

SUPPLEMENTARY INFORMATION

APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS & ENFORCEMENT REPORTS – SUPPLEMENTARY INFORMATION

1. Enforcement - Agenda Item 14, Page 137

Address: Oak Lodge Farm

It currently reads as follows:

26/10/15 – The residential caravan has been on site for over 4 years, no further action can be taken against it. Advice from legal is that ‘The breach of planning control here is the unauthorised change of use of the land from agricultural to residential’ Therefore we have 10 years to take enforcement action. Because of a lack of satisfactory evidence to show what structures/caravans or otherwise – have been permanently sited on the land throughout the last 10 years or more – makes it impractical to pursue this matter further. However 3 unauthorised containers and a 2nd caravan has been removed from the land following the serving of an EN therefore it is recommended for NFA.

Amended to:

26/10/15 – 3 unauthorised containers and one caravan have now been removed from the land following the serving of an EN. One caravan remains that is being used as residential accommodation. This is considered to be a breach of planning control by way of the unauthorised change of use of the land from agricultural to residential. To be immune from enforcement action the landowner must show that the land has been used continuously for residential purposes for 10 years or more. A letter is to be sent to the previous owner seeking further information regarding the history of the use of the caravan.

2. Application Number 15/00740/FUL

Address Brincliffe Towers, Brincliffe Edge Road

Additional Representation

The applicant has submitted a representation in response to the background to each of the recommended reasons for refusal in the Officer’s report. The key points raised are:

Reason 1 –

The applicant refers to changes to the development proposals that have been undertaken to the new houses and the coach house during the planning process. There is also reference to a public liaison event undertaken in January 2015.

The representation refers to the report claiming that “the contemporary approach does not suit the architecture of the conservation area” and goes on to refer to officer’s suggestions for a contemporary approach with green roofing.

The representation refers to the officer’s request to reduce the height of the new boundary wall to Brincliffe Towers rather than recommending removal.

Officer comments;

No details of the public liaison event have been submitted in support of the application.

The applicant was advised that a contemporary approach could be successful in respect of the new build dwellings. This does not preclude a more traditional approach. However, the proposed design represents a mixture of contemporary and traditional architecture within the individual elements of the scheme, which is not considered to work successfully.

It is acknowledged that the new boundary wall has not previously been requested to be removed from the proposals and has been reduced by 700mm in response to the officer’s concerns. For clarification, the wall is considered acceptable insofar as it is needed to enclose the private garden area. The wall immediately in front of the building is the area of concern as it is considered necessary to maintain a link between the two existing buildings. If Members are minded to grant planning permission, the length of wall can be shortened by an appropriately worded condition.

Reason 2 –

The applicant refers to a strategic plan to ensure the management of the trees within and adjoining the site, including ‘strategic tree removal as recommended’. The applicant is willing to enter into a partnership with Kier to deliver the plan.

Officer comment:

It is acknowledged that some tree removals will be required to facilitate development of this site. A landscape management plan would be recommended to be conditioned in the event that planning permission is granted.

Reason 3 –

The applicant explains the design objectives of the scheme with regard to choice of architectural style and detailing. The design is intended to avoid pastiche Victorian architecture and to create “contemporary responses to a challenging site”.

Officer comment:-

See response above to Reason 1 comments.

3. Application Number 15/02943/FUL

Address 44 Oak Hill Road

Additional Representations

1) Two separate representations have been submitted on behalf of a number of neighbouring occupiers. The 1st has been sent on behalf of 6 neighbours, and the 2nd on behalf of 13 neighbours.

The comments can be summarised as:

-Recent documents indicate negotiations between applicant and planning officer, focusing on building line issue suggesting this is the key issue.

-Applicant's intention is to maximise profit.

-Neighbours' concerns are the overdevelopment of plot, and exacerbation of serious parking problem on road caused by 2 family houses with 1 parking space each. Significant concerns due to site being in Conservation Area, and shortfall below the Unitary Development Plan requirements.

-Neighbours don't agree that principle of two dwellings is acceptable. Clarification whether Council has agreed to this principle, given that current proposal is only slightly different to previously refused submission. Previous officer report conclusion is quoted.

-Current Officer's report recommends approval. Cannot understand why this scheme is recommended for approval, when the previous application which was virtually the same was refused due to 1) scale and massing, overdevelopment, harm to character and appearance of conservation area, and 2) impact upon highway safety.

-Inconsistencies between current report and previous application, as principal concerns raised previously have not been addressed and remain reasons to resist current application.

-The differences in detail do not alter the large footprint of proposed dwellings. Houses are just 2.4m narrower than plot, building would be significantly larger than any other building on Oak Hill Road, is 2.5x floor space of building it replaces, 4x footprint of neighbour to left, and 2x size of pair of semis at Nos 49-51.

-Proposed building not in conformity to principles of Conservation Area, or intentions of its Article 4 designation. Not set out in committee report how proposal doesn't conflict with provisions of relevant policies.

-Changes to refused scheme are recognised, but they are cosmetic and do not address problem of scale, massing and over-development. Would be unfortunate if proposal sets a precedent for massive scale.

-On-street parking is a serious problem, exacerbated by Brincliffe Oaks development. Proposed parking provision is below Guideline 8 requirement of the Designing House Extensions Supplementary Planning Guidance. Not clear how this shortfall can be ignored in Officer's report which doesn't take account of neighbours' representations on these issues.

