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Case Number	19/04504/FUL (Formerly PP-08376417)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with detached garage (Resubmission of withdrawn planning application 19/01402/FUL)
Location	Land Adjacent To Mount View Methodist Church Mount View Avenue Sheffield S8 8SG
Date Received	18/12/2019
Team	South
Applicant/Agent	Space Studio
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:

A19-194/01 Location Plan  
A19-194/02 Site Plan  
A19-194/03 Proposed Plans  
A19-194/04 Proposed Elevations  
A19-194/05 Proposed Elevations 2  
A19-194/06 Proposed Elevations 3  
A19-194/07 Proposed garage plans and elevations.

Reason: In order to define the permission.

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

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

3. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

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

4. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwelling shall not be used 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.

5. Large scale details, including materials and finishes, at a minimum scale 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 and window reveals  
Heads and cills  
Eaves

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

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

6. 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.

7. 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.

8. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

9. The dwelling shall not be brought into use unless the hard surfaced areas of the site are constructed of permeable/porous materials or drain to porous beds within the curtilage of the house. Thereafter any approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

10. 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.

11. The dwelling shall not be used unless the car parking accommodation for one car 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.

12. The dwelling shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

### **Other Compliance Conditions**

13. No gate or barrier to the vehicular access shall open over the public highway

Reason: In the interests of highway safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the south elevation of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

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

15. 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 shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of visual amenity and bearing in mind the restricted size of the curtilage.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority considered that it wasn't necessary to have detailed discussions in this case.
2. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: [highwayrecords@sheffield.gov.uk](mailto:highwayrecords@sheffield.gov.uk)

3. 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](mailto:dawn.jones@sheffield.gov.uk)

4. 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.

Site Location



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## LOCATION AND PROPOSAL

The application site is located within a Housing Area under the provisions of the Adopted Unitary Development Plan. It is located between adjacent the car park and playground of the Mount View pre-school to the south. To the north and west are located two storey semi-detached residential properties. To the east on the opposite side of Derbyshire Lane are two storey terraced properties some being residential and others with commercial uses at ground floor. Also located to the east is the Derbyshire Lane Service station (garage and MOT station).

The site could be best described as a mixture of gravel hard surfacing and urban scrub and is currently used as informal car parking.

The application seeks approval to build a 3 bedroomed dwelling, set over 3 floors with the upper floor accommodation being set within the roof space. There would be side elevation gable ends with the principal elevation addressing Derbyshire Lane and the rear facing No.2 Mount View Avenue.

The main facing material would be a red brick. The roof would be a dark artificial slate tile. One off-street parking space would be provided to the rear of the property accessed from Mount View Avenue.

## RELEVANT PLANNING HISTORY

An application for the erection of a single dwelling was withdrawn in 2019 (19/01402/FUL)

## REPRESENTATIONS

There have been 78 letters of objection to the application and one petition with 59 signatures. The petition does not offer a reason for the objections, but simply states they object.

There has been one letter of support.

### Objections

- Unacceptable living conditions for future occupants (needs acoustic fence to playground boundary)
- Future occupants will overlook playground depriving children of privacy
- House will cut light to the playground
- Will adversely impact on local flora and fauna
- Will adversely impact on highway safety
- Land currently used as unofficial parking will be lost
- Will obstruct the view pulling out of junction
- Will overshadow and overlook the garden of No. 2 Mount View Avenue and be overbearing and be in breach of the Human Rights Act
- The design is not in keeping with the area as it is a three storey house
- Instead of looking at trees and bushes the children will be facing a concrete wall
- The house is an abomination

- How can a dwelling be fitted on a piece of land so narrow?
- Future occupants will have no privacy
- Could constrain the access to the pre-school car park.
- What boundary treatments will be put in place?
- Has a bat survey of adjacent buildings been undertaken?
- Where is the additional infrastructure for all these extra houses?
- The loss of the hedge will be a loss of a teaching resource as the children watch birds feeding in the hedge
- Doesn't leave enough space for a pavement
- Proposed garage will obstruct entrance to the car park
- Conditions should be added to any permission covering
  - i. Road cleaning
  - ii. Construction vehicles don't block drives
  - iii. Frequent enforcement is taken to prevent illegal parking
  - iv. Site is secure so that children cannot play on it.
- No planning notices posted.

#### Non Planning Considerations Raised

- Construction workers foul language and loud music will be overheard by children
- There are enough houses of this type in the locality
- Construction workers will overlook playground
- Will the construction workers be DBS checked?
- Where will the builder's toilets be located?
- Future occupants could smoke in their garden directly adjacent the playground
- No building work should proceed when the adjacent playground in use
- Building work will cause pollution potentially affecting children with asthma
- Building work could cause materials to fall onto children
- What will the hours of construction be?
- Will disrupt the running of the church

#### Support

The school have asked all parents to object as the owner of the site would not sell to them. The site is used by cars for parking all the time and if anything it is more dangerous now than if it had a single house on it.

