

---

Case Number	23/00198/FUL (Formerly PP-11860901)
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements
Location	45A Brooklands Avenue Sheffield S10 4GB
Date Received	20/01/2023
Team	North
Applicant/Agent	Crowley Associates
Recommendation	Refuse

**Refuse for the following reason(s):**

- 1 The Local Planning Authority considers that the development would be harmful to the living conditions of the occupiers of neighbouring properties, resulting in an unacceptable degree of noise disturbance, light disturbance and a loss of amenity and privacy to adjacent properties and gardens. This is due of the close proximity of the development to neighbouring properties and the intensification of use of the narrow access into the site. The detrimental effect upon residential amenity would be significant and would outweigh the benefits of the scheme. In this respect the proposal is contrary to Policies BE5, H14 and H15 of the Unitary Development Plan, Core Strategy Policy CS74 and the paragraphs 130 and 185 of the National Planning Policy Framework.

**Attention is Drawn to the Following Directives:**

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing No. 3090 -001 Rev A Proposed Site Plan published 01/02/2023

Drawing No. 3090 - 002 Plans and elevations Plot 1 published 20/01/2023

Drawing No. 3090 - 003 Plans and elevations Plot 2 published 20/01/2023

Drawing No. 3090 - 004 Plans and elevations Plot 3 published 20/01/2023

Drawing No. 3090 - 005 Plans and elevations Plot 4 published 20/01/2023

Drawing No. 3090 -006 Site Sections 1 published 20/01/2023

Drawing No. 3090 -007 Site Sections 2 published 20/01/2023

Drawing No. 3090 -008 Site Sections 3 published 20/01/2023

Drawing No. 3090 -010 Spring Solar Study published 20/01/2023

Drawing No. 3090 -011 Summer Solar Study published 20/01/2023

Drawing No. 3090 -012 Autumn Solar Study published 20/01/2023

Drawing No. 3090 -013 Winter Solar Study published 20/01/2023

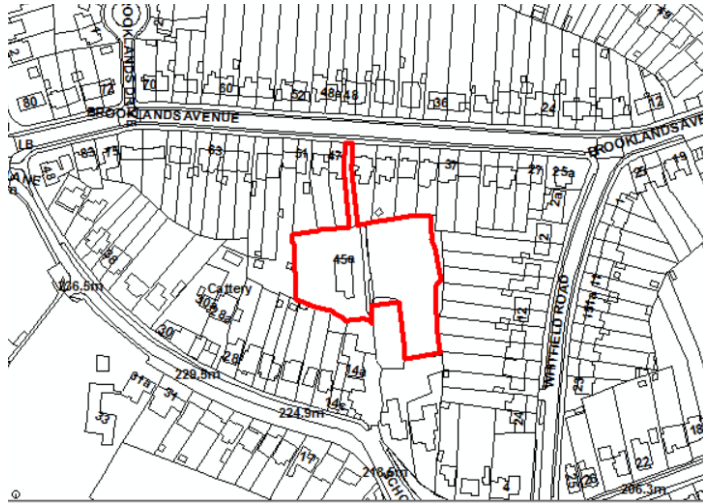
Drawing No. 3090 -014 Rev A Plot Boundaries and Areas published  
01/02/2023

Drawing No. 3090 -016 Garage Plot 4 Plans and elevations published  
20/01/2023

Drawing 1349-004 Rev D Landscape Master Plan and PLanting Plan  
published 01/02/2023

Drawing 1349-006 Rev D Tree Protection Plan published 01/02/2023

# Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

## **LOCATION AND PROPOSAL**

The application site relates to land to the rear of properties on Brooklands Avenue, Whitfield Road and School Green Lane. The site is accessed via a long driveway between 45 and 47 Brooklands Avenue and houses a dormer bungalow, No.45A Brooklands Avenue, and its extensive residential curtilage. The site has in the past been used as a tennis club and is laid out broadly over three levels, with the land falling away to the east. Around the periphery of the site are a number of trees which are protected by way of Tree Preservation Orders (TPOs).

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

Planning permission is sought for the erection of 4 large detached dwellings as well as a detached double garage to serve the dwelling on plot 4 and a flat roofed linked garage to the front of the dwellinghouse on plot 1. The remaining dwellings would have integral garages.