-Neighbours in nearby properties are unanimous in opposition, however, are not opposed to redevelopment and would accept a single house of reasonable proportions.

-A supplement document has also been provided which identifies relevant UDP policies and paragraphs from the National Planning Policy Framework (NPPF). Also relevant sections of the Nether Edge Conservation Area Appraisal are referred to.

-UDP BE5 and H14; policies not complied with as proposal represents over-development and overcrowding, is out of character and will overwhelm surrounding houses.

-UDP BE15 and BE16; proposal would have overbearing impact on street scene, do nothing to preserve character and appearance of area and would not comply with these policies. Front boundary wall runs entire length of street (except driveways). Conservation Area Appraisal considers stone walls to be a significant feature, and the cumulative loss with parking in forecourts to seriously erode character.

-UDP H14; requires sites to not be over-developed or deprive residents of light, privacy or security or cause serious loss of existing garden space. But site would be over-developed and impact on light and privacy to neighbours. There would also be a considerable loss of garden space.

-UDP H14, requires safe access to highway network, appropriate off-street parking and not endangering pedestrians, and would not be complied with as emergency vehicle access is already a concern and there would be a shortfall in parking provisions.

The NPPF includes a range of paragraphs which provide similar grounds for refusal. These require developments impacts on a heritage asset's conservation to be assessed, new development should make a positive contribution to local character and distinctiveness, any loss or harm of significance to a heritage asset requires clear and convincing justification. Also, the NPPF states that when a proposal would lead to substantial harm to a conservation area it should be refused consent, unless the harm is necessary to achieve substantial public benefits. These circumstances would not exist here.

2) The Nether Edge Conservation Area Appraisal makes several comments about the common sizes of houses and plots, widths of streets, uniformity of spatial layout, boundary treatments, architectural form, scale and materials, heights of dwellings being generally smaller than elsewhere in conservation area.

Appraisal also refers to recent development diluting existing character, failing to respect scale, vertical emphasis and character of villa development.

The Nether Edge Neighbourhood Group have also submitted comments:

-The design of existing house doesn't make a positive contribution to the Conservation Area. Its demolition and a sympathetic redevelopment would be welcomed.

-However, existing house, due to size, siting and design doesn't make a negative contribution to character and appearance of the Conservation Area. Thus, the replacement with a scheme that makes less than a positive contribution would not be appropriate.

-Proposed house design includes very positive qualities, but are too big for plot, virtually filling width of plot and would be out of character with predominant development in this part of the Conservation Area.

-Over dominant roof form not in keeping with design of local housing.

-Setting back of houses, to secure off street parking provision does not mitigate inappropriate scale, massing and design.

-Setting back of houses exacerbates unacceptable impact on residential amenity of adjacent houses due to overshadowing and overbearing impact to windows and gardens.

- 3) Also emails have been received from Cllrs Bond and Maroof. Cllr Bond reiterates support for local objections; and refers to the main issues as 1) the property being out of alignment with others on street, overshadowing neighbouring properties, threat to long established tree and wall; and 2) overdevelopment, and potential parking problems.

Cllr Maroof states he fully agrees with local residents who object to the setting back of the development and loss of alignment with other properties, overshadowing rear of adjacent properties more than previous proposal, and threat to lilac tree and existing boundary wall. Scale and massing is excessive and overdevelopment is inappropriate to Conservation Area. Scheme fails to comply with BE5, BE15, BE16 and H14 of UDP. Scheme will lead to an excess of parking on narrow road, and impact on emergency access.

Response to Comments

These comments have been covered in the Committee report, and no additional points are required to be made.

Amended (deleted) condition

Condition 15 should be deleted as it duplicates the requirements of condition 14 and is therefore unnecessary.

4. Application Number 15/03390/FUL

Address Bank Cottage, Bank Lane

Additional Representation

Councillor Richard Crowther has made the following comment in representation:-

Firstly with regard to the application for a roof light at Bank Cottage, I share concerns expressed by some individuals that the rooflight may be out of character with this sensitive area. I therefore endorse the officer's recommendation that, if approved, the roof light should not protrude from the roof. In addition I would ask that, if approved, a suitable window dressing is applied internally to limit the amount of light leaking out of the building during the dark hours as a result of internal illumination. I would also ask that the Committee satisfies itself that there will be no breaches of privacy as a result of views in and out of the rooflight in respect of neighbouring properties.

Amended(Deleted) Conditions

It is recommended that condition 4, as set out in the main agenda report is deleted, as there is ambiguity between the height reference in the condition (1.8m) and the height as measured from the drawings and referred to in the report (2.5m). At 2.5m there is no possibility of any overlooking resulting from the roof light.

5. Application Number 15/02574/FUL

Address Bank Cottage, Bank Lane

Additional Representation

Councillor Richard Crowther has made the following comment in representation:-

In respect of the application to retain the wooden fence panels, I would ask that the Committee carefully considers whether the total height of the structure, at around 3m in places, is appropriate for an application in the Green Belt and Area of High Landscape Value. In the event that the Committee is minded to approve the application, I would ask that such an approval is only temporary in nature, until more appropriate screening methods for the breeze block wall are established (such as trees or shrubs).