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Case Number	23/03631/FUL (Formerly PP-12607195)
Application Type	Full Planning Application
Proposal	Demolition of existing dwelling and the erection of four detached dwellings with associated landscaping; and improvements to the access (resubmission of 23/00198/FUL)
Location	45A Brooklands Avenue Sheffield S10 4GB
Date Received	17/11/2023
Team	North
Applicant/Agent	Crowley Associates
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 hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Proposed Site Plan (Red Line) Drawing No 02, Published 17.11.23  
Proposed Site Plan, Drawing Number 3090-001, Rev c, published 18.04.24  
Plot 1 Elevations and Floor Plans, Drawing number 3090-003 Rev A, published 17.11.23  
Plot 2 Elevations and Floor Plans, Drawing number 3090-004 Rev A, published 17.11.23  
Plot 3 Elevations and Floor Plans , Drawing number 3090-005 Rev A, published 17.11.23  
Plot 4 Elevations and Floor Plans, Drawing number 3090-006 Rev A,

published 17.11.23

Site Section 1, Drawing Number 3090 -007 Rev B, published 17.11.23

Site Section 2, Drawing Number 3090- 008 Rev B, published 17.11.23

Site Section 3, Drawing Number 3090- 0010 , published 18.04.24

Garage Plot 4, Drawing Number 3090- 016 published 17.11.23

Tree Protection Plan, Drawing Number 1349-006 Rev D, published 17.11.23

Landscape Section A, Drawing Number 1349-010, published 17.11.23

Landscape Section B, Drawing Number 1349-00, published 17.11.23

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 measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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 biodiversity gain plan has been submitted to and approved in writing. Thereafter the approved plan shall be implemented, with evidence of this submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until this has taken place.

Reason: To compensate for biodiversity loss and provide net gain.

6. Before any work commences upon site, including any site clearance works the applicant shall produce a bat emergence survey and a statement confirming that the site is not occupied by protected species and, if development is to commence within the bird nesting season, to confirm that no nesting birds will be affected by the proposed works. The statement shall be prepared by a qualified ecologist and shall include measures that will be undertaken during the course of development to protect protected species.

Reason: In the interest of biodiversity.

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

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

8. Prior to the commencement of development details an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a report giving details of the impact of lighting on adjacent dwellings and wildlife. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01:2011 " Guidance Notes for the Reduction of Obtrusive Light". The development shall be carried out and thereafter retained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property and wildlife in the area it is essential for these works to have been carried out before the use commences.

9. Development shall not commence until a Construction Environmental and Highway Management Plan has been submitted to and approved by the Local Planning Authority. The plan 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. The plan shall also assist in ensuring highway safety during construction in this respect the plan shall include details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials . Thereafter the development shall be carried out in accordance with the approved plan.

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

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

10. Before development commences full details of the surfacing of the access driveway including details demonstrating how surface water will be prevented from spilling onto the public highway, shall be submitted to the Local Planning Authority for approval and the development shall not be brought into use until the approved surfacing and drainage arrangements are in place.

Reason: In the interest of the amenity of occupier of neighbouring properties and highway safety.

11. 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.

12. Details of a suitable means of site boundary treatment, including the specifications for the acoustic fencing and fencing incorporating wildlife routes shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

13. 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**

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

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

15. The dwellinghouses shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the development shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage of some of the plots and to ensure the protection of trees.

17. There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

18. Construction of the development shall be carried out in accordance with the Construction / Precautionary Working Methodology set out in part 5.2 and 5.3 of the Weddle Landscape Design Ecological Assessment (april 22) published 20.12.23.

Reason: In the Interests of wildlife protection.

19. Before the first occupation of the development permitted the windows in the first and second floor side facing elevations shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of

the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

Attention is Drawn to the Following Directives:

1. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

2. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
3. The applicant is advised that there may be utilities present within the site. The applicant is advised to contact Northern PowerGrid regarding this.
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.
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- 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](mailto:eps.commercial@sheffield.gov.uk).

5. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## **Location and 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 bungalow with accommodation in the roofspace, No 45A Brooklands Avenue, and its extensive residential curtilage. The site 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 four bedrooms with either a study or playroom at second floor (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 masterplan has been submitted which indicates that the existing trees are predominantly 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.