#### 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 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.

The Local Planning Authority is in the process of updating its five year housing land supply position but given the changed assessment regime identified in the NPPF (2019) and associated Practice Guidance, further detailed work is required. The Local Planning Authority are therefore undertaking additional work to reflect the requirements of national policy and guidance, before publishing conclusions in a monitoring report (expected later this year). 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.

As Sheffield does not currently benefit from a five year housing land supply, all of the most important policies for determining this application are automatically considered to be out of date, as made clear in footnote 7 of paragraph 11. As such the two Paragraph 11 tests detailed above and sometimes referred to as 'the tilted balance' (a presumption in favour of sustainable development) will apply.

In this context the following assessment will:

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

#### Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms (Principle of development),
- The design, scale and mass of the proposal, and its impact on the existing street scene,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided.

## Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use of land.

Policy CS24 of the Core Strategy seeks to maximise the use of previously developed land for new housing, giving priority to such sites and requiring no more than 12% housing completions on greenfield sites in the period 2004/5 to 2025/26. The site does not meet the NPPF definition of previously developed land, but neither can it reasonably be considered greenfield given that it is a narrow strip of gravel hard surfacing and urban scrub and is currently used as informal car parking.

In any event, the site is sustainably located, within the urban area, and greenfield completions are currently 5% within the stated period, so were it to be considered greenfield there would be no policy objection in principle to its development. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and does not conflict with the aims of 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 such as here, 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 a single dwelling on the site, which has an area of approximately 370 square metres and the development would therefore have a density of approximately 27 dwellings per hectare. As such it is considered that the proposed development would not represent an over development of the site and the marginal shortfall on the lower end of the density range can be accepted due to the usable area of the site being constrained.

At the current time, the Council cannot demonstrate a five year supply of housing. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites. This development would make a small contribution to the supply of housing within the city.

As set out above, the revised 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 supply tilts the balance in favour of the development. Furthermore, the density ranges specified in the Core Strategy are out of date and so greater weight should be attributed to guidance contained within the revised NPPF.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote the 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.

Paragraph 118 d) advises that planning decisions should support the development of under-utilised land where it would meet a need for housing and land could be used more effectively.

Paragraph 123 places increased emphasis on avoiding low density housing development and ensuring that developments make optimal use of the potential of each site.

The scheme is considered to accord with the aims of the above NPPF paragraphs as it involves albeit a small housing development, on under-utilised land. Consideration on living conditions is set out later in this report.

It is considered that the proposed development would be of an appropriate density and is in a sustainable location. In principle the application is therefore considered to be acceptable.

#### Impact On The Character Of The Area

UDP Policy H14 'Conditions on Development in Housing 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 cause serious loss of existing garden space which would harm the character of the neighbourhood.

Policy BE1 (Townscape Design) within the UDP states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

Policy BE5 (Building Design and Siting) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy CS74 (Design Principles) within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Chapter 12 of the NPPF (2019) requires good design, where paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 130 requires that planning 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.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are 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);  
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and  
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;

These requirements closely reflect the aims of policies BE1, BE5 and CS74 so those policies can be afforded full weight.

The nearest dwellings to the site are those on Mount View Avenue and on Derbyshire Lane. The semi-detached properties on the former are two storeys in height, feature facing materials of red brick and render and have Welsh slate roofs. The terraces on Derbyshire Lane are faced in red brick and roofed in slate.

The pre-school building to the south is faced in buff brick with a concrete tile roof and the church just beyond is faced in stone.

The proposed dwellinghouse would be two storeys in height with accommodation in the roof space which is consistent with the prevailing scale of other houses in the locality.

Whilst the property would have a unique appearance in the street scene this is not a reason to resist the proposal and there is no local or national policy which requires a design to slavishly adhere to existing built forms. Furthermore, whilst it cannot be said that the proposal exhibits significant architectural merit neither would its traditional form introduce an anomalous or jarring element into the existing street scene.

Whilst the design of the proposed dwelling varies from the semi-detached form of Mount View Avenue and terraced form of Derbyshire Lane this is not considered to represent a robust reason for refusal since the overall scale and massing and traditional form (gable sided, ridged roof) are considered compatible with the existing street scene.

The footprint of the dwelling broadly follows the notional building line of dwellings on both Derbyshire Lane and Mount View Avenue, save for a small single storey projection to the lounge. This is not a significant concern that would result in the position of the dwelling disrupting the pattern of development within the area.

