
Case Number	18/02477/FUL (Formerly PP-07088179)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 2x dwellinghouses
Location	499 Loxley Road Sheffield S6 6RP
Date Received	27/06/2018
Team	West and North
Applicant/Agent	LSO Architects Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
 - Drawing A17-160 L(9) 001 E Proposed Site Layout (includes street scene elevations and red line boundary) published 19th December 2019
 - Drawing A17-160 L(1) 001 B Plot 1 Layout and Elevations published 19th December 2019
 - Drawing A17-160 L(2) 002 C Plot 2 Layout and Elevations published 11th December 2019

Reason: In order to define the permission.

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

3. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and

approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. A Bat Low Impact Class Licence or a standard European Protected Species Mitigation Licence needs to be applied for in order to undertake the work. The demolition of the existing buildings shall not in any circumstance commence unless the LPA has been provided with either;

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead; or

b) a statement in writing from the relevant licencing body to the effect that it does not consider that the specified activity will require a licence.

Reason: In the interest of biodiversity

7. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

8. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

9. No development (including demolition or other enabling, engineering or preparatory works) shall take place until a phasing plan for all works associated with the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy.

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

10. Notwithstanding the submitted plan, before the drive is constructed, full details of permeable surface materials shall have been submitted to and approved in writing by the Local Planning Authority that avoid the use of unbound gravel. The drive shall be constructed only in accordance with the aforementioned approved details, and the driveway shall be surfaced prior to occupation.

Reason: In the interest of pedestrian safety and road users.

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

12. The proposed development shall not be brought into use until the ecology mitigation measures (bat bricks) shown on the approved plans have been provided. The Local Planning Authority shall be provided with evidence that the mitigation measures are in place and they shall thereafter be retained.

Reason: In the interest of biodiversity.

13. Large scale details, including materials and finishes, at a minimum of 1:20, of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows including reveals;

Rooflights;

Guttering and rain water goods;

Eaves;

Doors;

How the opening through the front boundary wall is to be treated

Thereafter, the works shall be carried out in accordance with the approved details.

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

14. 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.

15. 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.

16. Notwithstanding the submitted plan, before the development is commenced or in accordance with a timeframe to be agreed in writing by the Local Planning Authority, details shall have been submitted to and approved in writing by the Local Planning Authority of a reduced height of the front boundary wall, to improve sight lines on to Loxley Road. The wall shall be constructed only in accordance with the aforementioned approved details and prior to occupation of the development.

Reason: In the interest of highway safety.

17. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements

which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

18. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

19. The development shall not be used unless the car parking accommodation for the development 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.

20. The raised terrace to the rear of the dwellinghouse on Plot 2 shall not be used unless the screening, as indicated on the approved plans has been erected and the screening shall thereafter be retained.

Reason: In the interest of the amenity of occupiers of adjoining property.

Other Compliance Conditions

21. Prior to the development being brought into use bird boxes that are suitable for nesting house sparrows shall be erected within the site and there after retained.

Reason: In the interest of biodiversity.

22. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning

Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

23. 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.

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

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

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

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

Attention is Drawn to the Following Directives:

1. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

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

2. 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

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

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

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

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

4. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental

Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

6. The applicant is advised that work should be undertaken outside of the bird breeding season (beginning of March until the end of August) unless a prior check has been made by a suitably qualified person.
7. 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

8. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

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

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

9. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

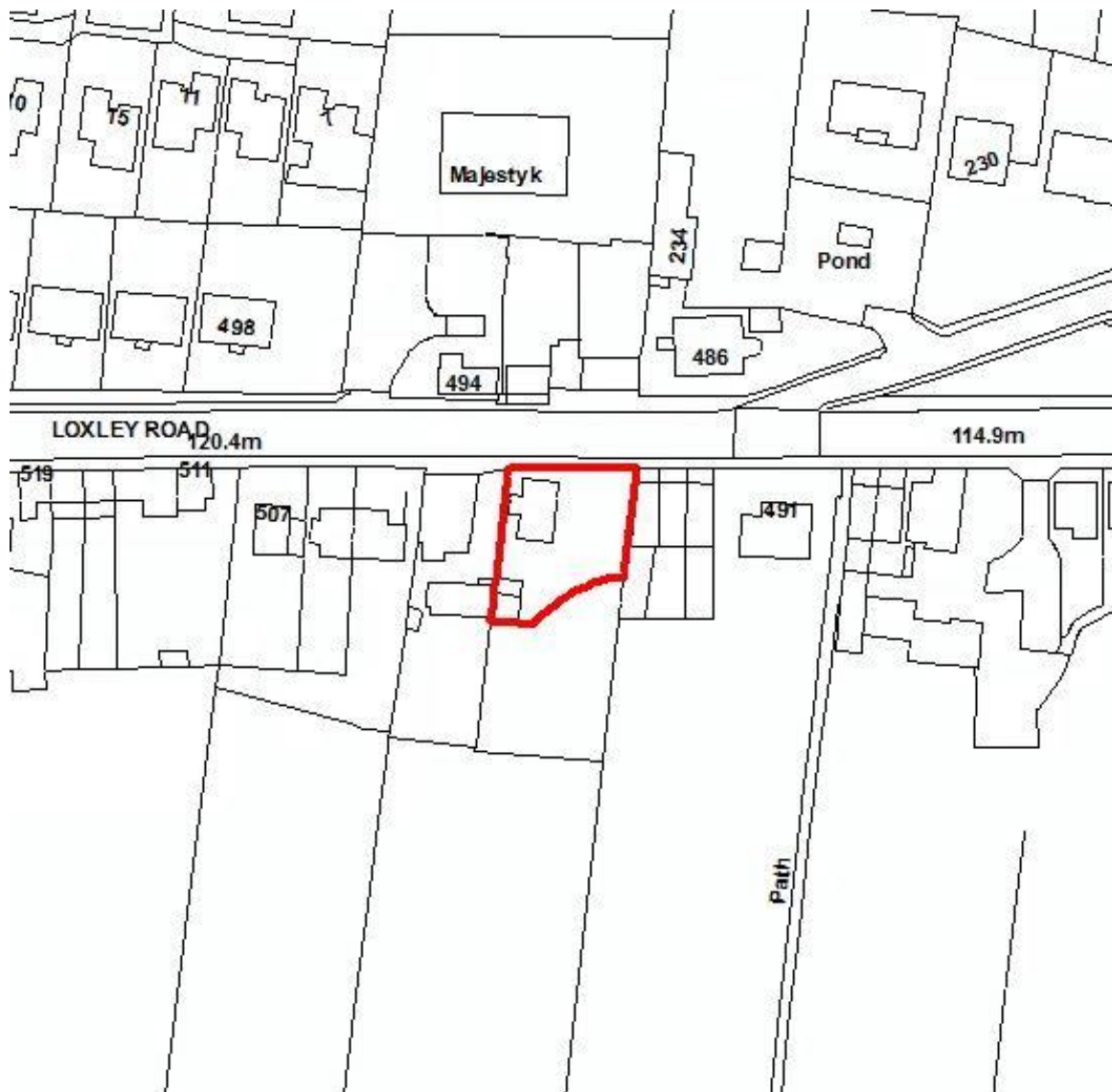
10. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a traditional stone property with a slate roof on the southern side of Loxley Road. The property has a gable to the highway and faces a small side garden area between No.499 and No.497. The land slopes away to the south.

Planning permission is sought to demolish the existing dwellinghouse and to erect two dwellings on the site. Each property would have associated car parking to the front and garden space to the rear.

The proposed dwellings would be two storeys in height, when viewed from the road with accommodation within the roof space. Due to the fall in the land the property on Plot 1 would have a lower ground floor, having the appearance of three-storeys when viewed from the rear. Each would have a gable facing towards the highway and would be constructed from natural stone on the most visible front and side elevations with red brick to the other side and rear.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. The property to be demolished is of some age (believed to be Victorian); however it is not listed.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the development on the grounds that the design and appearance of the development is not in keeping with the area; the layout and density of buildings are unacceptable; the overbearing/overshadowing presence near a common boundary would be to the detriment of neighbours and the development would have an adverse impact on nature and conservation interests as well as biodiversity opportunities.

Loxley Valley Protection Society (LVPS) have also lodged an objection to the proposed development. They set out that the existing property adds significantly to the character and appearance of the old part of Loxley and should not be demolished.

The property's unusual orientation, harks back to ancient settlement patterns, adds to its charm, and the opportunity to sneak a view into the Loxley Valley over the cottage garden. The notion of views in and into the Loxley Valley is enshrined in the Loxley Valley Design Statement. The development would harm these views.

The development would not harmonise with existing properties within the settlement and would represent an overdevelopment of the site with all greenery removed from the front elevation.

The increase of building/hard standing will exacerbate run off, and reduce the soak away, even if a permeable driveway surface is conditioned.

