
Case Number	23/00392/FUL (Formerly PP-11914635)
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse and erection of dwellinghouse with associated landscaping and driveway (amended plans 15.06.23)
Location	47 Whirlow Lane Sheffield S11 9QF
Date Received	06/02/2023
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Geoweb Tree Root Protection System Installation Guide (Scan Date 16.05.2023)

Geoweb Tree Root Protection System (Scan Date 16.05.2023)

47WL_Tree Root Protection Notes (Scan Date 14.04.2023)

27755 A (04) 03 REVC Proposed Side Elevation (Scan Date 13.07.2023)

27755 (01) 03 REVF Site Plan Proposed (Scan Date 01.08.2023)

27755(01) 04 REVB Site Plan 45 Degree Line Analysis (Scan Date 15.06.2023)

27755 (01) 05 REVB Tree Protection Plan Proposed (Scan Date 15.06.2023)

27755 A (02) 01 REVB Proposed Plans Lower Ground Floor (Scan Date 15.06.2023)

A (02) 02 REVB Proposed GA Plans Ground Floor (Scan Date 15.06.2023)

2755 A (02) 03 REV C Proposed GA Plans First Floor (Scan Date

15.06.2023)
27755 A (02) 04 REVD Proposed GA Plans Second Floor (Scan Date 15.06.2023) 27755 A
(02) 05 REVC Proposed GA Plans Roof (Scan Date 15.06.2023)
27755 A (04) 01 REVA Proposed Front Elevation (Scan Date 15.06.2023)
27755 A(04) 02 REVA Proposed Side Elevation (Scan Date 15.06.2023)
27755 A (04) 04 REVB Proposed Rear Section (Scan Date 15.06.2023)
27755 A (04) 05 REVB Proposed Rear Elevation (Scan Date 15.06.2023)
27755 A (04) 06 REVA Proposed Internal Section (Scan Date 15.06.2023)
27755 A (04) 07 REVA Proposed Internal Section (Scan Date 15.06.2023)
27755 A (04) 08 REVA Proposed Street Section (Scan Date 15.06.2023)

Reason: In order to define the permission.

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

3. 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.

4. 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.

5. 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. Thereafter the development shall be carried out in accordance with the approved CEMP.

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

6. No development shall take place, including any works of demolition until details of a Bat Survey has been submitted to and approved by the Local Planning Authority. Such survey shall include confirmation that in the event of bats being identified as roosting in the building(s) no works shall commence, including demolition, until a protected species mitigation license has been issued by Natural England, and shall incorporate a mitigation plan guided by a named Ecologist.

Reason: In the interests of protecting Protected Species.

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

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

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

8. The proposed green/biodiverse roof(s) (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green/biodiverse roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate growing medium of 80mm minimum depth incorporating 5-20% organic material. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

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

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

Other Compliance Conditions

10. 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.

Reason: In the interests of the amenities of occupiers of the adjacent dwellings.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
3. The applicant is advised that the carrying out of any works to the existing trees, hedges or shrubs within the site, which are works authorised by this permission will constitute the commencement of work on the development. The unauthorised removal of any tree, hedge or shrub or any other works which threaten their future vigour and quality, may result in breach of condition action. It could also mean that the development is materially different from that which has permission and may be liable to enforcement action and the submission of a new planning application may be required.
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. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