Planning permission was refused for the erection of 5 detached dwellings and two detached double garages on the site. (Application Reference 22/01539/FUL)

The reasons for refusal were that the Local Planning Authority considered that the scheme would result in the overdevelopment of the site with the dwellings being overly large and not commensurate with the size of the plot. The overall development was regarded as having a cramped appearance and would appear car dominated. The development was not considered to be sympathetic to the surrounding built environment.

A second reason for refusal concluded that the development would be harmful to the living conditions of neighbouring properties resulting in an unacceptable degree of noise disturbance, light disturbance and loss of privacy due to the close proximity of development to neighbouring properties and the intensification of the

use of the narrow access into the site.

A third reason for refusal was that 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. This application was subsequently appealed and dismissed.

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.

The most recent application (23/00198/FUL) for the demolition of the dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements was refused in July 2023.

The reasons being that the site would be overdeveloped and would be harmful to the living conditions of the occupiers of neighbouring properties resulting in an unacceptable degree of noise and disturbance, light disturbance and a loss of amenity and privacy to adjacent properties and gardens. This being due to the close proximity of the development to neighbouring properties and the intensification of use of the narrow access to the site.

This decision has been appealed by the applicant and is currently awaiting a decision from the Inspectorate.

This current application is very similar to the last application refused by the Council. The site layout remains the same with some additional on plot parking incorporated and some minor changes to the hard surfacing arrangement.

The houses themselves remain largely unchanged, however louvers are shown to the majority of rear facing openings on rear elevations at first and second floor.

The internal layouts of the houses have been amended which includes a reduction in bedrooms to 4no. with additional study / play rooms.

This application is also accompanied by a Noise Report in relation to traffic noise associated with the development.

Since the last application was determined the appeal decision has been issued in connection with the last refusal for the 5 houses on the site. The appeal decision includes analysis by the Planning Inspectorate that provides conclusion on certain aspects that are relevant to this application. This will be discussed in detail within the relevant sections of this report.

## **Representations**

Following publicity on this application 47 letters of representation have been

received. 5 of these have been in support of the scheme and 42 have been in objection. Some residents have written in more than once. It is noted that none of the supporters share a boundary with the site. The comments raised through representation are summarised below;

In support;

- Support housing in this location.
- Support for creation of new family housing.
- Support for size of housing.
- House styles are in keeping with the mixture of house styles being built elsewhere in other parts of Sheffield.
- Benefit to community.
- Makes use of brownfield land.
- Employment creation, CIL revenue.
- Additional houses would support local shops.
- Highway objections are refuted.
- Previous concerns have been addressed.
- The houses would fit into the surrounding area.

In Objection;

#### Principle of Development

- Minimal change has been made since the previous submission.
- There is no need for additional housing in the area in light of other proposed developments nearby (NHS Fulwood).
- Objection to loss of bungalow as this type of accommodation is needed.

#### Design, character and visual amenity

- The development would detract from the character of the area.
- Out of character with adjacent farm and barn.
- The scheme would appear overly dominant.
- The scheme is an overdevelopment.
- The buildings are too close to one another and out of scale with the locality.
- The size of the gardens is not commensurate with the size of the dwellings.
- The design of the development is out of keeping with the locality.
- Height of the houses is excessive.
- The density is out of keeping with the locality.
- Previous advice from the LPA is that 2 or 3 dwellings of more modest size would be regarded as appropriate.
- The block plans shows trees that don't exist the level of screening would not be as shown.

#### Amenity

- Loss of light and outlook to neighbouring properties.
- Overlooking to neighbouring properties due to the land levels, heights of the buildings and extensive glazing.

