
Case Number	22/00865/FUL (Formerly PP-11087287)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage and associated site access
Location	Land adjacent 137 Main Road Wharncliffe Side Sheffield S35 0DP
Date Received	02/03/2022
Team	North
Applicant/Agent	EDGE AD Ltd
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 shall be carried out in accordance with the following plans:-

Drawing No. A-22-10-01 Revision P1 (Site Location Plan)

Drawing No. A-22-10-02 Revision P1 (Proposed Plans, Elevations and Site Plan)

Drawing No. A-22-10-03 Revision P1 (Proposed Visuals)

Drawing No. A-22-10-04 Revision P1 (Site Elevations and Cross Sections)

published on the 13 May 2022

Reason: In order to define the permission

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

3. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

4. No development shall commence until full details of measures to protect the existing trees 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. A Biodiversity Net Gain (BNG) assessment shall be carried out in advance of any work commencing on site and shall include 10% net gain, this shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out using the latest Defra metric (currently 3.1). The findings of the BNG shall be incorporated into and inform the Landscape and Ecological Management Plan.

Reason In the interest of achieving biodiversity enhancements across the site in line with paragraphs 174 and 180 of the National Planning Policy Framework.

6. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

Reason: In the interests of protecting the biodiversity of the site. It is

essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

7. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

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

8. The development hereby approved shall be carried out strictly in accordance with the following Precautionary Working Methodology as set out in the Environmental Impact Assessment (EclA) prepared by Weddle Landscape Design.
 - Site operatives be given a toolbox talk on species which may be encountered before any work commences.
 - Clearance of scrub will be undertaken between October and February to avoid the bird nesting season.
 - Clearance of vegetation will be undertaken as a 'destructive search' preceded by a walkover of the area to be cleared by an Ecological Clerk of Works to check for sheltering individuals.
 - Clearance of vegetation taller than 15cm shall be strimmed from the centre of the site outwards to encourage any animals to naturally vacate the area.
 - Following a resting period of 24 hrs, a further search by an ecologist will be undertaken to ensure that no species are present and then the remaining vegetation will be cut to ground level. This will be undertaken under supervision of an Ecological Clerk of Works.
 - Any deep excavations, left uncovered overnight include a means of escape (sloping board) for any animal. Excavations to be checked prior to works recommencing.

- Any small mammals or common amphibians encountered during site clearance works shall be allowed to move from the area naturally or be safely translocated to the perimeter of the site to reduce risk of killing or injury.
- An Ecological Clerk of Works must be made available throughout the development should they be required.

Reason: To prevent harm to species during the construction phase.

9. Before the use hereby permitted commences, a Wildlife-Sensitive Lighting Scheme that seeks to mitigate the potential impact of light from the development on the adjacent woodland and protected species shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

10. The development shall not be used unless turning space for vehicles has been provided within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such turning facilities shall be retained.

Reason: In the interests of highway safety and the amenities of the locality.

11. The development shall be carried out broadly in accordance with the Landscape Masterplan (Drawing No. 675-006) prepared by Weddle Landscape Design.

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.

12. Details of a suitable means of site boundary treatment 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 and the dwellinghouse shall not be occupied unless such means of site boundary treatment has 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.

13. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in

writing by the Local Planning Authority. Thereafter the approved materials shall be in place before that part of the development is first occupied.

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

14. An acoustic screen fence shall be erected along part of the southern side of the driveway adjacent to Nos. 12-16 Green Lane. The acoustic screen fence shall be of a robust, imperforate construction, with a minimum surface density of 10kg/m², the details of which shall have been submitted to and approved by the Local Planning Authority prior to installation.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property

15. 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 of the driveway and car parking accommodation shall have been submitted to an approved in writing by the Local Planning Authority. The dwellinghouse shall not be occupied 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.

Other Compliance Conditions

16. The work should be carried out in accordance with British Standard 3998 Recommendations for tree work.

Reason: To ensure the work is carried out in accordance with good arboricultural practice and to the current British Standards. To ensure that health and safety measures are followed and where pruning is undertaken that the amenity value of the tree is maintained.

17. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

Reason: In the interests of the safety of road users.

18. The internal ground levels of the dwellinghouse shall be elevated 300mm above existing ground levels.

Reason: In the interests of protecting against flood risk.

19. The construction of the dwellinghouse and all site works shall be implemented in accordance with the following methods:-

- Storage areas for chemicals, fuels will be sited well away from the northern

and eastern boundaries and stored on an impermeable base within an oil-tight bund with no drainage outlet.

- Where possible, silty water shall be disposed of to the foul sewer.
- Grey water from washing vehicles to be carried out in a contained area away from the southern and eastern boundaries to avoid contamination water entering the stream.

Reason: To ensure the adjacent stream (Tinker Brook) is not impacted by the proposed works.

20. Any new fencing should ensure that the site remains permeable to hedgehogs with regular holes, no less than 130mm by 130mm being provided.

Reason: In the interests of the welfare of hedgehogs

Attention is Drawn to the Following Directives:

1. 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.
2. 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.
3. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
4. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday

- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

5. Green/biodiverse roof specifications must include substrate growing medium type and depths (minimum 80mm) and plant schedules. It should be designed to detain at least 60% of the annual average rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from The Green Roof Organisation (www.grouk.org) or contact Officers in Environmental Planning email:

EnvironmentalPlanning@sheffield.gov.uk

Alternatively see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.

6. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Ecology Unit
Sheffield City Council
West Wing, Level 3

Moorfoot
Sheffield
S1 4PL
Tel: 0114 2734481/2053618
E-mail: parksandcountryside@sheffield.gov.uk

7. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

8. 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:

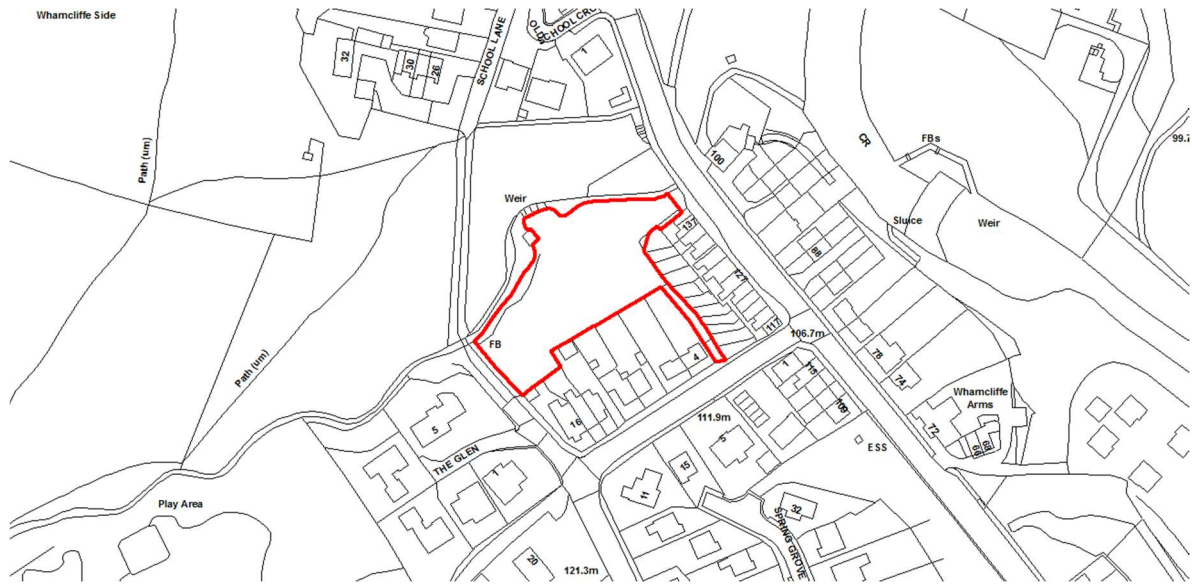
<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

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.

9. 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.

Site Location



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LOCATION AND SITE CHARACTERISTICS

The site is currently an unmanaged broadleaved wooded area with ruderal vegetation. The application site covers an area of approximately 0.26 hectares that is characterised by overgrown scrub and a high number of semi-mature and mature trees.

The Tinker Brook, a steeply sided and stony stream extends along the site's northern boundary, beyond which is woodland, part of which is protected by a Tree Preservation Order (TPO). The site is bounded by housing on two sides; to the west is the back gardens of terrace housing (133-137 Main Road) and to its south are the back gardens of two pairs of semi-detached properties and terrace housing (4-16 Green Lane).

Access is taken from The Glen, which runs perpendicular to Green Lane. Its boundary to Main Road is a low stone boundary bridge wall. There is no access to the site from Main Road

PROPOSAL

Full planning permission is being sought to erect a two-storey 5-bedroomed detached dwellinghouse on this site. Access would be taken from Green Lane/The Glen at the site's south-western corner adjacent to the rear garden boundary of No. 16 Green Lane. The curtilage of the house and access road would account for less than 20% of the total site area with the remaining area being retained as woodland.

RELEVANT PLANNING HISTORY

An application to erect two dwellinghouses on this site, under application No. 17/00996/FUL was withdrawn in January 2021. It was withdrawn on the advice of officers due to matters being unresolved relating to protected species. Under this previous application, the two houses were shown to occupy approximately 65% of the application site with the remaining part of the site (35%) laid out as public open space, secured by a legal agreement.

SUMMARY OF REPRESENTATIONS

A total of 61 objections have been received in response to neighbour notification. Letters of objections/concerns have also been received from Miriam Cates MP, Bradfield Parish Council and Sheffield and Rotherham Wildlife Trust (SRWT).

Their comments are summarised below.

Land Use Planning

Given the large housing development on the former Paper Mill (Main Road), the development of the site is not necessary to meet local housing needs. There are currently two housing sites not 100 yards from the site with over 400 houses being built.

Ecology

The development will remove vast swathes of the local wildlife and flora. This will undoubtedly change the character of the homes on Green Lane, permanently removing the semi-rural feel that residents currently enjoy.

The woodland site is inhabited by a variety of species of animals including bats, badgers, foxes, owls and numerous birds, which all form an important part of the local eco-system. The proposed development would decimate the habitats and hunting grounds of these creatures.

There are a number of protected and red list species on site, some of whom are indicator species. No biodiversity net gain mitigations are likely to restore the ecologically valuable habitat.

The small piece of woodland is a wildlife haven. The land has remained untouched for so long. To interfere with it and shape it would be a great loss to the local community and the wildlife that relies on it for their homes and food sources.

Granting permission to this proposal allows future developers to evidence this site when referring to the clearance of trees from the parts of woodland that are unprotected by Tree Preservation Orders (TPOs) and sets a dangerous precedent

The development is a small sanctuary for the protected horse shoe bat, which is now very rare. It is also home to the pipistrelle and brown bat. There are lots of trees, owls and nesting birds. The site is also home to hedgehogs with six visible nesting sites. Hedgehogs are vulnerable to extinction and in the last 30 years, 77% of the hedgehog population have been lost. Hedgehogs are now red listed as vulnerable to extinction within a decade. The hedgehogs are a breeding colony with video footage of hedgehogs visiting neighbouring gardens.

The site attracts huge numbers of bats to feed there. The use of artificial light from the house and the felling of trees would seriously impact all the bats that gather there, most especially rarer bats that are averse to artificial light sources.

This is one large house. Is it worth the loss of all that precious wildlife.

Disturbance of vital flora and fauna.

Loss of ancient woodlands

The proposal will reduce the number of mature trees within the planned development area.

Wharncliffe Side has many green spaces and wildlife on the outskirts of Sheffield, which should remain for as long as possible.

There are more suitable sites for development

There is already a large amount of building works being carried out within the immediate area resulting in a high level of disruption that residents are already experiencing.

The development would destroy a hugely important piece of woodland and rural community space.

Badgers have been seen, although it can't be evidenced that they use the site.

The site should be protected and preserved as a sanctuary for wildlife.

Light pollution. There is no artificial lighting within the woodland area, which would be harmed by its introduction.

The area supports an established ecosystem that is deserving of protection

Amenity Issues

Overlooking Issues. The proposed dwellinghouse will overlook the rear gardens of properties located along Green Lane.

It will impact on the peace and tranquillity and views that will harm the living conditions of residents of Green Lane.

Disruption to residents during the construction phase.

Flooding Issues.

Despite reports and surveys carried out on behalf of the developer, which conclude that the site will not be threatened by flooding, local knowledge and anecdotal evidence submitted previously by residents - some of whom have lived in the area for more than sixty years suggest that under 'typical' wintery conditions the proposed site is prone to excessive runoff and localised flooding. The proposed removal of mature trees would only exacerbate this situation.

Tinker Brook poses a potential flood risk.

The loss of the trees will increase surface water run-off.

Highway safety

Access to the site would be along a single track road that is used by local children to walk to primary school and to the park. The proposed access leads to a path and

bridge over Tinker Brook. This would lead to a potential safety aspect given the position of the road, parked cars and the footpath.

Access to the site is difficult, currently suitable for pedestrians, which will severely affect the ability of residents on foot to move freely and safely.

The proposed vehicular access will pose danger to people using the current path through The Glen.