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

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

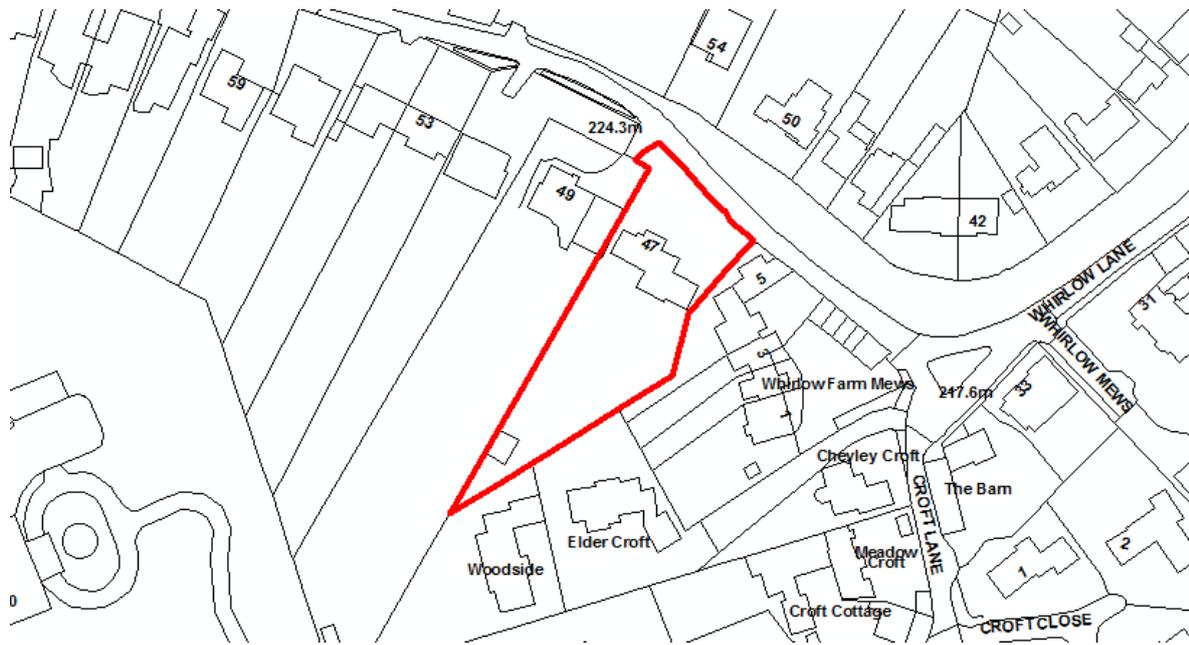
6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
7. 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

8. The applicant should note that the proposed development would be sited over a Northern Grid apparatus. This requires further approval under the Electricity Act 1989, and the applicant is advised to contact the Network Connections, Alix House, Falcon Court, Stockton on Tees, TS18 3TU, Tel 0800 0113433, prior to the submission of an application.

Site Location



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SITE DESCRIPTION

The development site consists of a 2-storey detached dwelling which is finished in render and has a concrete tiled roof. The existing dwelling is sited around 12m metres from Whirlow Lane and has a ridge height of around 7m metres. The existing dwelling is of an individual design and, attached to the dwelling, is a single storey flat roofed garage. The garage is sited between (approximately) 1 to 3 metres from the boundary shared with No 4 Whirlow Farm Mews. The existing dwelling is sited around 1 metre from the boundary with No 49 Whirlow Lane. At the front of the dwelling is a driveway, a buffer of trees and a traditional stone wall, separating the plot from the highway.

The land levels slope through the site from the west to the east and from the north to the south. The land level difference between the development site and No 4 is approximately 2m and the land level difference between No 49 and the development site is approximately 1.5m.

Thus, No 4 is sited at a lower land level to the development site and No 49 is sited at a higher land level. The site's relationship with No 5 Whirlow Farm Mews, consists of mature shrubbery along the boundary, and a pathway which leads to the rear garden of No 4. No 5 is sited at a lower level to the development site, and within the rear elevation of No 5 there are secondary windows that serve secondary rooms, or the windows are the second window serving a primary room.

Secondary windows are windows that serve rooms that do not form part of the primary living space (living rooms, kitchens, and bedrooms) within a dwellinghouse. Primary rooms/living space are the main rooms (living room, kitchen, and bedrooms) that form part of the dwellinghouse. The development site has wider frontage along Whirlow Lane before narrowing to an apex in the garden.

The site benefits from a south facing rear garden and the garden consists of a patio abutting the dwelling, trees and mature shrubbery, and sheds sited towards the lower half of the garden. The boundary treatment abutting No 4 consists of mature hedgerows, a hedgerow leading to a raised open section, and a stone wall with a 1.8m approx. fence on top. The total height of the fence and the raised land levels is 3.8m approx.

The boundary treatment abutting No 49 consists of mature hedgerows, a stone wall that forms part of No 49, and a simple post and rail fence. The development site lies within a street scene that consists of a traditional former farmstead (the properties that form Whirlow Mews), and a set of 3 detached 1940s dwellings that are set back from Whirlow Lane leaving a large grass verge abutting Whirlow Lane.

THE PROPOSAL

The proposal is for the demolition of the existing dwellinghouse and the erection of a dwellinghouse with associated landscaping and driveway.