- Light pollution.
- Physical and mental health impacts.
- Concern about length of construction, disamenity and highway safety implications during this time.
- The dwellings are close together and would appear as an overbearing mass reducing light to surrounding properties.
- The studies / playrooms could be used as an additional bedroom.
- Concern regarding proximity of access road to adjacent dwellings and noise implications resulting from increased intensity of use.
- Disamenity arising from noise due to increased occupancy of the site.
- The acoustic fence would not work above ground level.
- Concern that the existing fence in place is not an acoustic fence.
- Concern about validity of the noise survey. Concern that this is misleading.
- Insufficient site screening is proposed.
- Insufficient garden space for future occupants.
- Louvers would be ineffective.
- Concern is raised that the louvres could be removed in the future.
- Proposed tree planting would not result in privacy.
- Concern about proximity of communal bin store to neighbours.
- Disamenity from car lights and fumes.
- Concern is raised that the houses could be extended via permitted development rights which would worsen amenity implications.
- Objection on grounds of inadequate amenity space, parking and privacy for future occupiers.
- Request for PD rights to be removed.
- Latterly submitted context analysis images are misleading in their presentation. Query is raised about the height of the new development in comparison to the existing dwelling shown, concern about the limited extent of the development shown, concern that window dimensions may not be accurately shown, the tree implied to screen is not representative of the more scant leafed tree that is present. Concern is raised that the wide angled lens used does not give a true impression of the situation on site.
- The contextual analysis is limited to the relationship to a couple of properties.
- Concern that there is no plan showing the height of the development in relation to the existing houses on School Green Lane.
- A greater contextual analysis should be provided.
- Concern that the houses could be extended in the future.

### Highways

- Increase in traffic and limited access via a long, narrow driveway, which varies in width and is not straight, having a pinch point would be a highway safety risk.
- The width of the access is not suitable for pedestrians and cars.
- The access does not have suitable visibility and is located on a hill, at a point in the road where there is speeding and accidents.

- Concern regarding insufficient parking and overspill onto Brooklands Avenue, adding congestion and compromising highway safety, particularly as cars may not park in the garages.
- Concern that there have been previous accidents in the immediate vicinity to the site.
- Congestion of vehicles waiting in the highway to access / exit site
- Concern regarding access for emergency vehicles.
- Concern regarding site access for construction and impacts on highway safety if parking occurs on street.
- The Highways Technical note is misleading, eg underestimated volume of traffic and frequency, contradictory conclusions about footpath usage, narrow survey scope, varying width of access between applications, surveys being undertaken during COVID which would not be an accurate current day representation, additional accidents in the immediate vicinity of the site are not documented.
- The width of the access seems to have increased since the last application from a pinch point of 3.15m to 3.7m, concern that this is inaccurate and should be verified.
- Concern is raised that if a gate were included then it would result in reversing onto the highway.
- Previous applications have highlighted Highway Officer's concerns.
- Concern that the installation of the acoustic fencing would narrow the access road.
- The scheme would be contrary to NPPF paragraphs 110 b and 112 and UDP policy T25.
- Lack of detail about how refuse management would take place.
- Concerns about bins being stored in the highway on collection days and about access and arrangements for refuse collection.

### Ecology

- Removal of green space that supports wildlife, birds, bats, badgers and small mammals).
- Wildlife corridor is needed for air quality.
- Concern about light pollution and impact on wildlife.
- Badgers are active in the vicinity of the site. The Preliminary Ecological Survey is out of date. Concern is raised that that protected species could be on the site and that this has not been addressed in this latest application.
- Concerns are raised regarding the accuracy of the Biodiversity Impact Assessment.
- Biodiversity compensation would not benefit the immediate area where this is lost.
- Concern is raised that the boundaries to the perimeter of the wider site may not allow for wildlife to pass through e.g. badgers.
- Concern that the ecological assessments are out of date and don't reflect the current wildlife use of the site.

- Concern is raised that the site was run down ecologically prior to the surveys being undertaken.

### Trees

- Concern over future pressure to remove TPO trees due to shading.
- Concern about impact to existing hedging and trees due to proximity of development to roots.
- Concern about impact on TPO Scots Pine.
- Comments are made regarding previous unauthorised removal of trees.
- Many of the mature trees shown on plan no longer exist.
- Concern about damage to hedge through alterations and installation of fencing to access road.
- Environmental impacts of tree and vegetation removal.
- Planting should be native and large trees.

### Drainage

- Concern about increased surface water drainage issues and risk of future flooding to other properties.
- Query is raised as to sewage disposal.

### Other

- The proposed boundary treatment is queried.
- Loss of value to properties.
- Concern about disruption to existing utility services.
- The site plans don't represent the shape of neighbouring property correctly. Neighbouring property is closer to the access road than shown.
- The applicant does not own all the land shown as the access drive.
- Concern about damage to third party property.
- The scheme would conflict with the Human Rights Act which states that a person has the right to peaceful enjoyment of all their possessions including home and other land and that they have the substantive right to respect for their private and family life.
- Impact on demand for local services.
- The boundary with the Whitfield Road properties on supporting statement p3 is incorrect. A strip of land shown in Brooklands plot is actually part of these gardens.
- Concern that supporters of the development are not from the immediate locality
- Comment about inaccuracies in the planning statement

### **Policy Context**

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

material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and last revised in December 2023 (the NPPF) is a material consideration (paras 2 and 224 of the NPPF).