Loss of Open space

The current proposal does not offer any replacement of open space. While the land may be private and not open to public access, residents can enjoy the view of the site's green and open space from their gardens and via the footpath that crosses Tinker Brook. Were this site to be developed, residents would be left with a shortage of open space which has been a part of the community for hundreds of years.

Inappropriate to build on this greenfield site that is mature woodland

Design

The design of the dwellinghouse is not in-keeping with surrounding houses. The footprint of the building equals to three or four houses along Green Lane.

The proposed building will have a negative impact visually on a considerable number of properties.

Other

The footpath that connects Green Lane and surrounding areas via a bridge over the brook – to the other parts of Wharncliffe Side, including the local primary school, is the only safe walking route connecting both parts of the village. Were plans to be approved this route would be practically impassable particularly during the construction phase.

The site's previous landowners were advised that the site had no development potential. Assuming that the current owner used due diligence and enquired into the land's development potential before purchasing the site; they would have been aware of this information.

Sheffield City Council promotes itself as a 'green' council, so why on earth is the application even being considered. SCC are limiting access to the city for cars, building cycle lanes, buying electric cars, but all that is a waste of time if it does not preserve the green areas and natural beauty we already have.

The proposed dwellinghouse would negatively impact on the environment.

There are already enough houses built in the area

There have been many recent developments around the area, which have impacted on access, power to properties and noise.

The proposed plans do not allow for access to the property without major disruption to the surrounding houses.

There would be a considerable amount of disruption from the construction of the development.

Families spend a lot of time at Glen Howe who would be upset to lose any part of the current park and woodland.

A greedy build as this land already came with a property

The development will further increase the immense pressure that local amenities are under due to increased number of people in the area.

The proposal seeks to squeeze and obscenely large house on it with no reasonable street access.

The development would set a precedent to develop green areas. There are numerous other areas in the city and surrounding areas that are in need of development to rejuvenate them.

Given that there are other developments in the immediate area, why is one house specially needed here.

Impact on potential archaeological site needs to be addressed

This is about the third application seeking permission to build on this land, both previous applications have been rejected by Sheffield City Council

Both Wharncliffe Side and Oughtibridge School are at full capacity, leading to some children having to go to Grenoside causing more pollution and traffic.

Should planning permission be granted it will become far easier to get approval for more houses on the site going up School Lane

Miriam Cates MP

A number of constituents have contacted the MP who are concerned that the site of this proposed development is an important habitat for threatened wildlife species, particularly bats and hedgehogs, and she would welcome an assurance that the

applicants will be expected to provide detailed information in the form of a professional ecological survey report on how they propose to ensure that wildlife habitats are not adversely affected by the development.

Bradfield Parish Council

Bradfield Parish Council would recommend refusal of this application for the following reasons:-

- The planning history of the site shows that there is no existing footprint.
- Overlooking/loss of privacy to neighbouring properties.
- Highway Issues. Access/egress and parking issues
- Capacity of infrastructure with specific regard to refuse collection
- Out of keeping with streetscene
- Overdevelopment of the site.
- Loss of mature trees
- Impact on nature conservation and bio-diversity opportunities.
- Loss of protected species
- Impact on a potential archaeological site
- Risk of Flooding

Sheffield and Rotherham Wildlife Trust

As South Yorkshire Bat Group have pointed out in their objection, the site is allocated as open space and is not a residential development site. It would therefore be against policy to allow the development to proceed.

The EIA was only uploaded after our request and after the deadline for comment. South Yorkshire Bat Group submitted their objection prior to the Ecology Report being made available. They raise valid concerns about potential impacts on whiskered and brown-long eared bats. We would like to know whether these have been addressed by the Ecology Report.

The applicant has carried out UKHab habitat assessment, which is the most appropriate for use in a Biodiversity Net gain assessment, yet they have not gone on to carry out a BNG assessment. Due to the habitats that would be affected, SRWT recommend that this is carried out and the results considered.

The map showing the Glen Howe LWS boundary and the development boundary is not very clear. – how close is the development to the LWS boundary?

There were several hedgehogs seen yet the Ecology Report that the site is considered to be of importance at less than local level for hedgehogs and they are scoped out of further assessment. However, they are considered further in the precautionary working methods in Section 5.2. No explanation is given to how this level of importance has been reached.

The bat survey refers to a large elm tree in the middle of the site, but this is not listed of trees within the tree report. This needs to be clarified as it may be a significant tree, especially if it's in the potential development footprint.

PLANNING ASSESSMENT

Policy Context

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

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

The UDP Proposals Map identifies the site as being within a Housing Area.

The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

Assessment of a development proposal also 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.

In terms of Paragraph 11, the Council's revised 5-Year Housing Land Supply Monitoring Report, which was released in August 2021, includes the updated Government's standard methodology and a 35% uplift to be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4 year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites.

Consequently, the most important development plan policies for the determination of schemes which include housing should be considered as out-of-date according to

paragraph 11(d) of the NPPF. In this instance, the so called ‘tilted balance’ is triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance that include Conservation Areas, listed buildings and the Green Belt provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposal involves the erection of one dwellinghouse (Use Class C3). In this instance, there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11 within the boundary of the application site. The NPPF emphasises the importance of the delivery of housing, and that importance is heightened with the tilted balance engaged. The most relevant policies in respect of this application should therefore be viewed as out of date in line with paragraph 11 (d) of the NPPF and, unless adverse impacts would significantly and demonstrably outweigh the benefits of the development, planning permission should be approved. Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF.

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It is considered that the main issues relevant to this application are:

- The Principle of Development – Policy and Land Use
- Highway Issues;
- Design and its effect on the character and appearance of the surrounding area;
- Ecology and Biodiversity Issues;
- Flooding Issues;
- Heritage and archaeology Issues;
- Effect on the residential amenity of neighbouring properties;
- Community Infrastructure Levy;
- Other Issues

Principle of Development – Policy and Land Use

Greenfield Land

The application site is a greenfield site. The application should therefore be assessed against Core Strategy Policy CS24. This policy states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions be on greenfield sites between 2004/05 and 2025/26.

The policy is considered to be broadly consistent with the NPPF, which states at paragraph 119 that policies should set out a strategy for meeting need in such a way that ‘makes as much use as possible of previously-developed or ‘brownfield’ land’, and at paragraph 120 part d) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and at part d) to promote and support the development of under-utilised land and building,

especially if this would help to meet identified needs for housing.

In terms of Policy CS24, the Council's latest figures show that of all housing completions, over 95% of these have been on previously developed sites. The proposal would therefore not conflict with this policy.