Amended plans were received during the course of the application. The proposed dwelling will be set back from Whirlow Lane by between 7metres minimum at its East

end (with garage entrance) and 16.5 metres maximum at its main entrance. The proposed dwelling is substantially larger in scale than the existing dwelling on the site, being similar in width but deeper front to back, and consists of a series of interlocking pitched and gabled roofs (a central horizontal gable with 2 end gables passing through the central gable and a forward-facing gable).

The dwelling is arranged across four floors, including a lower ground floor/basement, ground floor, first and a second floor (contained within the roof space), and an integrated garage at ground floor level. From Whirlow Lane the dwelling will have the appearance of a three-storey property and the main East-West ridge height will be approximately 8.7metres high and the ridge of the highest front-facing gable is 9.7m high above ground floor level

The dwelling will also incorporate a single storey rear projection with a parapet roof and first floor balcony over. This will project 2.4m from the rear facing and central gables and abuts the gable nearest to No 49. It will be sited a minimum of around 2.3m from the shared boundary with No 4, and the first-floor balcony will be inset around 1.6m from the side elevation of the projection and between 4.0m and 4.5m from the shared boundary with No 49. The proposed balcony includes a 2m high privacy screen at this side.

Leading off the lower ground floor/basement is a terraced area that will form a light well to serve this floor. The lower terraced area will be sited 2m from the boundary with No 4, and approximately 2.5m below existing ground levels. Another terrace will be accessed off the lower ground floor/basement and will not be visible from No 49 as a stairwell would screen this terraced area. The stairwell from the lower ground floor will be sited alongside the boundary with No 49 which leads to a glazed walkway and a pool house and annexe. The glazed walkway will have the height of a single storey when taken from ground level.

The pool house and annexe will be sited between 2.3m and 3.5m from the shared boundary with No 49 and will be half a storey below the ground level of the proposed dwelling. A central terraced area will be sited off the ground floor, which will project 8.3m and will be sited 8m from the shared boundary with No 49, and 6.5m from the shared boundary with No 4. Thus, the terrace will be screened by the pool house and annexe, and there will be limited views from No 4, due to the distance from the shared boundary.

Forward of the dwelling will be a driveway that will provide two off-street car parking spaces, and a tree buffer. The existing wall will be re-aligned, as the access will be repositioned by approximately 5m to the west, and the existing access will be filled in with dry stone wall to match the existing. The new access includes a sliding gate. The ground levels within the tree buffer will be retained as existing, and new shrubbery planting is proposed.

Abutting the tree buffer area will be a new low wall consisting of steel poles and timber sleepers. The driveway will consist of bound resin gravel or block paving, and Geoweb tree protection is proposed underneath the driveway adjacent to Trees 15 and 16. A proposed 1.8m brick facing retaining wall is proposed near the shared boundary with No 49, and existing boundary treatments will be retained.

The following amendments have been received during the application owing to officer's concerns about impact on neighbouring dwellings, and following negotiations with the applicant.

- The single storey projection will be set back a minimum of 2.3m from the shared boundary with No 4. The original set back of the single storey projection was 1m from the shared boundary with No 4, thus there has been an increase in the set back of the single storey projection from No 4 by 1.3m.
- The single storey projection nearest to the shared boundary with No 4, has been set in 700mm from the edge of the eastern elevation of the dwelling.
- The lower ground floor terrace nearest to the shared boundary with No 4, has been set in 700mm from the edge of the eastern elevation of the dwelling.
- The balcony above the single storey projection has been set in 1.6m from the edge of the single storey projection. The edge of the balcony will be set back between 4.0m and 4.5m from the shared boundary with No 4. The original plans show the distance from the edge of the balcony to the shared boundary with No 4 was previously a minimum of 2m.
- The balcony will also include a 2m high privacy screen that will slope down to 1.1m high. The original plans show that the balcony had a parapet wall and no railings or screening.
- The ridge of the gable nearest to No 4 has been set down 0.4m below the main East-West ridge of the property. The width of the projecting gable has been reduced from 5.8m to 4.4m and the gable has been set off the eastern elevation facing No 4. The roof line from the edge of the elevation consists of sloping roof and then the gable. The original plans consisted of gable that formed the eastern elevation with a North-South ridge 1.3m higher than the main East-West ridge
- The glazing within the apex of this gable has been reduced from 4 windows to 1 window.
- The rear Juliette balcony serving the second floor of the nearest gable to No 49 has been removed.
- The proposed material palette has been amended for the ground floor section at the rear of the building, from red stock brick to coursed split-faced stone. Pitched roofs have been amended from natural slate tiles to double camber red clay tiles.
- Geoweb tree protection is proposed underneath the driveway adjacent to Trees 15 and 16.
- New low boundary separating the buffer of trees includes steel posts with timber infill rather than a low brick wall, and the ground levels around the trees will be maintained as existing.