Paragraph 225 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

- the application of policies in the NPPF that protect areas or assets of particular importance (including SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provides a clear reason for refusing the development proposed;
- Or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the "tilted balance" and this assessment will have due regard to this.

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

Under the revised NPPF Sheffield is required to demonstrate a 4 year supply of housing (instead of 5 years). The 4-year supply figure is 3.01 years.

Because the Council is currently unable to demonstrate a four-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.

Set against this context, the development proposal is assessed against all relevant

policies in the development plan and the Framework below.

## **Assessment**

### 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.

### Housing Land Supply

Core Strategy Policy CS22 (Scale of the Requirement for New Housing) relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, the NPPF now supersedes this, and the Council cannot demonstrate adequate Housing Land Supply at this point in time. Weight cannot therefore be afforded to the housing figures identified in Policy CS22.

Core Strategy Policy CS23 (Locations for New Housing) identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure, within the main urban area of Sheffield. However, it is considered that weight can still be afforded to policy CS23 on the basis that it links to key themes in the NPPF including increasing the supply of new homes, regeneration and sustainable development, the efficient use of land, brownfield land development, sustainable development, and sustainable travel.

Paragraph 70 of the revised NPPF sets out that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

This development will make a positive contribution towards the Council's housing land supply of deliverable sites and this is afforded considerable weight as a material consideration in the determination of this application.

### 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 Council is currently achieving a dwelling build rate on previously developed land that aligns with the policy requirement and therefore the development of this predominantly 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 128 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 131 identifies that good design is a key aspect of sustainable development.

Paragraph 135 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 139 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 scheme would involve the demolition of the existing bungalow. This is acceptable in principle.

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.

Whilst the previous refusal cited overdevelopment as a reason for refusal this no

longer referred to the appearance of the site, as it was concluded that this aspect had been addressed since earlier submissions for 5 dwellings on the site.

The dwellings would be two storey with accommodation over 3 floors with the second floor accommodation being located within the roof space.

Whilst no materials have been specified within this submission, the visuals supplied indicate that the properties themselves would be finished in coursed natural stone with tiled roofs. The dwellings incorporate extensive fill height glazing as a feature of the design. Final materials can be controlled by condition.

Properties on Brooklands Avenue are largely two storey, 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. The predominant scale of built form is 2 storey.

The dwellings would be set well back from Brooklands Avenue, with some limited visibility via the access road. They will not be particularly prominent. The scale and design of the dwellings are compatible with the locality.

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 gardens. Nevertheless the scale of the gardens exceeds the recommended minimum standard (of 50 sqm) and are at least 10 metres in length at the shortest distance to the rear boundary of the site. This accords with Guidance set out in Guideline 4 on Supplementary Planning Guidance on Designing House Extensions. Whilst the proposed development is not for a house extension, the guidance within this document sets out standards sought in residential areas to maintain amenity and good design and these principles are applicable to developments for new housing.

#### Amenity

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) 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

Paragraph 135(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 191).

The aims of the local and national policies closely align enabling the local policies to be afforded significant weight.

The reason for refusal on the previous scheme was on the grounds of harm to

living conditions resulting from an unacceptable degree of noise and disturbance, light disturbance and loss of amenity and privacy to adjacent properties and gardens . This was due to the close proximity of the development to neighbouring properties and the intensification of the use of the narrow access into the site. It was also concluded that this demonstrated the overdevelopment of the site.

The plans have been amended slightly as outlined earlier within the report.

Since the previous application for 4 houses was refused at committee an appeal decision has been issued dismissing the appeal in relation to an earlier refusal for 5 houses. Whilst the appeal was dismissed in the analysis the Inspector reached conclusion on some specific items which need to be given regard in the assessment of this application.

### Overbearing and Overshadowing

Properties on Brooklands Avenue have long rear gardens. The proposed dwellings would be set back from this northern boundary with a further gap of at least 18m from the closest point 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 and is understood to have been subdivided in recent years. A new dwelling is under construction within the curtilage of 14 School Green Lane (application 22/03501/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 9.8m – 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.