In addition to this the development will be over bearing to the adjacent properties as the proposed houses are both to be built up to the boundary of the plot to each side.

The proposed development will overlook the properties & amenity spaces of the neighbours and would be detrimental to the living conditions of local resident.

The site is close to an awkward junction and is next to the Post Office. As such there are existing on-street parking problems and the development would make this worse.

The development would be detrimental to wildlife as it would remove a green corridor and the properties would have little garden space.

In addition 34 representations (from 31 interested parties) have been received from local residents. These set out the following issues:

Ash House (499 Loxley Road) dates back to 1885 and represents a particular style of house that gives Loxley its character. Also important are the green spaces between the houses and the views of the valley. The developer should renovate the property, not knock it down.

The proposed dwellings are oversized, each having 5 bedrooms and out of character with the area.

A mature ash tree (from which the cottage derived its name) has already been felled.

The shared drive would be the cause of many arguments between the neighbours, as it is not big enough for easy access by four cars. The driveway would also see cars reversing onto the highway.

Existing properties on both sides of Loxley Road already parking on the street. The proposed development would exacerbate the parking problem and, potentially, increase the risk of accidents.

The site is close to the junction of Loxley Road and Studfield Hill where access and exit is already difficult due to parked cars and moving traffic on Loxley Road.

The area is popular with cyclists and vehicles reversing / additional parked cars would be detrimental to the safety of cyclists.

The development would be detrimental to pedestrians, particularly children, visiting the shop.

The construction of the proposal would reduce light available to neighbouring dwellings.

Bats are believed to roost in the outbuilding to the rear of the site and other protected species may frequent the site.

The plans do not show where bins would be stored and there appears to be little room for the 3 bin system that each property would require. To store the bins to the front of the property would be detrimental to the character and appearance of the area.

The development would put pressure on the existing sewer system and the hard standing would increase surface water run-off.

New boundary walls on the front elevation would be out of keeping with the area.

The development would result in a loss of view and light to the properties on the opposite side of Loxley Road.

On the CIL form it is claimed that the applicant has been occupying the existing property. This is untrue as the dwelling has been vacant for at least 3 years.

The development leaves no room for maintenance of the boundary wall between No.499 and 497 or the windows in the proposed property, existing window on the side of No.497 or the soil pipe to No.497.

The elevated decking would result in overlooking to neighbouring property. The property encroaches onto land in the ownership of the neighbouring property (No.497) – Amended plans have been received to rectify this.

Issues of loss of view (from neighbouring properties) and noise and disturbance during construction works were also raised.

PLANNING ASSESSMENT

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

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

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

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

This is referred to as the "tilted balance".

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

At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer. Consequently the policies that are most important for determining this application are automatically considered to be out of date.

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

Principle of Development

The site is within a Housing Area in a relatively sustainable location, close to local services and on a bus route. Within such areas UDP Policy H10 sets out that housing is the preferred use.

UDP Policy H14 'Conditions on Development in Housing Areas' is also applicable. Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood, and it would provide safe access to the highway network and appropriate off street parking.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy. The amenity considerations of policy H14 and the SPG do not conflict with guidance in the NPPF.

Core Strategy Policy CS24 is also relevant. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and

2025/26. The garden of number 499 Loxley Road is classed as a greenfield site (the site of the existing house as previously developed land).

The Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. The site is within a sustainable location, close to good public transport links and is surrounded by residential properties. The erection of 1 dwellinghouse on this greenfield site would assist in meeting the Council's targets for the development of housing across the city and complies with Core Strategy Policy CS24.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area.

The proposal seeks to erect two dwellings on a piece of land with an area of approximately 460 sqm. The development would have a density of approximately 43 dwellings per hectare which is within the density range stipulated by Core Strategy Policy CS26. As such the density is considered to be appropriate for this site and is commensurate with the density of neighbouring residential plots.

As set out above, the revised National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and the lack of a 5 year housing land supply tilts the balance in favour of the development.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

It is considered that the proposed development would be of an appropriate density and is in a relatively sustainable location. In principle the application is considered to be in accordance with the revised NPPF as well as UDP Policy H10 and H14 and Core Strategy Policy CS24 and CS26.

Street Scene

UDP Policy H14 sets out that development should be well designed and in scale and character with neighbouring buildings.

Core Strategy Policy CS74 sets out that 'high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city'.

Paragraph 127 of the revised NPPF sets out that planning policies and decisions should ensure developments are ... c) 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);

Paragraph 130 of the revised NPPF sets out 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....Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

The Loxley Valley Design Statement is adopted supplementary planning guidance and is also a material consideration in determining applications in this location. The statement seeks to ensure a high quality of design, so that the Loxley Valley remains an attractive and distinctive place for many generations to come.

