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Case Number	18/00037/FUL (Formerly PP-06623751)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage
Location	Land Between James Walton Court And Station Road Sheffield S20 3GY
Date Received	02/01/2018
Team	City Centre and East
Applicant/Agent	Mrs Linda Trollope
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:

4FA/154 01a Rev A - Location and Site Plan  
4FA/154 01a 04 - Side Elevation and Boundary Wall  
4FA/154 01a 02a - Elevations and Floor Plans

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees and shrubs to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing

when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

4. No development shall commence until a mines gas risk assessment has been undertaken and a desktop study report has been submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with Contaminated Land Report CLR11.

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 intrusive investigation recommended in the Mines Gas Risk Assessment Desktop Study 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 the development being commenced. 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.

6. 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 the development being commenced. 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.

7. No development shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:
  - a) been carried out; or
  - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement are implemented (subject to the approval of the traffic regulation order) before the dwelling is brought into use.

Highway Improvements: Measures to restrict on-street parking close to the junction of James Walton Court and Station Road.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and 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 further intrusive site investigations within the footprint of the proposed building have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. The report shall incorporate the findings arising from the intrusive site investigations and any remedial measures necessary, including the submission of a plan showing the areas of search undertaken to ascertain the presence / absence of mine entry: 443381-003 within the application site boundary. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings or special foundations are required details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the safety and stability of the proposed development

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

9. 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.

10. 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.

11. Prior to the house being occupied details of the siting and design of a boundary fence to separate the house plot from the landscaping buffer strip which is to be retained adjacent to Station Road shall be submitted to and approved by the Local Planning Authority. The approved fence shall be implemented before the house is occupied and thereafter permanently retained. The landscaping within the buffer strip adjacent to Station Road shall not be removed and shall be maintained as woodland planting. The retained buffer strip shall not be used as part of the garden/amenity area for the dwelling.

Reason: In order to ensure the woodland buffer strip adjoining Station Road is retained in the interests of the visual amenity of the locality and ensuring a green corridor is maintained for the movement of wildlife.

12. A comprehensive and detailed hard and soft landscape scheme for the site including details for the management and improvement of the landscape buffer zone adjoining Station Road shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, 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.

13. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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.

14. 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 the safety of road users.

15. The dwelling shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the dwelling commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality.

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

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

### **Other Compliance Conditions**

17. 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.

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

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

19. 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.

20. Construction works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

1. The applicant is advised that the development should not include any of the land identified in yellow on the highway adoption planning previously supplied by email.
2. 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

3. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
4. 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.

5. 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 and application forms on the Council website here:

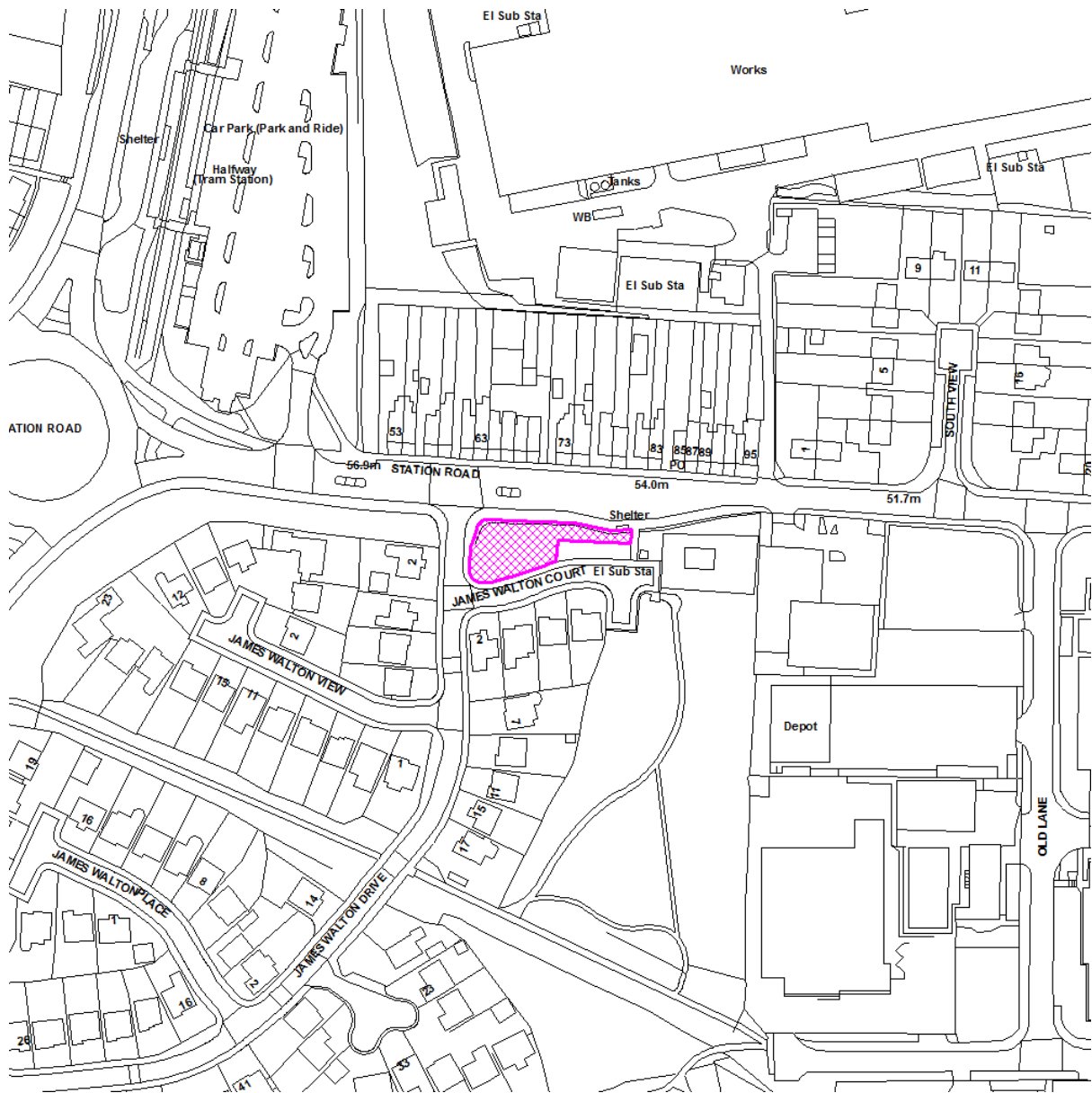
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

6. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
7. 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, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

# Site Location



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## LOCATION AND PROPOSAL

The application site consists of a landscaped area forming part of a housing estate at the corner of Station Road and Rotherham Road, Halfway. The estate was built around 2000 and is a typical suburban development of detached houses faced in brickwork with concrete tile roofs, integral garages open front gardens and frontage parking. The site adjoins a small parking area which is used as off road parking for some of the terraced and semi-detached houses on the opposite side of Station Road. Station Road is a busy road serving Mosborough, the Holbrook Industrial area and Killamarsh.

The application site is covered in trees and shrubs and forms part of a similar landscape buffer area that edges the housing site adjacent to Station Road and Rotherham Road. The site is irregularly shaped and approximately 19m wide at the western end and approximately 4m wide at the eastern end where it screens the car parking serving the housing on the other side of Station Road. The planting on the site is approximately 15 years old and was provided as part of the housing development.

The application is seeking permission for the erection of a 4 bedroom detached house with an integral garage on the southern part of the site whilst retaining a 7m to 5m deep landscape buffer along the Station Road frontage. The plans show a two storey house with an integral garage and a pitched concrete tiled roof with final materials to be agreed. A drive for 2 cars is proposed on the James Walton Drive frontage and the property is provided with an 11m deep rear garden.

## RELEVANT PLANNING HISTORY

Planning application 16/03113/FUL for the erection of a dwellinghouse with integral garage was withdrawn following an objection from the Coal Authority and to allow ground investigations to be undertaken.

Planning application 17/01274/FUL was granted for removal of a small area of landscaping at the western part of the site to allow site investigations to be undertaken. This included a condition requiring the landscaping to be reinstated if permission was not granted for a dwelling within 1 year.