RELEVANT PLANNING SITE HISTORY

None

LETTERS OF REPRESENTATION

23 Letters of objection received raising the following concerns.

Design

- The street scene shows a lack of consideration for the urban grain of Whirlow Lane, the property will sit too far back from Whirlow Lane, does not fit with the character of the street scene.
- Amendments to the proposal should include the scaling back the height of the property to that of the existing property.
- The dwelling will be a larger than surrounding properties and as a result does not fit in with the scale and form of neighbouring properties. The proposed materials do not match those of the surrounding area. When other modern additions and dwellings are considered within the area, the proposal will result in the erosion of the rural character of the area.

Residential Amenity

- The sun path analysis has been provided and on the differing diagrams the neighbouring properties appear to be in incorrect positions.
- A 45-degree exclusion report should be undertaken from the windows of 5 Whirlow Mews Farm.
- The latest amended plans show that the first and second floor properties do not encroach within the 45-degree exclusion zone taken from the nearest primary window within No 4, however the balcony atop the ground floor projection will encroach within the 45-degree zone. Consideration must be given to the land level changes and the proposed balcony would have a similar impact to a 2-storey extension and would encroach within the 45-degree exclusion zone.
- Obscure glass screen is proposed but this will still be intrusive as movement will be seen behind the screen, a more solid screen must be provided. The screen will not prevent overlooking, just to the way the proposed dwelling is angled to neighbouring properties.
- The height of the property will overshadow the neighbouring Whirlow Mews Farm properties, this is exacerbated by the differing land levels.
- The proposed property will have a greater massing than the existing property and this greater massing will be sited closer to the properties at Whirlow Mews Farm. The existing property closest to Whirlow Mews Farm is a garage and this will be replaced by a 3-storey property and the massing will be brought closer.
- The ridge height of the proposed house is greater than the existing ridge height and is closer than the existing property and will overbear the Whirlow Mews Farm properties and their gardens.
- Overlooking and the loss of privacy of the Whirlow Mews Farm properties and their gardens.
- Overshadowing of the 49 Whirlow Lane and Whirlow Mews Farm properties and their gardens and potential loss of light to these properties, the proposal will encroach within the 45-degree exclusion zone taken from the nearest habitable room and a more detailed assessment is required.
- The existing property allows for space around the property, the proposed property will dominate and overbear the site and is a large footprint and will not allow for space around the property.

- The current ridge of the property is well above the properties of Whirlow Mews Farms, however as it is set back from the road it does not dominate, the proposed property is a storey higher and closer to the road and as a result will dominate neighbouring properties.
- Loss of light and views from 2 windows within the rear elevation of No 5 and from the windows within the rear elevation of No 4.
- Will the doors and windows within the south side gable be obscurely glazed because they will be overlooking No 5's windows.
- Noise and disruption during the construction period on the neighbouring properties.
- The proposal fails take into consideration the differing land levels between the development site and the neighbouring properties at Whirlow Mews Farm.

Highways

- There must be 5m driveway length between the garage doors and the end of the driveway/gates.
- The entrance to the property is set back from the road to allow for a passing place for going up the lane.
- Poor access to the site down narrow lanes will damage the lanes, verges, and drainage culverts. The proposal will potentially exacerbate existing damage to the lanes and cause water run off onto neighbouring properties.
- The construction vehicles parked on Whirlow Lane will make access to neighbouring properties difficult and raise safety concerns with regards to pedestrians walking on a lane which does not have a pavement. The proposal includes re-landscaping, and this will require heavy machinery and lorries to visit the site. To overcome this concern, lose the lower ground floor from the basement, then less construction traffic would be required. It should be conditioned that all construction vehicles must be parked within the site.
- Tyre wash facilities must be conditioned as part of any approval.
- The proposed re-siting of the entrance is dangerous to existing traffic and will prejudice highways and pedestrian safety.