The dwellings would each have five bedrooms (the dwellinghouse on plot one would also have a first-floor study which could readily be made into a bedroom). Residential accommodation would be spread over three floors with the uppermost floor being within the roof space.

To the front of the properties would be parking and to the rear each would have a private amenity area, of varying sizes. A landscape master plan has been submitted which indicates that the existing trees are to be retained and supplemented with additional tree and hedgerow planting.

## **RELEVANT PLANNING HISTORY**

Outline planning permission was sought for the demolition of the existing property on the site and the erection of five dwellings under application reference 20/03379/OUT. The application sought approval for the access, layout and scale. Officers did not view the proposal favourably and the application was withdrawn in December 2020.

More recently planning permission has been refused for the erection of 5 detached dwellings and two detached double garages on the site. Application 22/01539/FUL refers. An appeal against the refusal of the application has been lodged and is currently being considered by the planning inspectorate (appeal reference APP/J4423/W/22/3312257).

The application was refused as the local planning authority considered that the proposal would represent an overdevelopment of the site which would not be sympathetic to the surrounding built environment; the development would have an adverse effect upon the living conditions of occupiers of neighbouring property and the development would not result in a net gain for bio-diversity. The applicant was advised (by way of a directive) that a significantly reduced scheme for 2-3 dwellings on the site may be viewed more favourably.

Following on from this a further application for 5 dwellings on the site was submitted (by the same applicant) and subsequently withdrawn. Application 22/03793/FUL refers.

## **SUMMARY OF REPRESENTATIONS**

37 representations have been received. Of these 31 object (some of the objectors have written in more than once) and 6 are in support. None of the parties in support of the development share a common boundary with the site.

The objections are summarised as follows:

Although the number of properties has been reduced to four, the development still represents an overdevelopment of the site.

The design of the development remains little changed from the previous proposal which was refused planning permission.

The entrance into the site remains narrow and is inadequate, raising highway safety concerns, both for vehicular traffic and pedestrians.

There are no visibility splays for vehicles emerging from the development.

The proposed access from Brooklands Avenue would be dangerous for both vehicles and pedestrians, with high hedges / fencing to either side of the access obscuring views. The access would not be wide enough for large cars (which the owners of such large houses would inevitably have) to pass. Cars waiting to turn into the development would obstruct the highway and present a danger, particularly in snowy conditions or when the sun is low in the sky.

There have been 2 recent serious accidents in the vicinity of the site (one outside No.47 Brooklands Avenue and one outside No.37).

Brooklands Avenue is on a bus route which adds to safety concerns for cars turning into the development / waiting for cars to exit the driveway.

The access is long (at 47m) and would be unsafe for pedestrians using the access. Disabled people would find it difficult to access the development.

How will lorries access the development? Refuse lorries will not be able to access the site and so the bins for 4 properties will be left on Brooklands Avenue, causing more issues for pedestrians and reducing visibility for drivers emerging from the access.

Brooklands Avenue is at present heavily parked and the development will exacerbate this, particularly during construction works.

The narrowness of the access would pose a risk if needed by emergency vehicles, particularly fire appliances. Once within the site would emergency vehicles be able to turn if additional cars are parked? (i.e. cars parked in undesignated areas - not

on the driveways or in the garages).

The level of parking proposed is inadequate and cars are likely to park on Brooklands Avenue causing safety concerns.

The proposal would be an overdevelopment of the site. The properties would dominate the houses on Brooklands Avenue and would alter their outlook. The development is out of keeping with the area in both scale and style.

The gardens are not of sufficient size for dwellings of this scale.

The development would cause issues for the occupiers of the properties to either side of the access in terms of noise, privacy and potential damage to their boundary.

The development would result in overlooking to neighbouring dwellings, patios and gardens which would be exacerbated by the levels of glazing proposed.

The development includes lots of windows which are full height across large expanses of the front and rear. This will result in glare during the daytime and lightspill / light pollution in the evening.

The buildings are too tall for the location and are still too close to each other. The development is too dense for the plot and out of character with the area.

The development would result in overshadowing and loss of light and would be overbearing upon neighbouring dwellings.