The statement sets out that amongst other things, development should preserve views into and out of the Loxley Valley; drystone walls should be used and new development should be of natural stone with features to harmonise with existing properties. Furthermore development along Loxley Road in particular, should reflect the existing roofline.

The street scene consists of a mix of properties of varying ages. The existing building is not Listed and, although it is of character and age, it is not protected. There are no policy reasons to prevent the demolition of the existing building.

Concerns have been raised by local residents about the loss of the ash tree that was to the side of the cottage and has been felled. This too was not protected and so its removal did not require authorisation.

The proposed dwellinghouses would be constructed from natural stone to the principle elevations facing the highway with a good quality red brick on the less visible elevations and slate roofs. Sash windows are proposed, which would be in keeping with neighbouring properties, with stone heads and cills. In addition the properties would have chimneys on the gable ends to add interest and reflect the local vernacular.

In a nod to the property that is to be demolished the proposed properties would have gables facing the highway and a gap between the two dwellings would be maintained.

This would allow for views through to the valley beyond and would preserve the character of the street. In addition as much of the existing stone wall as possible would be preserved along the site frontage.

It is considered that the proposed development would be of a similar scale and massing to neighbouring properties; having a similar footprint to the existing properties along Loxley Road and being of similar height (two-storeys with accommodation in the roof space and exploiting the levels changes).

The proposed development has tried to minimise the effect that it will have upon the character and appearance of the area whilst increasing the density of development.

Amended plans have been received which indicate that the bin store will be located to the rear of the forecourt, set back from the highway. As such they would not be prominent within the street scene and would not obstruct the parking area.

It is considered that the development is of reasonable design and, on balance would comply with UDP Policy H14, Core Strategy Policy CS74 and paragraphs 127 and 130 of the revised NPPF. The development would also reflect guidance contained within the Loxley Valley Design Statement.

It is however recommended that permitted development rights be removed to ensure that the Local Planning Authority has control of any future changes that may be desired which could affect the character and appearance of the area as well as the amenity of occupiers of neighbouring property.

Amenity

The proposed dwelling on plot one would, in large part, be on the footprint of the existing property.

The property would be set back slightly further from Loxley Road than the neighbouring Post Office and would step down the site, the main body of the property being two storeys with a lower off-shot providing a further 1 ½ storey living space.

The dwellinghouse would not breach the 45 degree rule with regard to windows on the rear of the Post Office which has been extended with a conservatory at lower ground floor level. There are two windows and a glazed door on the side elevation of this neighbouring property; however these appear to serve a staircase and bathroom. It is considered that the proposed dwellinghouse on plot one would not result in significant overshadowing or loss of light.

The proposed dwellinghouse on plot two would project slightly forward of the front and rear of the neighbour (No.497) and would be built right up to the boundary of the site. A raised patio is proposed on the rear elevation; however the plans indicate that this would be screened by way of a fence next to the boundary.

There is a small window on the side elevation of No.497 and light will be taken from this window; however as it does not serve a habitable room (being to a bathroom) the harm caused is not considered to be sufficient to warrant a refusal of the application.

The dwellinghouse on plot 2 would not breach the 45 degree rule in terms of overshadowing of the windows in the front or rear of No.497. The raised terrace with screen fencing would project beyond the rear of No.497 however the effect would be similar to that of a single-storey rear extension. When weighed in the balance it is considered that the dwellinghouse on plot two would not have an

adverse effect upon the amenity of the neighbouring property and that a refusal of the application is not warranted on amenity grounds.

Main windows within both of the proposed dwellings would look onto the highway to the front and out to the countryside to the rear. It is considered that the development would not result in significantly greater overlooking across the street than already exists.

Windows are proposed on the side elevations. Hall and staircase windows for each property would look onto the parking area between the two dwellings and so would not result in a loss of privacy to either of the proposed dwellings.

On plot one a bathroom and utility room window would look towards the neighbouring dwelling. The bathroom window would be obscure glazed and the utility room window would be on the ground floor. It is considered that these windows would not impact upon the privacy of occupiers of the neighbouring dwelling.

On the side elevation of the dwellinghouse on plot two a bathroom window is proposed on the ground floor and a further bathroom and study window and on the first floor (the study would also be lit by way of glazing internally to the stair well). Given the close proximity of the proposed dwelling to No.497 these windows would not result in any overlooking and the windows would not align with the window on the side of No.497.