Landscape/Ecology/Sustainable

- No landscaping proposal within the application submission.
- No proposed solar panels or energy saving building materials will be used.
- Removal of 6 trees including an oak tree will result in the loss of a habitat for wildlife.
- Potential bats roosting within the property.
- Potential archaeological impacts due to the excavation of the site.
- The planting of trees and shrubbery close to the boundary with the Whirlow Mews Farm properties has the potential for future damage.
- The proposed plans do not mark out Tree 6, an Atlas Cedar Blue infected with a needle cast disease, this should be removed prior to the construction of the dwelling to enable its removal and prevent the disease infecting other trees within the neighbourhood.

Procedural and Other Matters

- The planning officer has been invited to view the site from neighbouring properties, and the offer has not been taken up. The application cannot be assessed by Google Earth. It is recommended that a site visit is undertaken prior to determination. During the planning application at No 46 the neighbours contacted the Planning Officer, and they visited the neighbouring properties, and this resulted in amendments to the plans.
- The proposed plans denote that neighbouring properties windows are in approximate positions, surely this supports the request for the planning officer to undertake a site visit.
- The proposal is too big a decision for a planning officer to take and should be referred to a planning committee.
- The drawings are not correct as they do not show the triangular nature of the plot of the land, or the relationship of the development site with No 4.
- An amended drawing of this building has been submitted hours before the final decision date. As this doesn't give opposing parties the time to digest the new information nor indeed ask for clarification from the planning officer a request for further time is granted for this to happen.
- The digging out of the lower level could cause flooding to the Whirlow Mews Farm properties, due to the lower land levels and digging below the water table or they may come across a natural spring as have other basement excavation within the area. Will structural surveys be provided to ensure no damage is done to neighbouring properties from the digging of lower ground floor. Potential construction damage to the retaining wall of No 49. Within any approval there should be a condition requiring the insertion of pile driven steel shuttering to protect neighbouring properties from subsidence.
- Limited information provided with regards to the proposed boundary treatment and whether any boundary reinforcement will be undertaken.
- The proposed development risks the security of the Whirlow Mews Farms properties during construction.
- How will the proposed property be maintained without encroaching on neighbouring properties.
- The wrong documents uploaded to the planning case file, and these documents should be removed, and the correct documents uploaded. In light of this a further 2-week notification period must be given to enable the review of the correct documents.
- Will the new dwelling be sited off the elevation of 49 Whirlow Lane, will access be available for maintenance and repairs to this wall.

PLANNING ASSESSMENT

PRINCIPLE OF THE PROPOSAL

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable, and all relevant local policies should be considered to be in accordance with the relevant paragraphs of the NPPF.

Paragraph 11 of the NPPF makes specific provision in relation to applications

involving the provision of housing and provides that where the Council cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining the application will be considered to be out of date.

At this current time, the Council cannot demonstrate a five-year supply of sites for housing (it is 3.63 years), there is a presumption in favour of the development at this current time.

Consequently, the most important Local 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. The so called 'tilted balance' is triggered, and as such, planning permission should be granted unless the application of policies in the NPPF 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.

However, paragraph 11 d) i) and footnote 7 of the NPPF make clear the presumption in favour would not apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This would include cases where a development would cause substantial harm to heritage assets (such as listed buildings and conservation areas) and such harm is not significantly outweighed by public benefit.

LAND USE

The development site lies within a Housing Area, as allocated under the Unitary Development Plan. Policy H10 'Development in Housing Areas' sets out the preferred, acceptable and unacceptable uses in these areas and defines housing as the preferred use. Given that this proposal is simply for a replacement house, the principle is already established.

DESIGN/LANDSCAPE

Core Strategy Policy CS74 (Design Principles) and UDP Policy BE5 are relevant to the determination of this application. Policy CS74 states that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the neighbourhood.

Further to this, high-quality development will be expected that takes advantage of the townscape and landscape of the city's neighbourhoods and quarters with their associated scale, layout and built form, building styles and materials.

Development should also contribute to place-making, be of a high quality, that contributes to a healthy, safe, and sustainable environment that promotes the city's transformation. Furthermore, new development should contribute towards creating attractive, sustainable, and successful neighbourhoods.

Policy BE5 Building Design and Siting states that good design and the use of good quality materials will be expected in all new and buildings. Further to this original architecture will be encouraged but new buildings should complement the scale,

form, and architectural style of surrounding buildings. All new developments the design should be on a human scale wherever possible, and designs should take full advantage of the site's natural and built features. The design, orientation and layout of development should encourage the conservation of energy and other natural resources.

Paragraph 130 of the NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. New development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further to this, new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development should seek to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live.