Open Space Assessment

The application site is shown to be within a Housing Area as designated in the adopted Sheffield Unitary Development Plan. The principle of housing is acceptable in line with UDP Policy H10. The site would also be classed as an informal Open Space Area in line with the definition in LR5 of the UDP and so it is also necessary to consider the proposal in relation to Local Open Space policies.

UDP Policy LR5 relates to development in Open Space Areas and lists a number of criteria where development will not be permitted. These include in instances where the development would:

- cause damage to mature or ancient woodland or result in a significant loss of mature trees;
- significantly detract from the green and open character of the Green Network;
- make an open space ineffective as an environmental buffer;
- result in over-development or harm the character of an area;
- harm the rural character of a wedge of open countryside;
- the proposed use would be incompatible with the surrounding land uses.

UDP Policy LR7 relates to development of recreation space for non-recreational uses. This policy states that development of recreation spaces for non-residential uses will only be permitted in certain instances, and include at part d) where the overall provision of recreation space within the catchment area of the site would not fall below the minimum guideline after development has taken place.

UDP Policy LR8 again relates to the loss of recreation space, and states that new development will not be allowed in instances where it serves a Housing Area and where provision is at or below the minimum guideline, is located in an area where residents do not have easy access to a Community Park or where it provides a well-used or high quality facility for people living or working in the area, or it would not comply with the conditions of Policy LR5.

Open space is defined within the UDP as 'a wide range of public and private areas'. This includes parks, public and private sports grounds, school playing fields, children's playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area.

The application site comprises of privately owned woodland that is not accessible to the public. The site's value to the local community is the visual amenity afforded by its woodland character and appearance from public vantage points located outside the site, along with views from private residential properties that abut the site along its

southern and western boundaries. As the site has no formal public access, the visual amenity afforded by its woodland character can only relate to views from surrounding vantage points.

With regards to the consistency of Policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from public vantage points outside the site, falls within the definition of open space in the NPPF annexe. The second issue leading from this is whether NPPF paragraphs 98 and 99 apply, which relate to open space and recreation. Paragraph 98 says that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 99 says that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless a) an assessment has been undertaken which has clearly shown the open space to be surplus to requirements, or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current former use.

The NPPF annexe defines open space as: 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity'. The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity i.e. visual amenity itself is not a reason for it being classed as open space. The site has no public access and does not provide any opportunities for sport or recreation.

As described, the site's value to the local community is the visual amenity afforded by its woodland character and appearance from public vantage points located outside the site, along with views from private residential properties. Visual amenity is not a standalone function of open space as per the NPPF annexe definition and NPPF paragraphs 98 and 99 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 98 cannot apply to land primarily safeguarded for its visual amenity because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 99a) or be replaced by equivalent or better provision (NPPF paragraph 99b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

On this basis, it is considered that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight.

As Policy LR5 forms part of the statutory Development Plan, the application is still assessed against its criteria but within the context that this policy can only be given limited weight in the decision making process. Nevertheless, when assessed against Policy LR5, it is considered that the proposal would not conflict with the broad list of conditions where development in open space areas is not normally permitted. For

instance, while it is acknowledged that some trees (8 in total) would be felled to accommodate the new dwellinghouse (discussed further within the report), the development would not cause damage to mature or ancient woodland or result in a significant loss of mature trees. Also, the proposal would not harm the rural character of a wedge of open countryside, would not be incompatible with the surrounding land uses or result in the loss of open space which is of such quality that it is of city-wide importance.

Core Strategy Policy CS47 seeks to safeguard open space. This policy states that development of open space will not be permitted where it would result in a quantitative shortage of either informal or formal open space in the local area; it would result in the loss of open space that is of high quality, or of heritage, landscape or ecological value, or cause or increase a break in the city's Green Network.

As Policy CS47 relates to specifically to the 'Safeguarding of Open Space', and the application site does not fit into any of the formal or informal categories of open space defined in paragraph 9.26 of the Core Strategy (outdoor sports facilities, parks, accessible green spaces and countryside and areas for informal recreation etc), it is considered that this policy is not relevant in respect of this application and should not be assessed against it.

Officers acknowledge that the application site is highly valued by local residents and recognise the general ecological and environment benefits of open spaces within built up areas. As set out within the supporting text to UDP Policy LR4, Sheffield is a relatively green city, reflecting both its topography and historical development. It goes on to say that open spaces are an important part of the character of Sheffield and enhance the quality of urban life.

The UDP also recognises that because these areas are not built on, they are subject to many pressures from development, particularly those which are in private ownership as in this instance. Many open spaces contain valuable wildlife, geological and archaeological sites, or are part of the Green Network, with the most valued including long established parks, sites that contain mature or ancient woodland and those that provide an important contribution to the setting of a listed building.

Whilst the application site comprises ecological and environmental attributes, most noted through the high tree cover, it comprises an unmanaged wooded area, which is not publicly accessible and so is not currently being used for either recreation or sport by people living or working in the area. The site therefore fails to meet the purposes of open space areas as defined in the NPPF and the categories of open space defined in paragraph 9.26 of the Core Strategy, and its outright protection from development cannot be justified when assessed against government policy in this regard.

Despite it being found that there is a quantitative shortage of informal and formal open space within the catchment area of the site, as the site fails to meet the purposes of open space as defined in the NPPF, there is no requirement to assess the application against its loss in line with UDP Policies LR7 and LR8 and paragraphs 98 and 99 of the NPPF. Both UDP Policies LR7 and LR8 relate to the loss of recreation space, which is not applicable in respect of this application.

The application site is considered to be within a sustainable location. The site is located within the existing village settlement of Wharncliffe Side, which has a small range of shops and services. Main Road, which the site abuts is a main thoroughfare and carries a high frequency bus route between Sheffield and Stocksbridge.

From an open space perspective therefore, it is considered that there are no policy grounds to resist the development of the site to provide a single dwellinghouse within part of the site area.

Housing Land Supply

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes and states at paragraph 60 that, to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed.

For the purposes of assessment, as the application relates to the erection of housing at a time when the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the relevant policies relating to the delivery of housing should be considered to be out of date in line with paragraph 11 (d) of the NPPF.

In terms of housing delivery, the proposal to erect one dwellinghouse would make a small contribution to the delivery of housing in the city, to which moderate weight should be given in the planning balance.

Highway Issues

UDP Policy H14 sets out a number of conditions development in Housing Areas are required to meet. At Part (d), it states that new development will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

These policies are not fully consistent with government policy contained in the NPPF, which states at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The requirement to provide appropriate off-street parking is not therefore reflected in the NPPF, with government policy suggesting that the shortfall of off-street parking within a scheme should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

The dwellinghouse would be provided with provision within the curtilage of the site for the parking of at least three vehicles (one within the garage). Access would be taken from School Lane/The Glen from a driveway that would extend along the site's southern edge.