Overlooking from the raised terrace to the rear would be prevented by the screening which is shown to the side.

In this respect it is considered that the development would accord with UDP Policy H14 which sets out that development should not deprive residents of light, privacy or security.

The properties would each have private garden spaces to the rear. The dwellinghouse on Plot 2 would have a small garden, being set between 6.5 - 4.5m from the rear boundary, but would have the minimum required 50 sqm of useable amenity space beyond the raised terrace area and the site does back onto open countryside and so the outlook from the rear of the dwellinghouse would be good.

The dwellinghouse on Plot 1 would have a slightly larger garden, being set 7.5m from the boundary and having a garden area of approximately 75sqm.

On balance the amount of private amenity space is considered to be adequate. It is similar to that of neighbouring properties and meets the amount required by the Council's Supplementary Planning Guidance (of 50 sqm).

Highways

The plans indicate that four off-street parking spaces would be provided in the form of a shared parking court. This is considered to be an adequate level of parking for the proposed development.

Other properties within the close vicinity have similar parking arrangements, and cars tend to reverse into the drives so they can then leave in a forward gear.

It is recommended that a condition be attached to any consent requiring full details of the surfacing of the driveway be provided, to ensure that it is of a permeable material, thereby reducing surface water run-off. The surface should not be of gravel or similar unbound material that could be detrimental to highway safety. It is also recommended that a condition be attached stipulating that no gates or barriers shall be erected across the entrance to the driveway to ensure that vehicles accessing the properties do not interfere with the free flow of traffic.

As the development would not pose any serious highway safety concerns it is considered that a Highways based refusal of the application cannot be substantiated.

Ecology

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

To support the application the applicant has undertaken three bat surveys, carried out by Wildscapes. A report dated 7th October 2019 summarises the findings.

The building that is intended to be demolished does contain a bat roost of common pipistrelle bats that have been using the building as a day roost. As such the applicant will need to apply to Natural England for a licence before demolition works can commence. It is recommended that should planning permission be granted a condition be attached to the consent requiring the applicant to show that they have the relevant licenses in place.

As common pipistrelle day roosts are of local importance suitable compensation would be required to ensure that no net loss of habitat would occur as a result of the proposed development.

The applicant has indicated on the amended plans that two bat boxes would be erected on each of the properties on the rear (southern elevation) as well as a box on each property on the side (western elevation). These would be in the form of purpose built 'bat bricks' which would be incorporated into the build.

This is considered to be adequate; however it is recommended that the installation of these measures be made a condition of any consent.

Furthermore it is also recommended that a condition be attached to any consent requiring the applicant to also erect bird boxes to accommodate nesting house sparrows.

Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre (this is index linked so could change in the future). The applicant has completed a CIL form which sets out that the development proposes 370sqm of residential floor space.

Environmental Protection Issues

The site is close to a historic landfill site. As a sensitive use, and with the potential for ground gas concerns, reporting is required to assess the likelihood of land contamination or ground gases impacting the site and its users. This should be made a condition of any consent.

The site is also within an area of high risk of unrecorded coal mining activity. The applicant has submitted a Coal Mining Risk Assessment, the content of which has been reviewed by The Coal Authority and no objections have been raised.

RESPONSE TO REPRESENTATIONS

Issues of highway safety, as well as an assessment of how the development would affect the character and appearance of the area and neighbours in terms of overlooking and overshadowing are contained above in the officer's report.

Loss of view and noise and disruption during building works are not planning considerations. Any damage caused to neighbouring property would be a private legal matter between the two parties concerned.

The development would make access to the side of neighbouring properties difficult or even impossible; however this is not a planning consideration. Development can occur right up to the boundary line.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of 2 detached dwellings on the site of a traditional stone cottage which is to be demolished.

The development is within a Housing Area, surrounded by other residential properties.

It is considered that the development would not have a harmful impact upon the character and appearance of the area; would not give rise to unacceptable levels

of overlooking or overshadowing and would raise no serious highway safety concerns.

The development would accord with Unitary Development Plan Policy H10, H14 and BE5 as well as Core Strategy Policy CS23, CS26 and CS74 and guidance contained within the revised NPPF and supplementary planning guidance contained within the Loxley Valley Design Statement.

It is recommended that planning permission be granted with conditions regarding materials, removing permitted development rights and requiring structural details of how the highways retaining wall is to be retained and maintained. Phase I and II site investigation reports as well as the implementation of any mitigation measures should also be made a condition of any consent.

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