The development will result in increased noise and general disturbance from the intensity of use of the site as well as lighting along the access.

Wildlife may no longer be able to access the site and neighbouring gardens due to the removal of hedging and the erection of fencing.

The roots of the trees will spread far. Given the size of the trees the development may compromise their viability. If they were to fall, they would cause damage to neighbouring property.

Issues of surface water drainage have not been addressed and this remains a concern for occupiers of properties 'downslope' from the development. The removal of trees and shrubs may result in increased surface water flooding.

The removal of so many trees has already impacted upon natural wildlife habitats. It is not acceptable to reduce biodiversity and to give monetary compensation to the council instead.

The development would be contrary to the Human Rights Act, in particular Protocol 1, Article 1 which sets out that a person has the right to peaceful enjoyment of all of their possessions which includes the home and other land and also Article 8 which states that a person has the substantive right to respect for their privacy and family

life.

The need to build as many new dwellings may reduce based on the 2021 Census.

Issues of loss of view, noise, dust and general disturbance during building works were also cited; however, these are not planning matters.

The representations in support of the development make the following points:

The development would provide larger quality family homes which are much sought after in the area. The development would add to the varied housing stock in the area.

Local schools are under subscribed, therefore extending catchment areas, taking in pupils from further afield creating larger transport issues. The development would support the local schools and community.

The site would not be overdeveloped. The proposal represents a 20% reduction on the previous scheme and the traffic generated by the proposal would not be excessive.

Private bin collections are to be arranged so the issue of bins left on the pavement will not occur.

The development would remove an area of derelict land and put it to good use. The existing building has been the subject of anti-social behaviour and vandalism.

The development would benefit local shops and services and would generate employment opportunities through the construction phase as well as revenue through Council tax.

The site is large enough to accommodate far more dwellings.

The access is of adequate size and the applicant has demonstrated that the development would not be harmful to highway safety.

The site will not remain as a single dwelling and the proposed development is well thought out and complies with policy. The reduction in the number of dwellings on the site (from 5 to 4) means that they sit better within the site.

## **PLANNING ASSESSMENT**

### **Policy Context**

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching

principles.

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph 12 of the Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 219) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making:

(d) where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework 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 Framework, paragraph 11 makes specific reference to applications involving housing. It states that where a 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.

As of 1 April 2022, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can demonstrate a 3.63 year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing are considered to be out-of-date according to paragraph 11(d) of the Framework.

The so called 'tilted balance' is triggered, and as such, 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.



The site does not lie within, nor is adjacent to any protected areas or assets of particular importance as described in paragraph 11di).

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

In this context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision-making process. For Sheffield this is the UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

#### Principle of Development

The application site is entirely within a designated Housing Area as defined by the Unitary Development Plan (UDP). Policy H10 of the UDP identifies housing as the preferred use of land in these areas. The principle of the development is therefore acceptable from a land use perspective.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policies.

#### Previously Developed Land

Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. The policy does allow for development on greenfield sites that includes at part b) on small sites within the existing urban areas, where it can be justified on sustainability grounds.

While the NPPF actively promotes the reuse of Brownfield or previously developed land, it does not specifically advocate a 'brownfield first' approach. Given this, as CS24 stipulates a proportionate prioritisation of brownfield land this policy carries reduced weight.

The site is currently occupied by a single dwellinghouse, with the remainder of the site having been used as residential curtilage.

The NPPF defines previously developed land as being:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The site relates to residential curtilage within a built-up area and so is deemed to largely be a greenfield site (it is acknowledged that one of the plots would be on the site of the existing dwellinghouse). The site is however in a sustainable location, close to local shops and services and on a bus route.

The most recent figures show that the Council is currently achieving a dwelling build rate of over 95% on previously developed land and therefore the development of this greenfield site would not conflict with Core Strategy CS24 or the NPPF.

#### Housing Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility. The highest density of development is promoted in the most sustainable/accessible locations.

The policy is considered consistent with paragraph 124 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places.

The site is approximately 0.4 hectares and the four dwellings proposed results in a density of around 10 dwellings per hectare. This falls below the recommended density identified in policy CS26 (30 to 50 dwellings per hectare); however, to increase the density of development on the site would be likely to be detrimental to the character of the area as well as raising highway safety and residential amenity concerns.