These policies are consistent with paragraph 130 of the NPPF and therefore weight is afforded. The development site sits within Whirlow Lane which consists of semi-detached and detached properties of differing styles and forms. The new dwelling will be sited behind a tree buffer zone, and there will be passing glances of the new dwelling from the access and as you move northwards along Whirlow Lane.

The new dwelling will not project beyond the established building line, and amendments have been received, changing the material palette from red stock brick to the ground floor section of the building and natural slate tiles, to ashlar stone and clay double camber tiles. The proposed materials will be more characterful and in-keeping with the adjacent properties. The new dwelling will have a contemporary design and form and consist of forward-facing gables. The retention of the tree buffer zones, and several matures trees to the rear, when combined with the proposed native planting will soften and enhance the setting of the new dwelling and retain key landscape characteristics of the surrounding rear gardens.

Due to the character of the street scene, the screening provided by the tree buffer, and the good quality contemporary design and form of the new dwelling no significant harm will arise to the character of the street scene. The proposal accords with Paragraph 130 of the NPPF and CS74 and BE5 of local planning policy.

RESIDENTIAL AMENITY

UDP Policy H14 c) states that 'new development should not be over-developed or deprive residents of light, privacy or security or cause serious loss of garden space which would harm the character of the neighbourhood.

Paragraph 130 of the NPPF states that proposed 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not relating specifically to new build schemes the guiding principles are considered relevant.

Following the undertaking of site visits by the case officer and a review of the proposed plans concerns were initially raised regarding overbearing, overshadowing, and overlooking impacts on the neighbouring property No 4 Whirlow Farm Mews. Consequently, amended plans have been received setting the single storey rear projection around 2.3m in from the shared boundary with No 4. The original proposed set back of the single storey projection was 1m from this shared boundary. Thus, there has been an increase in the setback of the single storey projection from No 4 by around 1.3m.

The single storey rear projection and the lower ground floor terrace nearest to the shared boundary with No 4, have been set in 700mm from the edge of the eastern elevation of the dwelling. The balcony above the single storey rear projection has been set in 1.6m from the edge of the single storey projection. The edge of the balcony will be set in between 4.0m and 4.5m from the shared boundary with No 4. The original plans show the distance from the edge of the balcony to the shared boundary with No 4 was 2m.

The balcony will also include a 2m high privacy screen that will slope down to 1.1m. The original plans show that the balcony had a parapet wall and no railings or screening.

The ridge of the gable nearest to No 4 has been set down 1m from the ridge of the central gable of the property. The width of the projecting gable has been reduced from 5.8m to 4.4m and the gable has been set off the eastern elevation facing No 4. The roof line from the edge of the elevation consists of sloping roof and then a gable. The original plans consisted of gable that formed the eastern elevation, but the new arrangement has reduced the massing of the new dwelling nearest to No 4.

Overshadowing Impacts

The development site benefits from a south facing garden, and the '27755 Sun Path Study Existing and Proposed', received on the 16th May 2023, shows the existing relationship between the development site and No 4 Whirlow Farm Mews. No 4 and 5 Whirlow Farm Mews are sited to the east of the development site and at a lower land level to the development site. No 49 Whirlow Lane is sited to the northwest of the development site. The Sun Path Study shows that there will be no significant increase in overshadowing impacts on No 4 and 5 beyond existing overshadowing impacts from the existing dwelling.

From 18:00 (21st June) onwards the Sun Path Study shows that there may be a small increase in overshadowing of No 4 and 5, however consideration must be given to the site characteristics which includes land level changes, the existing retaining wall structure and fencing sited along the boundary and that the main private amenity area for No 5 is sited off the principal elevation. Further to this, the windows within the rear elevation of No 5 serve secondary rooms. When the above factors are taken into consideration the new dwelling will not result in a significant increase in the overshadowing of No 4 and No 5 Whirlow Farm Mews and No 49

Whirlow Lane.

Overbearing

The '45-degree analysis', received on the 15th June 2023, shows the 45 degree exclusion zone taken from the nearest primary window within the rear elevation of No 4 Whirlow Farm Mews. As mentioned previously amendments have been received setting the single storey rear projection away from the shared boundary, and then setting the balcony area and the balcony screen off the edge of the side/eastern elevation of the single storey rear projection.