Plots 1 and 2 would be constructed off lower land levels than existing, with land for plots 3 and 4 being built up.

The ridge height of plot 2 would be roughly 2 m higher than the ridge height of the existing bungalow.

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, these properties would have the closest facing relationship.

The remaining proposed dwellings would be of such a distance from neighbouring property that overshadowing or overbearing issues would not be unacceptable.

It is considered that, the development would not have an unacceptable overbearing or overshadowing impact upon neighbouring properties.

### Overlooking

The previous refusal was based on the perception of overlooking to properties on Brooklands Avenue, amongst other relationships. This included the degree of overlooking as well as a heightened perception of overlooking especially to 14 School Green Lane and the property currently under construction. The report stated whilst facing windows would be in the region of 21 m a sense of loss of privacy would occur in comparison to the existing situation.

Overlooking issues were also identified from people utilising the driveway.

The scheme is designed so main windows on the proposed development would predominantly face towards the rear of properties on Brooklands Avenue or towards the rear of dwellings on School Green Lane.

The separation distance between the development and properties and gardens on Brooklands Avenue exceeds minimum separation distances. The previous assessment raised concerns regarding perception of overlooking to these properties. The relationship is broadly similar to that assessed by the Inspectorate with regard to the scheme for 5 houses. In this assessment relating to these properties, the relationship was concluded to be not significantly detrimental to the privacy of occupiers of these neighbouring properties. In light of this appeal conclusion, this relationship is now regarded as acceptable.

The relationship of the development to the properties to the rear of the site is largely unchanged since the previous submission except that louvers have been added to the upper floor windows and the nature of some of the rooms have changed. Officers consider that there would be little to stop these rooms being changed to spaces that are used more intensely eg additional bedrooms.

The separation distances between facing windows of the closest properties to the rear exceed 21 metres, these being No 14 School Green Lane and the dwelling being constructed. The level changes between the proposed properties and those to the rear are not significant owing to plots 1 and 2 being set at lower land levels to the existing dwelling to ensure it is not excessively elevated in relation to No 14 School Green Lane. Plot 3 is also shown to be a similar level to the new dwelling constructed off School Green Lane. Separation distances between facing windows

of plots 1 and 4 are far greater.

The separation distances are acceptable, however the large expanse of glazing would mean that a perception of overlooking would occur to occupants of properties to the rear, which would have some impact on their amenity. This would be more pronounced compared to the existing situation.

Whilst this concern remains, the relationship of the proposed development to the neighbouring properties does accord with the Council's separation distances and whilst it is acknowledged that the situation would worsen compared to the existing, particularly with regards to the perception of overlooking, the resulting relationship would be comparable to countless other developments that exist and are approved across the city and it is in the case of living in a residential area that visibility into other people's gardens are common place. The key in this instance is that the separation distances are acceptable meaning that whilst still visible the separation distance is not so low that this would constitute an unacceptable impact on privacy.

The plans show that louvers would be fitted this would have an impact of somewhat obscuring the view out of the windows and into them, which would minimise the impact of activity and outlook at these levels. The agent confirms that these louvers will be fixed. The addition of these does improve the situation over the previous submission. In considering whether these should be conditioned to be retained for the lifetime of the development, then Officers are of the view that this would not meet the test of being necessary in this instance as the required separation distances are achieved. In this instance a condition is not proposed to be incorporated into any approval. This would mean that in the future these features could be removed by future occupiers.

Side facing windows on the upper floors could be conditioned to prevent overlooking from these aspects.

The appeal decision assessed the impact of overlooking from pedestrians using the access to the properties either side. The Inspector found that based on the current and proposed heights of the boundaries and the fact that side elevations of the existing dwellings face these (rather than main elevations) it would be unlikely that prolonged overlooking would occur in excess of what would occur being in a residential environment such as this.

The scheme would see high fencing to the access which would afford adequate privacy for neighbours.

The above assessment of privacy has reached a different conclusion to the previous application. The assessment within the appeal decision essentially concludes previous matters of concern relating to privacy from the access and perception of privacy to properties on Brooklands Avenue would not result in unacceptable disamenity. These conclusions have narrowed the scope of privacy concerns. In light of this and the assessment above officers conclude on balance the impact on adjoining residents privacy can no longer be substantiated as a reason for refusal.