#### Design, Layout and Impact on the Street Scene

Chapter 12 of the Framework is concerned with achieving well-designed places and paragraph 126 identifies that good design is a key aspect of sustainable development.

Paragraph 130 of the Framework which is concerned with design sets out a series of expectations including ensuring that developments: - add to the quality of the area. - are visually attractive as a result of good architecture, layout and

landscaping. - are sympathetic to the local character and surrounding built environment. - establish and maintain a strong sense of place; and - optimise the potential of a site and create places that are safe, inclusive and accessible.

Paragraph 134 of the Framework makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policies CS74 of the Core Strategy 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. The part of UDP Policy H14 which is most relevant to design and street scene states that new development will be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped.

UDP Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. Section a) of Policy BE5 notes that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 'Design Principles' (e) expects high quality development which contributes to place making and is of a high quality.

These local policies reflect of the aims of the Framework and continue to carry substantial weight in the assessment of this development.

The proposed development would see the site redeveloped with four large detached dwellings. The land would be reprofiled and the properties would step down the site from west to east. A band of trees (which are protected by way of a Tree Preservation Order) run along the eastern boundary of the site.

The reduction in the number of properties proposed on the site from the previously refused application (from 5 to 4) has allowed for a little more space between the dwellings.

The properties themselves would be finished in coursed natural stone with tiled roofs. The amount of glazing has reduced slightly from the previously refused application; however the properties would still feature a significant amount of glazing, with windows on three floors.

Properties on Brooklands Avenue are largely detached and semi-detached dwellings finished in render and pebbledash with brick and tile detailing. On Whitfield Road to the east of the site properties are largely brick and rendered and on School Green Lane to the rear (south) of the site properties are a mixture of render, brick and natural stone with a far greater variety of house types.

Sections have been provided which show the dwellings in the context of

surrounding dwellings, these show that whilst glimpses of the dwellings will be visible from Brooklands Avenue they will not be particularly prominent.

To the rear of the properties private amenity areas are proposed. These are of varying sizes. The dwelling on plot 4 would have a large garden; however, the dwellings on the remaining plots would each have a smaller rear garden. Nevertheless the scale of the gardens has increased in comparison to the previous refusal with each of the properties having a rear garden which complies with or exceeds the recommended minimum standard (of 50 sqm).

That said the dwellings remain large, with the dwellings on plots 1-3 having small gardens in relation to the sizes of the dwellings themselves. Although the plans show that the TPO trees are to be retained the garage on plot 4 would encroach within root protection areas and the proximity of the development to the trees may in future result in calls for their removal. Nevertheless the reduction in the number of dwellings does address some of the previous issues in relation to design and it is considered that a refusal of the application on the grounds of the impact the development would have upon the character and appearance of the area can no longer be substantiated.

#### Amenity Issues

Paragraph 130(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 185).

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) are considered to align with the Framework as they expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents. These local policies are therefore afforded weight.

#### Overbearing and Overshadowing

The Council do not have any specific minimum space standards. Some general guidance is contained in the adopted Supplementary Planning Guidance (SPG) for Designing House Extensions. Guideline 4 of the SPG identifies that 50 square metres of garden space should be provided for a two or more-bedroom dwelling to avoid the overdevelopment of a plot and that a minimum distance from the rear elevation to the boundary of 10m is normally required for reasons of neighbours privacy as well as amenity. As the SPG relates to house extensions the principles set out within the document are used as guidance only when considering proposals for new dwellings.

Properties on Brooklands Avenue have long rear gardens with around 28m from the rear elevation to the boundary. The proposed dwellings would be set back from this northern boundary with a further gap of at least 15m from the closest of the dwellings to the boundary of the development. The applicant has provided solar

study plans which do show that during the winter months some overshadowing would occur; however the overshadowing from the development would not be significantly greater than already exists from the mature trees on the site.

In terms of the effect development would have upon properties to the east on Whitfield Road, these properties are set at a lower level but again have long gardens, ranging from 35 -50m from the rear elevation to the site boundary. A band of tall mature trees sits on the boundary, providing a degree of screening.