The main facing material is proposed as red brick with slate coloured concrete tiles for the roof. Both of these materials relate well to the dominant facing and roofing materials in the area.

It is therefore considered that the development would not be harmful to the character and appearance of the area, is acceptable in design terms would comply with the relevant local and national policies referenced above.

Amenity Considerations

## Existing Residents

UDP policy H14c) requires development to not deprive residents of light, privacy or security.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

The proposal would achieve typical and acceptable separation across the public highway to properties on the opposite side of Derbyshire Lane.

The main rear elevation of the proposal would achieve a separation distance of approximately 19 metres to the side elevation and rear garden of No. 2 Mount View Avenue. SPG requires a separation of 12 metres to a two storey gable end and as such the proposal significantly exceeds this requirement. There are no main aspect windows in the side elevation of No. 2 and so minimum separation between facing windows is easily achieved. SPG also requires a minimum separation of 10 metres between a rear elevation and the rear boundary and this is also achieved (12 metres to the boundary treatment at the foot of the proposed rear garden).

The windows in the north elevation face across the public highway towards the side elevation of No. 251 Derbyshire Lane but these serve only the stairwell and a w.c. It is therefore clear that the proposed dwelling will not have any implications for overbearing, overshadowing or overlooking of neighbouring properties and will comply with the aims of policy H14 of the UDP and the associated SPG.

Paragraph 123 c) of the NPPF sets out that authorities should take a flexible approach in applying policies relating to daylight or sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards), and paragraph 127 f) requires a high standard of amenity for existing users.

These requirements closely align with the aims of the above local policies which can therefore be given full weight and given the conclusions above in respect of those policies the proposal therefore also complies with the aims of NPPF paragraphs 123 and 127.

## Future Occupants

UDP policy H14c) requires development to not deprive residents of light, privacy or security.

The dwelling will provide good quality outlook and natural light to main habitable rooms

The rear garden amenity space would amount to approximately 86 square metres, with a front amenity space of approximately 310 square metres though a sizeable portion of this is located on a strip along Derbyshire Lane and wrapping around the

adjacent site. Designing House Extensions - Supplementary Planning Guidance states that a dwellinghouse should be provided with a minimum garden size of 50 square metres. The South Yorkshire Residential Design Guide states private gardens for 3+ bedroomed houses should be at least 60 square metres. The rear garden alone easily exceeds this requirement.

It is clear that future occupants using the front garden of the property or located in rooms on the front elevation with windows open will be able to hear children playing in the playground. However, since this will be during daylight hours and there are numerous houses around the city that lie in close proximity to school playgrounds and playing fields it is not considered that this represents a cause for concern.

Appropriate boundary treatments can be secured by condition to ensure a level of privacy in house and garden commensurate with other nearby dwellings.

Paragraph 127 of the NPPF requires a high standard of amenity for future users. This requirement closely aligns with the aims of policy H14 which can therefore be given full weight given the conclusions above and the proposal therefore also complies with the aims of paragraph 127.

In summary, it is considered that the development would not cause significant harm to the amenity of neighbouring property and potential occupiers of the scheme would be afforded adequate living conditions. In this respect the proposal would comply with paragraphs 123 and 127 of the NPPF as well as UDP policy H14.

#### Impact On The Adjacent Pre-School Site

It is noted that significant numbers of representations refer to the dwellings potential impact on the neighbouring pre-school playground.

Since the property lies to the north of the playground it cannot cast shadow across the playground and there will be no loss of direct sunlight to this area.

It is not considered that any marginal overbearing impact of the side elevation of the property can be given significant weight on a play area.

There are no windows in the side elevation of the dwelling facing the playground, which removes any likelihood of overlooking and loss of privacy. In addition there are numerous houses around the city that lie in close proximity to school playgrounds and playing fields, or where such areas are highly visible from public areas.

It is not therefore considered reasonable to conclude that the proposed dwelling would have an unacceptable impact upon the privacy of pre-school users.

#### Highways Considerations

The plans indicate one off-street car parking space within a detached garage accessed from Mount View Avenue. The scheme provides for an independent pedestrian entrance accessed from Derbyshire Lane.

Policy H14(d) states that development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 2-3 bedroom dwelling outside of the city centre 2 spaces are required as a maximum.

The proposed provision of one space is therefore a shortfall on UDP parking guidelines. However, the guideline represents a maximum provision, and government guidance also considers that such standards should only be applied as maximum standards.

The site is in a very accessible location and is located in relatively close proximity to high frequency bus route (there is a bus stop immediately opposite the site for those travelling into city centre) and is within easy walking distance of numerous local facilities.