A condition will be attached to prevent further additions to the properties using permitted development rights. This is required to ensure separation distances are maintained, to avoid additional intensification of outlook and to ensure that the site does not become overdeveloped.

## Other Amenity Issues

### Noise disturbance

The proposal would result in increased vehicle movements accessing the site between the properties of No 45 and 47 Brooklands Avenue. There is concern that the increased activity would generate adverse amenity implications for these properties, particularly as the access is narrow, there may be instances on vehicle conflict which could generate additional disturbance.

This application differs from the previous submissions in that it has been accompanied by a noise report.

This has been produced factoring in a 2.1 m high acoustic fence to both sides of the access route and returning along the rear boundaries of properties on Brooklands Avenue that are parallel to the internal communal manoeuvring space within the site. A change in the surfacing of the access route from gravel to tarmac is also proposed.

The fencing is in situ abutting No 47 Brooklands Avenue and the report assumes the same style of fencing will be replicated to the other side of the access and also to the rear boundaries of some of the existing properties on Brooklands Avenue as described above.

The report details that the barriers would not provide any significant attenuation to the first floor windows at night.

The report concludes that the surface change and fencing would provide additional acoustic benefit over the existing situation and that the noise reduction outweighs the impact of the increased vehicle movement and would be of benefit rather than detriment in terms of noise from traffic on the access.

Nighttime vehicle movements were considered to be likely to be very infrequent thus not having a significant adverse impact.

It is noted that representations have highlighted that the access surfacing has been recently changed to gravel and also comment is made on the low level of use the previous access had, however this was understood to be due to the circumstances of the previous occupier. Regard must be had to the fact that the existing bungalow could be refurbished and brought back into use with this gravel drive. The survey has been based on this assumption.

The noise report has been examined by the Councils Environmental Protection Officer who confirms that a tarmac drive would cause less noise and the fence would bring some benefits, however there would be more vehicle movements than

previously. It is acknowledged that this is difficult to quantify however the EPS Officer has not raised objection to the scheme.

A condition would be attached to any approval requiring the fencing to be installed as described and the surfacing detail approved.

Concern has been raised through representation about the increased noise generated by the intensity of development and the use of the gardens.

The appeal decision makes some reference to this and concluded that future residents using their gardens would be unlikely to cause unacceptable harm as the site is within a residential area there is expectation that some noise from having neighbours would arise.

### Light Implications

The development would be likely to require some form of lighting to the access and the increased intensity of development on the site would require the introduction of additional domestic lighting. Lighting from headlights of the increased vehicle usage could also have amenity impacts.

Concerns relating to amenity have been raised through representations.

The impact from lighting was discussed in the appeal decision, albeit for a different scheme, The conclusions of the Inspector however are highly relevant.

In summary, the Inspector concluded that lighting for the access road could be low level so that it would not have a detrimental impact on existing occupiers adjacent to the access, due to the existing and proposed boundary treatments.

The dwellings would have significant amounts of glazing and there would be car headlights and general domestic lighting, however owing to the separation distances, site circumstances and intervening boundary treatments and vegetation it was concluded that the amount of light emanating from the development would not have an unacceptable impact on the living conditions of neighbouring occupiers.

Taking into account the Inspectors assessment, Officers conclude the same with regards to this current application.

### Highways

Policy CS51 'Transport Priorities' within the CS 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.



Policy T25 seeks to regulate car parking in residential areas to ensure highway safety.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 114 and 116 seek to ensure that sites are designed safely amongst other things.

Local and national policies broadly align.

A Transport Statement has been submitted and has been examined by the Highways Officer. It is noted that objectors have queried its validity and have commented that aspects such as the crash map data do not include recent accidents in the immediate vicinity of the site. Officers note these comments.

The existing access to the site from Brooklands Avenue is to be utilised. The access driveway is narrow and would be narrowed marginally further still via the installation of additional fencing to the east side of the access. The drive is barely sufficient to enable two vehicles to pass each other. This has potential to result in conflict in waiting for vehicles to pass and could also result in pedestrian conflict. This would be likely to be infrequent and could be resolved within the site and be a potential inconvenience for users of the access rather than a severe highway safety issue, owing to the low speeds of travel.

A condition will be attached to ensure that gates are not added to the access to maximise free flow.