As with the properties on Brooklands Avenue a degree of overshadowing may occur during the winter months of the end of the gardens of these properties; however this would not be greater than the existing overshadowing from the mature tree belt.

Properties on School Green Lane are set to the south of the site and so overshadowing in this direction would not occur. As with the properties on Brooklands Avenue and Whitfield Road these dwellings generally have long rear gardens; the exception being 14 School Green Lane which is a traditional stone property set back behind the conventional building line. Planning permission has recently been granted for a dwellinghouse within the curtilage of 14 School Green Lane (application 20/03904/FUL refers) and this too is set closer to the site boundary, to the rear of plot 3.

The distance from the southern boundary to the dwellings on plots 1-3 varies from 9.5m – 19.4m. The dwellings on plots 1 and 3 would have the smallest gardens; however, they do in the large provide a distance of 10m (or more) from the rear of the dwellinghouse to the southern boundary. Cross sections have been provided which show that the proposed dwellinghouse on plot 3 would be of a similar height to the dwellinghouse that is proposed to the rear of 14 School Green Lane.

It is considered that, on balance, the development would not have such an overbearing impact upon these properties to warrant a refusal of the application on the grounds of overshadowing and overbearingness.

### Overlooking

Main windows on the proposed development would face towards the rear of properties on Brooklands Avenue or towards the rear of dwellings on School Green Lane.

Adequate separation between the dwellings on Brooklands Avenue and the development is shown (being in excess of 40m) and it is acknowledged that there is a dwellinghouse on the site at present; albeit a much more modest property. The proposed dwellings would provide residential accommodation over three floors and the uppermost floor would have windows in gable features as well as rooflights. Given the increased number of properties and the increased height of the proposed dwellings, with accommodation over three floors as opposed to the dormer bungalow that previously occupied the site, a significantly greater perception of overlooking would occur to the rear gardens of properties on Brooklands Avenue.

The rear of the proposed properties; facing towards the rear of dwellings on School Green Lane, large areas of glazing are to be incorporated from which a degree of overlooking would occur as well as a heightened perception of being overlooked, in particular to the rear of 14 School Green Lane and to the property which has planning permission (but is yet to be built). Although the separation distance between facing windows would be in the region of 21m which is usual considered to be adequate to prevent unacceptable levels of overlooking from occurring, a sense of a loss of privacy for users of the gardens of these dwellings on School Green Lane would occur in comparison to the existing situation.

Users of the driveway would be passing very close to the gardens of both No.45 and 47 Brooklands Avenue. No. 47 has a timber fence along the boundary and No.45 has a privet hedge. The applicant has offered to erect an acoustic fence along both sides of the access. However, given the level changes, as people pass along the access a degree of overlooking would be likely to occur and users of the access would be particularly visible; again creating a sense of being overlooked and an infringement on privacy.

To conclude on this matter, whilst the development would not result in unacceptable levels of direct overlooking from window to window it would significantly increase the perception of being overlooked, with a much greater number of people using the site. In addition the development would result in greater overlooking to neighbouring gardens and would have a negative effect upon occupiers of neighbouring property in terms of privacy.

#### Other Amenity Issues

It is considered that the vehicle movements associated with the development would give rise to significantly greater noise and disturbance to the dwellings to either side of the narrow access by virtue of vehicles passing in close proximity to the dwellings either side. Pedestrians using the access would also create a degree of disturbance. The proposed development would increase the number of users of the driveway at least fourfold (from one modest bungalow to four large detached dwellings).

Lighting from headlight of vehicles passing along the access would also be visible from neighbouring dwellings and lead to increased disturbance. Lighting along the driveway would be likely to be necessary, particularly as the access is to be shared by pedestrians and vehicles and this too would be intrusive. Without such lighting the access would be dark and pose a safety risk to users, particularly pedestrians.

It is acknowledged that acoustic fencing is proposed to either side of the access; however it is not considered that this would be adequate to address officer concerns, given the close proximity of the development to these dwellings and level changes. The fencing would have to be tall and even then it would not prevent noise from drifting upwards.

Brooklands Avenue slopes down to the east, as such the dwelling at No.45 is set at a lower level than the access. People using the access would be clearly visible

from upper floor windows of No.45 and particularly when windows are open, significant disturbance would occur due to the proximity.