From a highway perspective, the proposal is considered to be generally acceptable and would not lead to any significant demand for on-street parking that would

prejudice highway safety or lead to severe impacts on the road network. The proposal would require an extension of the adopted road, which would require the applicant to enter into a separate Section 278 agreement. Conditions should be secured relating to refuse collection and details of the parking area, turning facilities and driveway.

Design Issues

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

UDP Policy H15 relates to design of new housing developments and states at part a) that the development should provide easy access to homes and circulation around the site for people with disabilities or with prams and at part b) have adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF, although no reference is made in the NPPF to the requirement that the scale and character of the proposed development having to reflect that of neighbouring buildings. Government policy is contained in Chapter 12 of the NPPF (Achieving well-designed places) and states that good design is a key aspect of sustainable development, which creates better places in which to live and work.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The application proposes to erect a 'contemporary styled' detached dwellinghouse on this site. It would be erected relatively centrally on site and take its access from Green Lane. The dwellinghouse would have 5-bedrooms, built over two floors and constructed with a traditional dual pitched roof. It would be rectangular in appearance, measuring 21.4m by 8.4m (external footprint) with an eaves height of 6m and ridge height of 8.6m. The front and rear elevations would be orientated to face south and

north respectively. Features of the property include fixed and bi-folding glazed frames, large glazed ground and first floor windows with feature glazed rooflight (rear elevation), first floor rear balcony with glazed screen, and flat roofed garage along its front elevation with green roof. The dwellinghouse would be constructed with natural stone walling with standing seam zinc split gable features and standing seam zinc roof. Windows would be aluminium with timber composite doors for both the garage and its main entrance. The proposed integral garage would be finished in an off-white render.

It is considered that the dwellinghouse is of high design quality that would sit reasonably comfortably within the context of the site. The overall mass of the building has been successfully broken up by changes in plane and application of facing materials. There is a wide-ranging variety of house types within the vicinity of the site, ranging from traditional stone cottages along Main Road to inter-war housing along Green Lane. The dwellinghouse would add a contemporary addition to the variety of house types and would not appear at significant odds with the existing urban grain of the area. It is considered that it is of appropriate scale and massing, architecturally sound in terms of its form, and proportions, and would use natural materials (natural stone and zinc) that would respond positively to the surrounding area and its woodland setting.

Subject to the full suite of facing materials being submitted for approval, it is considered that the development represents an appropriate response to its site context. The reduction of the number of dwellinghouses from what was previously submitted by the applicant in 2017 results in a more measured response to the site's sensitive location adjacent to Tinker Brook and its woodland setting.

UDP Policy H14 (a) and BE5, and Core Strategy Policy CS74 are considered to be met.

Ecology and Biodiversity Issues

The proposal should be assessed against UDP Policies GE11, GE15 and BE6 and Core Strategy Policy CS74. Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation, Policy GE15 seeks the retention of mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost.

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. Core Strategy Policy CS74 expects high-quality development to respect and enhance the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At paragraph 175 it states at part c that development

resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the NPPF and therefore retain substantial weight.

The application site is currently a wooded area, which together with Tinker Brook form part of a habitat corridor of woodland connecting Wharncliffe Woods to the east with Glen Howe Park to the west. The site comprises dense bramble, bracken and nettle scrub and a large number of trees.

Within the site boundary, the supporting tree survey identified a total of 51 trees (T1 to T52) and two tree groups (G4 and G22). The vast majority of the trees are sycamore (30 in total) with the remaining trees including Lawson Cypress, Crack Willow, Common Hawthorn, Norway Spruce and European Ash. With exception to one tree (T20 – Norway Spruce), which is Category B (Medium), all the site's trees have been categorised as being either Category C (Low) or Category U. An overlay of the proposed house on the tree survey, shows that a total of eight trees would need to be felled to accommodate the house and its curtilage. These include four sycamore (T34-T36 and T48), two Crack Willows, one Common Hawthorn and one European Ash. The tree survey does not identify an Elm, although this is identified on the submitted bat survey.

The proposed landscaping details are set out on a Landscape Masterplan prepared by Weddle Landscape Design. This Masterplan shows a comprehensive array of hard and soft landscaping proposals for the site, which includes extensive new tree planting (Semi-mature tree planting) along the south-western corner of the site either side of the proposed driveway, along the southern and eastern edge of the site that would help to bolster the existing tree canopy and additional planting to the northern side of the dwellinghouse. In addition to this, the landscape plan shows new hedgerow planting around the perimeter of the curtilage, as well as native shrub planting, wildflower grassland parking along the abandoned footpath to the east of No. 4 Green Lane and the construction of a permeable gravel access driveway. The site's existing trees would be retained and form a woodland buffer to the adjacent Local Wildlife site.

In addition to the tree survey and Landscape Masterplan, the application was accompanied by an Ecological Impact Assessment (EclA) also prepared by Weddle Landscape Design and a Bat Transect Survey (dated 15 December 2021) prepared by Whitcher Wildlife Ltd.

The EclA details that various ecological surveys were undertaken for the site between 2017 and 2020 that supported the previous application. This included a Phase 1 Habitat Survey and Preliminary Ecological Appraisal (PEA). Bat Activity Survey and Botanical Survey. During the course of the earlier application, a nearby bat roost was identified by South Yorkshire Bat Group, and to account for this as a potential ecological constraint, further survey work to monitor the bat roost and the use of the site by bats was undertaken throughout 2021. In addition to this, an additional botanical survey of the site was undertaken in spring 2021 as an addendum to the

previous submitted Botanical Survey Report, and a further walkover of the site was undertaken in March 2022 to establish the habitat baseline of the site in accordance with the UKHabitat Classification.

The aim of the EclA is to inform the following:

- Compile all survey information to establish the baseline ecological condition of the site.
- Identify any likely significant effects of the proposed scheme in the absence of mitigation.
- Propose any ecological mitigation measures to avoid any likely significant effects and identify residual impacts.
- Identify any compensation measures required to offset residual impacts
- Propose potential ecological enhancement measures that could be provided by the development
- Confirm how proposed mitigation, compensation and enhancement measures will be secured.
- Confirm whether the proposed scheme complies with nature conservation legislation and policy, allowing conditions to be imposed by the LPA.