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 Transport Statement it is accepted that in the main the access accords with guidance provided in the South Yorkshire Residential Design Guide. The details of the drive width indicate that a fire appliance would be able to access the site.

In terms of parking provision, the current guidelines indicate that for properties of this size the provision should be "negotiated". Plots 1-3 are now shown to have two dedicated parking spaces to the front of each property alongside a parking space / spaces within a garage. This application has seen additional parking being incorporated to plots 2 and 3 to achieve this. The dwellinghouse on plot 4 would have similar levels of 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.

The submission details that the site would be serviced by a private waste management company which would access the site in a van. This removes the need for a large vehicle to enter the site and also removes the need for bins to be stored on the highway on collection days.

Concern has been raised through representation regarding impacts during construction in terms of highway safety and amenity. Officers have recommended that a condition is attached to require details of such matters to be agreed in advance of work commencing.

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. Nevertheless refusal on this basis cannot be justified.

## Trees

UDP Policy GE15 seeks for mature trees to be retained where possible and replacement planting provided for any which are lost. Paragraph 180 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. These are mainly located to the eastern boundary of the site with two further TPO trees being located in the north western area of the site.

It is noted that residents detail that there has been tree loss and site clearance on the site in recent years. It is understood that this has been investigated by the Enforcement Team.

The submitted plans indicate that all of the protected trees are to remain, with the removal of 4 category C trees and a group of category C trees. These are predominantly located on the southern boundary which would be within plot 3. Replacement planting for the trees to be lost is to be carried out. This is detailed on a landscape management plan which can be conditioned as part of any approval.

The submission includes the root protection zones of the trees and a tree protection plan. The proposed garage on plot 4 does encroach into root protection areas of some of the trees as does some of the hard landscaping to the east of plot 4. Overall though the scheme has been designed to minimise the impact on the trees. A condition can be attached to ensure that the trees are protected during

construction works and the construction method is appropriate in terms of ensuring their protection.

There is some concern the proximity of the development to the trees may result in calls for their removal in the future, however the most dense band of trees is to the eastern boundary of the site where they would not block a significant amount of sunlight, furthermore the trees to the south of the site provide benefit of screening between the site and adjacent existing properties and are likely to be retained for this purpose.

Subject to conditions the impact on trees is regarded as being acceptable.

## Ecology

UDP Policy GE11 states that the natural environment will be protected and enhanced and that development should promote nature conservation and include measures to potentially reduce harmful effects of development on natural features of value.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected and seeks to minimise impacts and provide net gains.

The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

The site has been subject to an appropriate level of ecological assessment, with a Preliminary Ecological Appraisal (PEA), Ecological Impact Assessment (EIA), 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.

The Councils Ecologist raised concern over the age of the surveys as they are essentially the resubmissions of previous data. The applicant's Ecologist has provided an update in that any walkover now would assess the bungalow as having low suitability for bats.

This generates the need for an additional emergence survey. In this instance the Councils Ecologist is satisfied that this can be secured by condition, given the presence and findings of the previous surveys. A statement will also be required to be submitted to confirm that the site is not occupied by other protected species.

The supporting submissions 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). This aspect can also be secured via condition.

The PEA identifies ecological enhancement opportunities via;

- Enhanced planting
- A carefully designed lighting scheme
- 5 bat boxes and 5 bird boxes
- Hedgehog highways
- Wood pile habitats

These aspects can be secured by requiring the applicant to submit and implement a Landscape and Ecological Management Plan (LEMP). This can be conditioned.

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.

The application was submitted prior to the new requirements for BNG however must still provide a net gain to demonstrate compliance with the NPPF (paragraph 180).

The submission details, in order to deliver biodiversity net, off-site compensatory habitats will be required. This will need to include the provision of at least 0.14 habitat units of Woodland and Forest and 1.13 Units of Urban Trees to ensure trading rules are satisfied. The compensation could also comprise the same broad habitat at medium distinctiveness or other higher distinctiveness habitat.

The applicant seeks to address this via condition. This could be in the form of them purchasing off site habitat units. This would be acceptable.

Paragraph 185 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 biodiversity it is felt that the application cannot be refused on these grounds.

Drainage

Core Strategy Policy CS67 seeks to reduce the extent and impact of flooding.

Paragraph 173 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere amongst other things.