Cars manoeuvring into the garages and parking spaces in front of the properties would be likely to shine headlights onto the rear of several of the dwellings on Brooklands Avenue, at a greater intensity than occurs at present. The applicant has shown fencing to be continued further along this rear boundary, nevertheless it is still considered that a significant degree of disturbance to the occupiers of dwellings on Brooklands Avenue would occur.

Whilst it is acknowledged that there is an existing access to the single dwelling currently on site, the proposal will significantly increase the number of vehicles using this access to such a level that it will have a material impact and such impact will be harmful to existing residents. The reduction in dwellings from 5 to 4 will slightly reduce activity associated with the dwellings but this is not materially different to overcome the original reason for refusal in relation to this issue.

It is considered that when viewed in the round the development would have an unacceptable effect upon the amenity of occupiers of neighbouring dwellings and would be contrary to UDP Policy H14 and H15 as well as the NPPF (in particular paragraph 130 f) and paragraph 185).

#### Highway Issues

The Framework (paragraphs 104 to 113) promotes sustainable transport. Paragraph 110 specifically requires that when assessing applications for development it should be ensured that a) appropriate opportunities have been taken up to promote sustainable transport modes given the type of development and the location, b) safe and suitable access to the site can be achieved for all users and c) any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated.

Policy CS51 'Transport Priorities' within the Core Strategy sets out six strategic transport priorities for Sheffield. CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City.

Policies H14 and H15 of the UDP, which are primarily concerned with housing development, expect sites to be adequately served by transport facilities, provide safe access, appropriate parking and to not endanger pedestrians.

Congestion and highway safety concerns raised by residents in this area are acknowledged.

The existing access to the site from Brooklands Avenue is to be utilised. The access driveway is narrow and is barely sufficient to enable two vehicles to pass each other. However, the additional traffic generated by the proposed development would be unlikely to have a material impact in terms of safety or capacity on the surrounding highway network. The site is within a sustainable location, with a bus route on Brooklands Avenue and shops and services close by.

Based on the information submitted in the revised Transport Statement it is accepted that in the main the access accords with guidance provided in the South Yorkshire Residential Design Guide. It is however questionable whether a fire appliance would be able to access the site at the point where the access width is most restricted.

In terms of parking provision the current guidelines indicate that for properties of this size the provision should be “negotiated”. Plots 1-3 are to have a single dedicated parking space to the front of each property alongside a parking space within a garage. The dwellinghouse on plot 4 would have more parking with a driveway parking space as well as two spaces in the detached double garage. This is considered to be adequate provision.

Adequate visibility splays can be provided for vehicles given the width of the pavement and verge; however visibility cannot be provided for pedestrians given the high boundary treatments to either side of the access. This is less than ideal and there are concerns regarding conflict between pedestrians and vehicles using the long narrow access.

Whilst the vehicle movements associated with four dwellings will not have a ‘severe’ cumulative impact on the highway network which are the NPPF tests in this respect, it would represent a significant intensification of use of an unsatisfactory access.

## Trees

UDP Policy GE15 seeks for mature trees to be retained where possible and replacement planting provided for any which are lost. Paragraph 174 of the NPPF seeks to ensure that decisions contribute to and enhance the natural and local environment and recognises the value of trees and woodland.

The aims of the local and national policies align and significant weight is given to the UDP policy.

The site is bounded by mature trees which have been protected by the imposition of a Tree Preservation Order.

Neighbours have raised concerns that a number of trees have been removed and this is being investigated by planning enforcement.

The submitted plans indicate that all of the protected trees are to remain and some replacement planting for the trees that have been lost is to be carried out.

The proposed garage on plot 4 does encroach into root protection areas of some of the trees and it is also questioned whether the proximity of the development to the trees may result in calls for their removal in the future. These are concerns, however this could be addressed through conditions on any approval and would not be sufficient to warrant a refusal of the application.

## Ecology



Policy GE11 of the UDP seeks to ensure that the natural environment will be protected and enhanced. It expects development to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should enhance and contribute to the natural and local environment.

Paragraph 180 d encourages biodiversity improvements in an around development especially where it can secure measurable gains for biodiversity.