Whilst the differing land levels are acknowledged the '45-degree analysis', shows the removal of the existing garage which encroached on a larger scale within the 45-degree encroachment zone, than the new dwelling will. As mentioned previously, the rear windows within No 5 Whirlow Farm Mews serve secondary windows. Further amendments have been received reducing the width of the rear gable elevation, the height of the ridge of the rear gable nearest to No 4, and the design and form of the roof from a gable to a sloping roof and then a rear gable. This has reduced the massing of the section of the new dwelling sited nearest to No 4 and 5 Whirlow Farm Mews. As such the proposal will result in no significant overbearing impacts on No 4 and 5 Whirlow Farm Mews.

Overlooking Impacts

The amendments include the setting of the balcony off the edge of the single storey rear projection and the erecting of a 2m to 1.1m balcony screen along the eastern and southern elevation of the balcony. The area of the balcony has been reduced, and the highest part of the balcony will be sited along the balcony edge that is nearest to No 4 Whirlow Farm Mews. It must also be noted that due to the triangular nature of the site there is an existing degree of overlooking over the upper south-western section of No 4's garden, however due to the noted amendments there will be no significant overlooking impacts over the main private residential amenity space of No 4 Whirlow Farm Mews. The proposal therefore accords with Paragraph 130 of the NPPF and local planning policy H14 in respect of amenity impacts.

HIGHWAYS

UDP Policy H14 (d) states that new development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. It is considered that the sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Paragraph 112 c) of the NPPF states that applications for development should create places that are safe, secure, and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

The new dwelling will be served by a large double internal garage and two driveway

car parking spaces. The Council's Highway Officer reviewed the proposed site plan and requested a swept analysis to demonstrate that cars parked on the driveway and within the garage can safely manoeuvre within the driveway and leave the site forward-facing.

Following a review of the swept path analysis the Council's Highway's Officer was satisfied this could be achieved. Further to this, no highways and pedestrian safety concerns were raised regarding the enlargement and realignment of the existing access.

Interested parties have raised concerns regarding construction vehicles using narrow lanes to access the site, and how this detrimentally impacts on pedestrian and highways safety and causes damage to the road surface and grass verges. To address this concern, a Construction Management Plan will be required through condition. The proposal accords with Paragraphs 111 and 112 of the NPPF and local planning policy H14 (d).

TREES/ECOLOGY

UDP policy GE15 seeks to retain mature trees and where these are lost, replacements should be provided as part of development. Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features. It is considered that the sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

Paragraph 131 of the Framework also details that trees make an important contribution to the character and quality of urban environments and requires the retention of trees where possible.

Paragraph 179 of NPPF specifies the need for protection of designated sites and priority habitats and species and encourages biodiversity net gain where possible. Paragraph 180 of NPPF sets out that in determining planning applications, planning authorities should aim to conserve and enhance biodiversity.

Protected Species/Biodiversity

The amended site plan received on the 19th July 2023, provides indicative locations for proposed bird and bat boxes and the new planting of mixed native scrub species. The proposed ecological enhancements will support the further biodiversification of the site and enable the provision of a biodiversity net gain of 10%. Further details will be confirmed through the conditioned landscaping scheme. The development site lies within 500m of Great Crested Newts site and the Council's Ecologist foresees no impact on their habitat. The Council's Ecologist raises no objections, subject to a bat survey being required before any demolition works are undertaken.

The Bat Survey will be secured through condition and no development allowed to be undertaken until the results of the survey are known. If bats are found, a protected species mitigation license issued by Natural England will be required to legally remove the roost. A mitigation plan will be required, and the named ecologist will guide this process.

Trees

It is acknowledged that there will be a loss of a limited number of mature trees which is regrettable, however the buffer of trees (Trees 15 and 16) will be retained forward of the new dwelling. These trees are highly visible within the street scene of Whirlow Lane, and amended plans were received showing the extent of the root protection areas. The ground levels around these existing trees will be maintained as existing, and a low wall with steel posts and timber sleeper infills will be erected along the boundary between the driveway and the buffer area.

The new wall will be excavated through handheld mechanical tools only. Geoweb tree root protection will be installed beneath the finished driveway area that lies within the root protection area of Trees 15 and 16 prior to the use of the driveway. Further to this, mature trees (Trees 3 and 6) and the hedgerow will be retained to the rear of the property. The Council's Landscape Officer raises no objections. The proposal accords with Paragraphs 131, 179 and 180 of the NPPF and local planning policy GE15 and CS74.

SUSTAINABILITY/DRAINAGE

Policy CS64 of the Core Strategy Plan Document states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate.