The EclA details that the Glen Howe Park Local Wildlife Site (LWS) follows the Tinker Brook and passes through the woodland. The LWS is designated as a Semi-natural deciduous woodland and riparian corridor with the trees to the south of Tinker Brook (the application site) being predominately Ash and Sycamore. It reports that no direct impacts are predicted to the LWS but the development of the site could directly impact the LWS through runoff. The woodland is not considered to have a particularly diverse composition due to the direct adverse effects of bramble with the woodland assessed to be of poor condition. No unusual or rare plant species were identified on the site and as a result notable flora has been scoped out of further assessment. In terms of protected species, no badger setts or other field signs were identified on site. The woodland and scrub have been identified as providing a foraging resource for bats with the trees providing good commuting structure for bat species in the local area. The transect surveys showed that common pipistrelles are by far the most dominant species within the survey area, myotis species were found to be continuously present, but in much smaller numbers, with both Soprana Pipistrelle and Noctules making up a small percentage of the total figures.

In terms of likely significant effects, the EclA states that in the absence of mitigation, there would be direct impacts on the Tinker Brook and Glen Howe Park LWS. To mitigate this impact and avoid any recreation pressure, the residential curtilage will be defined by a post and wire fence and planted hedgerow to clearly define the site from the adjacent and retained woodland.

In terms of the trees, in the absence of mitigation, retained trees and woodland will be vulnerable to damage during the construction phase, and a significant adverse effect is predicted at the local level. To mitigate against this, the EIA recommends that trees should be protected through tree protection measures to avoid damage to Root Protection Areas (RPAs) during the construction phase. New tree planting should incorporate native species and strengthen and fill any gaps. Management and maintenance of retained and proposed planting will be detailed within a Landscape

and Ecological Management Plan (LEMP). Through the implementation of the above measures, the EclA anticipates that there should be no residual effects on the site's retained trees.

In terms of bats, the EclA details that the majority of the trees and vegetation, which form part of the commuting and foraging features for bats will be avoided and retained, particularly to the western end of the site. The development will however involve the removal of a small number of trees in addition to the removal of a small amount of scrub to allow for the construction of the access road, which could result in habitat fragmentation. As the site is currently unlit, new artificial lighting used during construction and upon completion could lead to disturbance impacts on bats. It goes on to say that both habitat fragmentation and lighting disturbance could impact on the integrity of the nearby roost. In the absence of avoidance and mitigation measures, the proposal could result in a significant adverse effect on bats is predicted at County Level. To mitigate against the harm, the EclA advises that the protection of retained trees include tree protection measures (detailed above) and no external lighting to be used during the construction phase. Further mitigation measures would include extensive tree planting around the development plot to ensure a continuous vegetative corridor. The access road would not be illuminated to ensure the western end of the site remains dark. Lighting around the building will be designed to ensure that lights are angled downwards and low level only, which should be subject to a detailed lighting scheme utilising low level downward facing bollards. The EclA states by implementing the above mitigation measures, no residual effects are anticipated.

The EclA details that the trees within the development site area were checked for potential to support roosting bats, but all were considered to fall within the low or negligible risk categories of supporting bats.

To further assess the impact of the development on bats, as described, the application includes a Bat Transect Survey Report (dated 15th December 2021) prepared by Whitcher Wildlife Ltd. This report details that surveys of the site were carried out in 2020, firstly in July and then again in September, with further surveys carried out in 2021. The report outlines the findings of the 2021 surveys. The primary focus of the surveys was to establish the use of the site by bats roosting in a neighbouring property at Green Lane, which contains both Whiskered and Brown Long Eared bats, and to better understand their commuting pathways to the stream and wider habitat.

These surveys collected over the course of the year found that Common Pipistrelles are by far the most dominant species within the survey area with Myotis species being present as well as Soprano Pipistrelle and Noctules. The surveys also indicate the likely presence of Brown Long Eared bats, particularly as it is known and described above that a neighbouring property contains a roost that contains both Whiskered and Brown Long Eared Bats.

The site was assessed as offering a good habitat for foraging and commuting bats, but there is no evidence to indicate that any species use the site exclusively close to dusk or dawn. During the transect surveys, the report details that a large portion of the activity was along the watercourse within the survey area, which offers an ideal, sheltered corridor without the interruption of artificial lighting. The report concludes

that provided that the watercourse and trees on the adjacent banks and a significant area of habitat is retained and left undisturbed by the development, there is no reason to believe that there will be a significant impact on bats. The report offers a number of recommendations, including that the existing tree canopy should be retained and no trees being removed in conjunction with the access road. Other recommendations include no illumination of the access road during hours of darkness, extensive screen planting being carried out particularly within the western end of the site and to the rear of the building adjacent to the watercourse, and that the scheme include a sensitive lighting scheme to ensure there is minimal light infringement.

In terms of birds, in the absence of mitigation, construction activities could result in injury or killing of individual birds, damage to nests and eggs. To mitigate against this, the EclA advises no vegetation clearance or removal of trees during the breeding season (March-August).

In terms of hedgehogs, the EclA identifies that the scrub provides a good habitat and a number of incidental sightings were made during the 2021 bat surveys. The site is considered to be of importance at less than local level and were scoped out of further assessment, although as set out in the precautionary working methods of the report, it details that the proposed site fencing will be permeable to hedgehogs allowing them to pass freely in and out of the site with regular holes (130mm by 130mm) provided along its length.

In terms of other species, the EclA details that the site's woodland and scrub, together with the surrounding dry stone walls provide good shelter and foraging opportunities for common amphibians. The site inspection revealed no evidence of the presence of reptiles, and due to the lack of mosaic habitats preferred by reptiles, the EclA considers that it is unlikely that reptiles are present on site.

The EclA suggests several conditions that would include a Precautionary Working Methodology (PWM). Amongst other things, this PWM recommends that clearance of scrub should be undertaken between October and February to avoid the bird nesting season, clearance of vegetation taller than 15cm should be trimmed from the centre of the site outwards to encourage any animals to naturally vacate the site, any deep excavations should include a means of escape (sloping board) for any animal and that an Ecological Clerk of Works should be available throughout the development process.

In terms of ecological enhancements, to ensure measurable gains for habitat and species diversity, the EclA recommends that a number of ecological enhancements should be incorporated into the development proposals, which will be further developed as part of the Landscape and Ecological Management Plan. These shall include but not limited to, shrub and tree planting that includes a diverse mix of native species, management of the wider woodland through removal of invasive species and improving age diversity, long term habitat monitoring and management, provision of 5 bat boxes (one within the fabric of the building) and the rest in the wider woodland, provision of 5 bird boxes that target a range of species and creation of log pikes.

The EclA concludes that before mitigation, the proposed development would result in several adverse effects at up to county level and that there would be a risk of legal

infringement under nature conservation legislation in respect of the following receptors: Local Wildlife Site, Trees, bats and birds. However, with the implementation of the avoidance, mitigation and enhancement measures, the proposed scheme is considered to have no residual significant effects and would adhere to all relevant nature conservation legislation. These measures could be reasonably secured with a Landscape and Ecological Management Plan, in addition to conditions to secure precautionary working methods for vegetation clearance, boundary permeability and watercourse protection and a lighting strategy.