The local and national policy aims align and significant weight is given to the local policy.

The site has been subject to an appropriate level of ecological assessment, with a Preliminary Ecological Appraisal (PEA), Tree Survey, bat and badger surveys.

The report provides a competent assessment of the site and concludes that the main receptors are likely to be bats and birds, but any potentially negative impacts can either be avoided through good practice measures or sufficiently mitigated. With the inclusion of biodiversity enhancements, it is considered that there will be no significant residual effects.

It is advised that any required vegetation clearance avoids the bird nesting season (March 1<sup>st</sup> – August 31<sup>st</sup>) unless a check has been made by a suitably qualified ecologist. All wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended).

An amended Biodiversity Impact Assessment (dated January 2023) has been submitted which uses baseline conditions for the site *before* it was extensively cleared during winter 2021 – 2022. Calculations (using Defra metric 3.0) inform us that the development will result in a net loss of 46.1% habitat units, with a net gain of 26.75% hedgerow units.

Overall, the project results in a *net loss* in biodiversity and the BNG trading rules are not satisfied.

Sheffield has yet to set its net gain tariff in the emerging Local Plan, so the soon to be mandatory 10% minimum BNG cannot be enforced, however, the scheme should still provide a net gain to demonstrate compliance with the NPPF (174, 180).

The applicant has set out through the planning statement that the development would include a diverse mix of native and non-native species; the lighting scheme would be designed to ensure relatively low levels of night time intrusion; 6 bird boxes would be provided on trees within the site and 6 bat boxes on buildings within the site; boundaries would include holes for hedgehogs and wood pile habitats would also be provided.

The applicant also accepts that despite these measures the loss to bio-diversity cannot be compensated for within the development site and the applicant would be agreeable to making a monetary contribution to provide compensatory habitat elsewhere (through a s106 agreement).

Paragraph 180 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

As the applicant has indicated a willingness to compensate for the loss to bio-diversity it is felt that the application cannot be refused on these grounds.

CIL

The Council's Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The site is within zone 5 where the CIL charge is £80 per sqm. The proposed development would see the creation of 1,258sqm of net additional floor space.

## **SUMMARY AND CONCLUSION**

Planning permission is sought for the erection of four detached dwellings and garaging on the site of a bungalow to the rear of dwellings on Brooklands Avenue.

The site would be accessed via a narrow driveway, located between No.45 and No.47 Brooklands Avenue.

In the absence of a 5-year housing land supply, Paragraph 11dii) of the Framework is triggered and the application should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme. In this context the benefits and disbenefits of the scheme are weighed below.

On the negative side it is considered that the proposal still represents an overdevelopment of the site. Despite the mitigation measures put forward by the applicant (erection of acoustic fencing and additional planting along the boundaries), it is considered that the intensification of use of the site would have an unacceptable impact upon occupiers of neighbouring dwellings in terms of privacy when using their gardens, noise, light pollution and general disturbance.

Whilst the reduction in the number of dwellings on the site (from 5 - 4) has meant that more space can be provided between the dwellings, and the garden sizes of the plots have increased slightly, it remains a concern that the level of development proposed would result in significant disamenity to occupiers of neighbouring dwellings.

Whilst the development has attempted to avoid the root protection areas of the trees that are protected by TPO's some encroachment would still occur and the development would not result in a net gain for biodiversity (although the applicant has indicated a willingness to provide compensation to allow for off-site provision which would weigh in favour of the scheme).

The applicant has demonstrated that the development would not have a severe impact upon highway safety and the level of parking proposed would be adequate, given the sustainable location. However, the width of the access and visibility of pedestrians using the pavement on Brooklands Avenue are not ideal.

The benefits of the scheme include a small contribution towards the housing land supply, the sustainable location of the scheme and the small economic and social benefits associated with providing new homes.

When viewed as a whole, in this instance it is considered that the adverse impacts of the scheme (amenity concerns) outweigh the benefits, even with the presumption in favour of sustainable development coming into play.

The development is considered to be contrary to UDP Policy BE5, H14, and H15, Core Strategy Policy CS74 as well as guidance contained in the National Planning Policy Framework.

It is recommended that the application be refused.

This page is intentionally left blank