Local and national policies align. Significant weight can be given to the local policy.

The site is located in Flood Zone 1 and is not at significant risk of flooding. The development of the site would see an increase in surfacing as a result of the development. Surface water drainage conditions will be attached to any approval to ensure that increased run off is suitably catered for to ensure risk of flooding off site is not increased.

#### Community Infrastructure Levy

The Council’s Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. 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 falls within CIL Charging Zone 5 and a CIL charge of £80 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted. All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

#### **Response to Representations**

The issues raised through representation have been predominantly discussed in the above assessment. Issues not fully addressed are discussed below;

Comment is made on the accuracy of the plans and visuals and the extent of contextual analysis submitted – Officers visit the site as part of the assessment of the scheme and are familiar with the site as it exists to ensure appropriate and comprehensive assessment of the site.

Concern has been raised regarding boundary treatment – A condition is attached to control this.

Concern is raised regarding the impact from car fumes and the impact of site clearance on air quality – In terms of traffic generation this would be low level and compatible with the residential nature of the area. With regard to vegetation clearance, additional tree planting is proposed and a net gain is secured as a result of the development. Air Quality implications are acceptable.

Concern is raised about proximity of communal bin store to neighbours – The scheme proposes a communal bin storage area within the site. This is shown to be located close to the rear boundary of No 45 Brooklands Avenue. The distance of this to the dwelling of No 45 is considerable and the intensity of storage would not be excessive. The use and siting of domestic bins associated with the development

would not result in unacceptable disamenity.

Loss of value to properties – This is a private/ none planning issue

Concern about disruption to existing utility services – This is a private/ none planning issue

Concern about damage to third party property – This is a private/ none planning issue

Impact on demand for local services – The scheme is small scale and does not trigger any contributions beyond CIL.

Comment about inaccuracies in the planning statement – The planning statement has not been submitted as part of this application.

Concern has been raised that some of the site is outside the applicant's ownership – The agent has confirmed that this is not the case.

### **Planning Balance and Summary**

This resubmitted application seeks consent to demolish the existing bungalow and redevelop the site with 4 houses.

A similar scheme has been refused in the past, however additional information included with this application and the intervening determination of an appeal on the same site has narrowed the scope of matters previously raised.

The above assessment concludes that the development would have an acceptable visual impact on the locality. Whilst the intensification of the site would have a noticeable impact to the amenity of existing surrounding residents, through the more intense use of the site and access, the presence of the houses and the intensity of glazing, these have been concluded to be acceptable in terms of amenity impact when assessed against the relevant policy. These impacts would not be out of the ordinary to experience in a suburban residential area.

The intensification of the access is undesirable, however would not have a severe impact on highway safety satisfying the requirements of paragraph 115 of the NPPF.

The most important trees on site would be retained and a scheme of additional planting and ecological management will be secured.

In particular regard to the previous reason for refusal, the above assessment concludes that the scheme would not have an unacceptable impact on neighbours living conditions with regards to noise and disturbance, light disturbance and unacceptable loss of amenity to and privacy to adjacent properties and gardens. In light of this assessment then the scheme is not regarded as being an overdevelopment.

In the absence of a 4-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

Based on the content of this report, it is considered that there would be some benefits that will arise from this application including:

- The provision of 3 additional residential units at a time where there is insufficient housing land supply, this attracts significant weight.
- The development adds to the housing mix in the area, moderate weight is afforded to this
- Additional households would add to the local economy, however given the scale of the development this would be modest
- Economic benefits via employment during the construction phase. These are temporary and attract limited weight
- The small amount of revenue via the new homes bonus and council tax are regarded as small scale and attract limited weight in the planning balance

Turning to the disbenefits

- The intensification of the access is not ideal
- The extent of glazing incorporated into the dwellings would cause some perceived amenity implications to surrounding neighbours, though the scheme does comply with policy.
- It is regrettable that the biodiversity net gain cannot be secured on site, however again this is not in conflict with policy.

In applying the tilted balance, whilst there are elements of the scheme that are undesirable, when assessed these do not surmount to a conflict with policy. In the past officers have encouraged a lower density scheme and it remains the case that this would sit more comfortably, however the scheme presented must be assessed on its own merits. On balance, officers are of the view that the planning balance falls in favour of the development and approval is recommended subject to the attached conditions.

**Recommendation:** Grant Conditionally.

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