is proposing to significantly reduce this in terms of height and width; however if this is not possible replacement planting in the form of an instant hedge is proposed. This will ensure that the development remains screened from properties on Tetney Road from the outset.

It is considered that this approach is satisfactory, subject to conditions requiring details of the maintenance and retention of the hedge.

Details of tree protection measures also need to be provided to ensure that the development does not affect trees / hedging on neighbouring land.

A question has been raised as to the ownership of the site, claiming that some of the land and trees within the garden of No. 23 Tetney Road have been included within the site. This has been checked by the applicant, looking at their title deeds, and they have confirmed that the development site will not encroach into neighbouring gardens.

Landscape details, both hard and soft, for the entire development will be required. This can be secured by condition.

A key principle of the revised NPPF is to conserve and enhance the natural environment (Chapter 15). The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 170).

The proposed development would not result in the loss of habitat for any protected species. The site has been used as garden land but has more recently become overgrown. The applicant has provided an ecology report, prepared by Skyline

Ecology. This sets out that although there are records of protected species within the wider area, a walkover survey confirmed that none were present on the site.

Subject to appropriate conditions requiring the developer to prepare a statement setting out how the site is to be developed with protected species in mind, there are no specific concerns relating to habitat loss.

The applicant has indicated that they would be willing to erect bird or bat boxes within the site to assist in increasing bio-diversity. The landscaping of the site could also bring about net gains for bio-diversity.

Subject to the imposition of conditions, it is considered that the development would comply with UDP Policy GE11 as well as the revised NPPF.

Land Drainage

Yorkshire Water have confirmed that, subject to compliance with standard conditions, the development does not raise any drainage concerns.

It is also recommended that a condition be attached to any consent requiring details of all hard surfaced areas to be submitted for approval prior to the commencement of development and that all hard surfaces will need to be finished in a porous / permeable material in order to reduce surface water run-off.

Sustainability

Policies CS63, CS64 and CS65 sets out the Council's sustainability objectives with regard to new development.

Policy CS63 sets out the overarching approach to reducing the city's impact on climate change which includes prioritising sustainably located development well served by public transport, development of previously developed land and the adoption of sustainable drainage systems. Policy CS64 seeks to ensure that new buildings are designed to reduce emissions of greenhouse gases through high standards of energy efficient design, and policy CS65 promotes renewable energy and carbon reduction and requires significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent reduction in energy demands via a fabric first approach is now also accepted.

These local policies are considered to robustly align with the NPPF and are afforded substantial weight.

As described, the requirements of policies CS64 and CS65 apply to significant developments of 5 dwellings or more and so are not applicable in this instance. Nevertheless, the development is in a sustainable location and the large openings will maximise solar gain and natural light into the development.

Community Infrastructure Levy (CIL)

The Council's Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. The site is within zone 3 where the CIL charge for residential development is currently £30 per square metre. The development proposes 598sqm of residential floor space.

RESPONSE TO REPRESENTATIONS

The main body of this report covers the majority of issues raised in the representations.

With regards to servicing of the site, the applicant has confirmed that bins would be taken, by the occupiers of the development, to the end of the private drive where it meets Tetney Road. This is a similar arrangement to elsewhere in the city and would not be a reason to withhold planning permission. Occupiers of the development would be aware of this when purchasing a property.

The site would not be accessible to a standard fire appliance; however the applicant has set out that a dry riser system would be used. This is a matter for Building Regulations and is not a material planning consideration.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of 4 dwellings on a sizeable garden area to the rear of properties on Tetney Road, Watt Lane and Darwin Lane.

The UDP identifies the site as being within a Housing Area where housing is the preferred use of land.

The proposed layout and massing would be similar to neighbouring properties and there is variation in building styles within the area such that the proposed flat roofs would not appear incongruous. The proposed materials (stone and render) are appropriate as there are a variety of materials used in the area.

The development would provide parking for 10 cars (8 for the dwellings plus 2 visitor spaces), each property having two off-street parking spaces either in an integral garage or the parking court. It is considered that the level of parking is adequate and the cumulative impacts upon the highway network would not be severe. It is considered that a refusal of the application on highway safety grounds cannot be justified.

The development would not result in unacceptable levels of overlooking or overshadowing of neighbouring property and occupiers of the proposed development would be afforded satisfactory living conditions with ample private amenity space.

Subject to conditions the development could result in a net gain for bio-diversity and would not result in a loss of habitat for any protected species.

Overall, the proposed development is considered to be in accordance with UDP policies BE5, GE11, H10 and H14, and policies CS22, CS24, CS26, CS31, CS64, CS65 and CS74 of the Core Strategy as well as guidance contained within the

revised NPPF.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.