The site access from Mount View Avenue and would effectively replace the entire frontage of the site being used for ad hoc parking with vehicles currently 'bumping' up a raised kerb. It is not considered that the single access would introduce a danger to the public highway (indeed the likelihood is that the removal of the casual parking along the site length will improve pedestrian safety) but it would be prudent to add a condition requiring boundary treatments to be a maximum of 600 mm high close to the entrance to ensure good inter-visibility between vehicles and pedestrians.

It is not considered that the arrangement of the new access and the adjacent access into the pre-school car park represents a highways conflict and neither is it considered the proposal will introduce a highways conflict at the junction of Mount View Avenue and Derbyshire Lane as there are waiting restrictions at the junction to prevent inappropriate parking.

The proposal is therefore not considered to be in conflict with UDP policy H14 d) and Core Strategy policy CS53.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 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.'

Policy H14 d) broadly aligns with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

Given the conclusions arrived at above in respect of local development plan policies and the alignment with the aims of the NPPF, those local policies are considered to have full weight.

Overall, the proposal would accord with the relevant part of H14, and with regards to paragraph 109 of the revised NPPF (2019) which sets out that development should only be prevented 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, it is considered that a refusal on highways grounds cannot be justified.

### Landscape and Ecology Considerations

The site boundary to the north currently includes a group of conifers, self-set small trees and bushes. None of these are considered to have significant public amenity value though representations state that the loss of the hedge will be a loss of a teaching resource as the children watch birds feeding in the hedge.

Some of this boundary landscape will be retained but the side elevation of the house will displace that section corresponding to the footprint of the house. The removal of the foliage on the site side of the boundary is not considered a reason to resist the scheme since this could be achieved by the land owner without a requirement for planning permission, and is not of high public amenity value.

The plans indicate the site boundary to the public highway will consist of a 900mm wall with planting behind and the principle of this approach is acceptable other than in the proximity of the vehicular entrance where a lower height will be required for inter-visibility purposes. This will ensure the boundary treatment provides opportunities for replacement habitats and will reflect the character of the surrounding area.

A landscape scheme can be sought by condition. It is likely that the great majority of the amenity space will be laid to grass or surfaced in paving.

Whilst representations report that birds may nest in the some of the trees on the south boundary and that other forms of urban wildlife have been spotted on occasion in the vicinity of the site there is no reason to believe that protected species habitats are present and the loss of this piece of dilapidated urban scrub is not considered a robust reason to refuse the scheme in ecology terms.

### 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 is liable for CIL charges, at a rate of £50 per square metre (plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010). The exact amount of this



sum will be calculated upon receipt of detailed information regarding gross internal floor space.

## RESPONSE TO REPRESENTATIONS

Matters relating to design, residential amenity and highway safety have been dealt with in the main body of this report.

The informal use of the land for occasional parking is not authorised and there is no dropped kerb to facilitate access. In this context any potential displacement of parking should not be given significant weight.

The application was publicised in line with the Council's Statement of Community Involvement.

Matters relating to safety on site, site security and the working practices of construction personnel are the province of Health and Safety Legislation.

The plans clearly indicate the retention of the public footway.

There is no reason to believe that the erection of a single dwelling will give rise to significant health threats through dust or other particulates.

The plans clearly indicate the proposed detached garage will not impinge on the ownership of the adjacent access.

It is not for the planning system to police the behaviour of construction workers and/or future occupants.

## SUMMARY AND RECOMMENDATION

This is a proposal for a single dwelling on a site which is currently under-utilised urban scrub land used for casual parking. It is in a Housing Area as defined in the UDP, and in a sustainable location within the existing urban area, and as such the proposal is therefore acceptable in principle.

The overall architectural approach for the dwelling is considered acceptable and in terms of scale and massing the house is considered to achieve a satisfactory balance between visual amenity and the desire to provide an appropriate housing density. The architectural approach is not considered inappropriate and is sympathetic to the existing grain and character of the locality.

It provides acceptable living accommodation and does adversely affect the living conditions or operations of neighbouring residents and business/community users. The highways layout is acceptable and the proposed car parking is considered adequate given the sustainable location.

It therefore complies with the aims of UDP policies H10, H14, BE1 and BE5, Core Strategy Policies CS24, CS26, CS53 and CS74, and paragraphs 109, 117, 119, 123 and 127 of the NPPF.

The listed local policies align with the aims of the NPPF and in accordance with paragraph 11 of the NPPF whilst they are considered out of date owing to the lack of a 5 year housing supply, can be afforded significant weight.

For the reasons described above, it is considered that it has been demonstrated that there are no significant adverse impacts as a consequence of this application being granted, and there will be a benefit to housing supply of granting permission a dwelling on the site.

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