All developments will be required to achieve a high standard of energy efficiency; and make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation; and minimise the impact on existing renewable energy installations and produce renewable energy to compensate for any loss in generation from existing installations as a result of the development.

All new buildings and conversions of existing buildings must be designed to use resources sustainably. It is considered that the sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. The positive site orientation will ensure the main primary rooms benefit from good levels of natural light and the opportunity for natural ventilation and cooling of the new dwelling. The proposal includes a green roof to the swimming pool which potentially provides the opportunity to form part of the source of a sustainable drainage system. The drainage details will be conditioned to ensure there is an overall reduction in surface water runoff from the site as compared with existing. When the above elements are considered, the proposal accords with local plan policy CS64.

RESPONSE TO REPRESENTATIONS

The main issues raised in the representations are discussed in the report above. Other matters raised are responded to below.

- An amended drawing of this building has been submitted hours before the final decision date. As this doesn't give opposing parties the time to digest the new information nor indeed ask for clarification from the planning officer a request for further time is granted for this to happen.

A set of amended plans were received on the 13th July 2023 and these contained a minor amendment to the annotation where the split faced stone on the swimming pool was annotated as ashlar stone. This minor amendment did not require the re-advertisement of the application.

- The wrong documents uploaded to the planning case file, and these documents should be removed, and the correct documents uploaded. In light of this a further 2-week notification period must be given to enable the review of the correct documents.

The wrong documents were uploaded to this planning application, as a result of human error and were removed as soon as the Local Planning Authority was made aware. The amended plans relating to this planning application were uploaded and available for the full 2-week re-neighbour notification period, thus there is no requirement for further period of neighbour notification.

- Will the new dwelling be sited off the elevation of 49 Whirlow Lane, will access be available for maintenance and repairs to this wall.

The side elevation of the new dwelling will be sited alongside the elevation of No 49. With regards to access being available for maintenance repairs to the side elevation of No 49 this would be a civil matter rather than a planning consideration.

- The planning officer has been invited to view the site from neighbouring properties, and the offer has not been taken up. The application cannot be assessed by Google Earth. It is recommended that a site visit is undertaken prior to determination. During the planning application at No 46 the neighbours contacted the Planning Officer, and they visited the neighbouring properties, and this resulted in amendments to the plans.

Two planning site visits were conducted by the case officer (on the 17th February 2023 and 27th March 2023). The planning site photos have been reviewed and they show the relationship of the development site with the surrounding area, and the closest neighbouring residential properties. As such no further planning site visits by the case officer are deemed to be required. Further to this, following the review of the planning site photos and an assessment of the proposal against local and national planning policy amendments were received to address initial concerns raised and the amended plans were re-publicised.

- The drawings are not correct as they do not show the triangular nature of the plot of the land, or the relationship of the development site with No 4.

The plans received within the application submission accord with legislation set out within The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Local and National validation requirements.

- The digging out of the lower level could cause flooding to the Whirlow Mews Farm properties, due to the lower land levels and digging below the water table or they may come across a natural spring as have other basement excavation within the area. Will structural surveys be provided to ensure no damage is done to neighbouring properties from the digging of lower ground floor. Potential construction damage to the retaining wall of No 49. Within the approval there should be a condition requiring the insertion of pile driven steel shuttering to protect neighbouring properties from subsidence.

The above issues are civil matters between the parties as well as matters which are covered under the Building Regulations.

CONCLUSION

The design and form of the new contemporary dwelling will complement the character of the street scene, and the proposal retains the tree buffer forward of the principal elevation. No significant highways, landscape, trees, and ecological concerns have arisen. Following the amendments to the scheme there will be no significant overbearing, overlooking or overshadowing impacts arising on No 4 and No 5 Whirlow Farm Mews.

The proposal is therefore considered to accord with Paragraphs 111, 112, 130, 131, 179 and 180 of the NPPF, and local planning policies CS64, CS74, BE5, H10, H14, and GE15.

The tilted balance applies in the context of an absence of a five year housing supply as the proposal involves the provision of housing albeit in replacement or enlarged form. There are minor benefits to the scheme in the form of the provision of a dwelling with improved living accommodation and greater long-term efficiency, and for the period of construction, economic and employment benefits. For the reasons outlined above there are not considered to be adverse impacts that significantly and demonstrably outweigh those benefits, so the presumption in favour of development within paragraph 11 of the NPPF applies.

It is therefore recommended that planning permission be granted subject to the listed conditions.

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