SCC Ecology Section have commented that all their previous concerns relating to the development of this site are still relevant in that the proposal has the potential to negatively impact a Local Wildlife Site (LWS) as well as result in the potential loss of Section 41 priority habitat and impact on protected species.

SCC Ecology do however acknowledge that this application, unlike the previous scheme is limited to a single residential dwelling, the curtilage of which is now set back some distance from the water-course (and LWS) which would be more acceptable in principle. The applicant's consultant ecologists have carried out an Ecological Impact Assessment (EclA) which identifies the key ecology receptors as Local Wildlife Site, trees, bats and birds which is considered to be a reasoned and sound approach. If the mitigation measures proposed were all implemented, then the likely significant effects are certainly minimised/removed. SCC Ecology also support the consultants proposed measures for a non-illuminated access road and sensitive external lighting that maintains an intrinsically dark habitat.

SCC Ecology comment that the biodiversity enhancements proposed in the EclA and the recommendations made in the 2021 Bat survey are acceptable in principle and should inform both a Landscape & Ecology Management Plan (LEMP) and planning conditions that should be attached to any grant of planning permission.

An area where the application is however lacking is its approach to Biodiversity Net Gain (BNG). There is no requirement for the development to currently achieve a mandatory minimum 10% BNG as this has not come into force through the Environment Act 2021, but regardless of this, there should be a strong focus on net gain and development should adhere to the principles of avoid, mitigate, compensate and demonstrate compliance with the NPPF (paras 174 and 180). Despite the EclA providing a list of potential biodiversity enhancements that will demonstrate 'measurable' gains (Section 6), no BNG assessment has been carried out. SCC Ecology note that this is a sensitive site due to its location, species present and conservation designations and it would be necessary that a net gain assessment be carried out using the latest Defra metric (currently 3.1). Only then would a more quantified assessment of biodiversity losses be known and how these can be adequately compensated for at site level and, if necessary, off-site.

It is therefore recommended that if approved, conditions should be attached to any grant of planning that includes a Landscape & Ecology Management Plan (LEMP), the undertaking of a BNG assessment as well as all the biodiversity enhancements proposed in the EclA.

SCC Ecology also suggest that it might be advisable to attach Tree Protection Orders

(TPOs) on the retained woodland that would help preserve the wooded nature of the site and prevent further tree loss in the future. In officer's opinion, seeking a TPO on the remaining trees is not considered to be necessary at this time, as the trees not shown to be removed are not considered to be at any unnecessary risk of being felled owing to them being outside the residential curtilage of the building.

From an ecology perspective, it is considered that with appropriate mitigation measures being secured in line with the recommendations set out in the EclA, there should not be any significant harm to the ecology receptors. It is also noted that the positioning of the dwellinghouse away from the roost within a neighbouring property, which contains both Whiskered and Brown Long Eared bats should ensure that the connectivity from this roost to the watercourse and woodland to the further north is not unduly impeded by the proposed development.

Flooding Issues

UDP Policy GE17 relates to rivers and streams. This policy states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife, and, where appropriate, for public access and recreation. This includes not permitting the culverting of any river or stream unless absolutely necessary, and setting back new development to an appropriate distance from the banks of rivers and streams to allow for landscaping. The UDP defines an appropriate distance as being 8m in the case of major rivers and streams.

Core Strategy Policy CS67 lists how the extent and impact of flooding will be reduced. These include requiring that all developments significantly limit surface water run-off, requiring the use of SUDs, and ensuring any highly vulnerable uses are not located in areas at risk of flooding.

Government guidance is contained in National Planning Policy Framework (NPPF). Paragraph 155 says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application was accompanied by the same Flood Risk Assessment (FRA) that was submitted as part of the original application in 2017. Although this is five years old, it is considered that its findings remain applicable in respect of this scheme, where housing is again proposed, although on a reduced level.

The FRA details that the ground levels are at a level between 90.540mOD adjacent to the brook upstream of Main Road bridge and up to 99.41mOD at the south west corner of the site adjacent to the site. The Tinker Brook, which passes west to east through the site is very steep and reasonably sized. At the downstream end of the site the brook enters a single masonry culvert under Main Road, at which point, the brook is approximately 4.5m below normal ground level within the site. The Environment Agency surface water flood maps indicate that the extreme flooding remains within the main channel of the stream and would not flood the site.

The FRA says that the proposed development would be a safe area during extreme flood events but recommends that the internal ground floor levels are elevated at least 300mm above the existing ground levels.

The Environment Agency make no comment on the application owing to the application site falling outside Flood Zone 2 and 3. It is considered reasonable to require the internal ground levels of the of the dwellinghouse to be elevated 300mm above existing ground levels as recommended in the FRA. This can be secured by planning condition.

In order to ensure that any requirement to undertake works to the river are not impeded by the development and to provide an ecological buffer to Tinker Brook, a generous standoff distance between the back edge of the property's rear boundary and the river embankment. This distance should allow any maintenance of the river and its embankment to be carried out safely without having to rely on the future occupants of the dwellinghouses for access as well as provide an appropriate and continuation of the wildlife corridor between the back edge of the site and Tinker Brook.

Effect on the residential amenity of neighbouring properties

UDP Policy H14 states that planning permission will be granted only if the living conditions would be satisfactory for residents. This is reflected in paragraph 130 (f) of the NPPF, which states that development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The application site abuts up against the residential gardens of properties to its south (133-137 Main Road) and to its west (4-16 Green Lane). Apart from these dwellinghouses, all other properties are considered to be adequately distanced from the site to prevent any impact that would be harmful to their residential amenity.

In terms of No. 133-137 Main Road, these three terrace properties face towards the application site and have main windows within their respective rear elevations. The separation distance between the nearest of these houses (No. 137) and the end gable would be some 25m. This distance is considered to be adequate to prevent any significant loss of privacy or lead to the building having an overbearing appearance. These properties also enjoy good sized rear gardens and would be effectively screening from the house by the trees that would be retained on site.

In terms of No. 4-16 Green Lane, these properties are orientated towards the site and all have main windows within their respective rear elevations. These properties benefit from good sized rear gardens (in excess of 16m) that extend back to the southern edge of the site. Of these eight properties, four of them (Nos. 4 and 12-16) are sited to the east and west of the proposed house and would face either towards the eastern side garden of the house or the proposed driveway and retained woodland. Any impact on these four properties' residential amenity as result of the proposal is therefore considered to be minimal. In terms of the other four houses Nos. (6-10), a separation distance of approximately 30m would be maintained between the nearest of these properties (No. 10) and the proposed house. This separation distance should prevent these neighbouring properties' being adversely affected by the proposal.

The proposed house would be served by a vehicular driveway that would run close to the rear gardens of Nos. 12-16 Green Lane. To limit any noise disturbance and light glare from headlights from vehicles ingressing and egressing the site, it is recommended that appropriate acoustic screen fencing be erected along part of the site's southern boundary.

Heritage and Archaeological Issues

UDP Policy BE22 sets out that sites of archaeological interest will be preserved, protected and enhanced. It goes on to say that development will not normally be allowed which would damage or destroy significant archaeology sites and their settings. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if a) an adequate archaeological record of the site is made and b) where the site is found to be significant, the remains are preserved in their original position.

This policy broadly aligns with government policy contained in the NPPF, which states at paragraph 194 that in determining applications, local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to say that where heritage assets also have archaeological interests, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant commissioned The Jessop Consultancy to undertake a Heritage Assessment in connection with the earlier application. The scope of the document describes the archaeological and historical context of the site, analyses the heritage significance of the site and its contribution to the significance of other heritage assets, including their settings, and presents an assessment of the impact of the proposed development.

The Heritage Assessment (Dated July 2019) details that the site was historically used for arable farming, woodland plantation and market gardens. The report details that the site's previous land use has left its mark in relation to the modification of Tinker Brook including revetment walls and a weir.

The report details that these features are of local heritage significance but would not be affected by the proposals. The report also details that 137 Main Street and its attached lean-to workshop, which was previously understood to have been used as a file manufacture would not be affected by the proposal.

A review of local records of archaeological sites in the area, in conjunction with a survey undertaken of the site to inform this assessment, has assessed the archaeological potential of the site to be very low. As a consequence, the report concludes that no further archaeological work is required to support the application. If required, any residual risk could be offset through a process of archaeological monitoring during groundworks.

South Yorkshire Archaeology Service (SYAS) who inspected the Heritage Assessment at the time of the earlier application considered it to be acceptable for the

purposes of assessment. The requirements of Paragraph 194 of the NPPF are considered to be met.

Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

In this instance the proposal is liable for CIL charges owing to the development relating to the erection of housing.

Other Issues

Environmental Protection Service (EPS) has stated that the site is located within a residential area with low background noise. The predominate noise source is from road traffic from Main Road. Standard thermal double glazing with standard frame trickle vents and adherence to Part E of the Building Regulations should provide an adequate internal noise environment to satisfy the requirements of SCC standards.

In terms of contaminated land, EPS have reviewed their records and raise no concerns, and do not consider it necessary to attach the usual suite of land quality conditions to any planning permission.

EPS do not suggest any conditions but if approved have recommended that directives be attached relating to external lighting, construction noise and plant equipment.

Titled Balance

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

- approving development proposals that accord with an up-to-date development plan without delay, or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless either the two points are not met:
 - i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.

Footnote 8 to paragraph 11 states that development plan policies that involve the provision of housing should be viewed as out-of-date in instances where the local planning authority is unable to demonstrate a five year supply of deliverable housing sites.

In terms of the application of policies within the Framework that protect areas or assets of particular importance, these are set out at footnote 7 to paragraph 11 and include development proposals on land designated as Green Belt, Areas of Outstanding Natural Beauty, and designated heritage assets such as Listed buildings and Conservation Areas.

As described above, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable supply of housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date in accordance with paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this instance, the application site area is not within a protected area or contains any assets of particular importance. The NPPF emphasises the importance of delivery of housing, and that importance is heightened with the tilted balance engaged in this case, such that recommendation to support the proposed development is strengthened, and should only be refused in instances where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

The application site is currently a densely wooded area, which comprises dense bramble, bracken and nettle scrub and a large number of mature and semi-mature trees. It is acknowledged by officers that the development of the site would involve the removal of several trees and require the partial clearance of scrubland to accommodate the dwellinghouse, its residential curtilage and access road. This weighs against the development, and without appropriate mitigation measures the proposal is considered to have a significant adverse effect on the site's natural habitats and upon the adjacent LWS.

Similarly as set out in the Ecological Impact Assessment, the proposal without any mitigation would have a harmful impact on the sites ecology. However, as detailed in the EclA, with the implementation of the avoidance, mitigation and enhancement measures, the proposed scheme is not expected to have any significant residual effects and would adhere to all relevant nature conservation legislation. The loss of trees and existing habitat on site would be compensated through the addition of further tree planting across the site as well as measures to improve and enhance natural habitats across the site as well as long term woodland management in the interests of biodiversity. Amongst others, conditions are recommended that would

include a biodiversity net gain assessment and a Landscape and Ecology Management Plan (LEMP), both of which informed by the EclA. Conditions are also recommended to secure precautionary working methods for vegetation clearance, boundary permeability and watercourse protection and a lighting strategy during the construction phase and upon occupation.

The proposed siting of the dwellinghouse away from the western side of the site, the bolstering up of the existing woodland along the western and northern side of the site should ensure that the development would not lead to any significant effect on protected bat species that use the site for foraging and commuting.

The dwellinghouse is considered to be of acceptable design quality that would not harm the character or appearance of the area.

The proposal raises no significant highway concerns and would not lead to any significant demand for on-street parking that would prejudice highway safety or lead to severe impacts on the road network.

The distance of the dwellinghouse from houses along both Main Road and Green Lane should prevent any loss of privacy, outlook or overshadowing that would be harmful to their residential amenity.

The scheme will provide a very small contribution to the housing land supply in the form of one unit in an existing settlement. The provision of a dwelling will have minor economic benefits during the construction phase and beyond.

The benefits and disbenefits of the proposed scheme are finely balanced in this instance, however with the proposed mitigation measures in relation to biodiversity and landscaping serving to reduce any adverse impacts, and in the absence of a 5 year housing supply, the balance tips slightly in favour of approving this application. The provision of one dwellinghouse, while modest, will nevertheless contribute to meeting the current shortfall of housing in this sustainable location, to which weight should be given.

SUMMARY AND RECOMMENDATION

The application relates to land that is situated to the rear and side of 133-137 Main Road and 4-16 Green Lane in Wharncliffe Side. The application site is currently a wooded area, which comprises dense bramble, bracken and nettle scrub and a large number of trees.

Full planning permission is being sought to erect a 5-bedroomed detached dwellinghouse with integral garage within the application site boundary.

For the reasons set out within the report and having regard all other matters, it is considered that, on balance, the application is acceptable and would not conflict with UDP Policies LR5, LR7, LR8, H5, BE22 and GE17, Core Strategy Policies CS67 and CS74 and government policy contained in the National Planning Policy Framework (NPPF).

It is therefore recommended that the application be approved.

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