## SUMMARY OF REPRESENTATIONS

A petition objecting to the proposal and signed by 88 people (mostly residents of the estate) has been received. The grounds of objection are that the landscaping should not be removed as it provides a noise and pollution buffer to the very busy Station Road. The drive which is close to the junction of James Walton Drive, in conjunction with vehicle parking on the road is dangerous and likely to lead to accidents.

11 neighbours have sent in individual letters of objection. The main points raised are as follows.

Highway Safety



- The house drive is too close to the junction (13m) and will compromise pedestrian and vehicular safety as drivers entering the estate from the Killamarsh direction will not be able to see vehicles entering and leaving the drive. The entrance to the estate is already hazardous due to parked cars associated with the tram stop, houses on Station Road and the bridleway. The parking associated with the dwelling will worsen this. The new drive will push this casual parking closer to the junction – parking restrictions should be provided.

#### Landscape/ecology

- The loss of the buffer planting is contrary to Core Strategy Policy CS 47 and will result in a shortage of open space. The original planning permission required a 10m landscape buffer to be retained. The removal of the buffer planting will result in the loss of ecologically valuable habitat and a wildlife corridor. It will result in the loss of green space which provides a visual break to the built form and its loss will adversely affect residential amenity.

#### Amenity/Character

- The house is too large for the plot. It is a much smaller plot than the other plots on the estate and out of character with the area and contrary to Core Strategy Policy CS26. It is also contrary to Core Strategy Policy CS74 as it does not enhance or respect distinctive features of the city including townscape and landscape character. The window to window distance is below the minimum acceptable standards and consequently there will be a negative impact on privacy which is contrary to Unitary Development Plan Policy H14. There should be no windows, or the windows on the side elevation should be obscure glazed.

#### Coal Mining

- The site investigation has not complied with the previous coal mining risk assessment in terms of the depth of investigations to be undertaken.

### PLANNING ASSESSMENT

#### Policy Issues

The site lies within a General Industrial policy area in the Unitary Development Plan where the only acceptable uses are general industry and warehousing (UDP Policies IB5 and IB8). However, this policy is clearly out of date as the site was developed for housing in the late 1990s.

The National Planning Policy Framework states that where the development plan is out of date there is a presumption in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Housing applications in particular should be considered in the context of the presumption in favour of sustainable development and housing policies should be considered out of

date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At the current time the Council cannot demonstrate a five year supply of housing such that this weighs in favour of this proposal.

The Sheffield Development Framework Pre-Submission Proposals Map identifies the site as Open Space and as a Green Link, with the area to the south of the site as a Housing Area. Whilst this shows the emerging direction of policy it has little weight as the Council has decided to prepare a new Local Plan.

Unitary Development Plan Policy LR5 says that development in Open Space Areas will not be permitted where it would make open space ineffective as an environmental buffer.

Core Strategy Policy CS47 is concerned with safeguarding Open Space. This policy says that development in open space is not permitted where it would result in a quantitative shortage of open space; it would result in the loss of open space that is of high quality heritage, landscape or ecological value; local people would be denied access to a local park; or it would cause or increase a break in the City Green Network.

The landscaping on this site was created approximately 15 years ago as a woodland buffer strip between the housing and road. The open space function of this site is that it creates a green edge to the housing development contributing to the visual amenity of the area and helping to mitigate the impact of traffic noise and also provides a potential route for wildlife to move along Station Road.

An open space assessment has been carried out which shows that in this area there is 6.1 hectares per 1000 population as against the guideline of 2.7 hectares per 1000. Therefore the proposal will not result in a quantitative shortage of open space nor would it prevent local people having access to a local park.

There is no evidence that the site has any particular wildlife value other than a potential route for wildlife to move along Station Road. It is considered that the retained landscaping to the Station Road frontage, whilst reduced in depth will continue to perform this function. Similarly it is considered that the retained landscaping can continue to perform its buffer function of maintaining a green edge to the site and softening the urban development whilst also mitigating the noise impact. The new house is likely to be more effective in reducing the noise impact of traffic on Station Road than planting.

Given the above it is considered that the second part of Policy CS47 is engaged and the part of the site that is to be developed for housing can be considered to be surplus for its open space function and it would be too small to be re-designated for another open space function such as allotments or children's play space and therefore its loss can be accepted under Policy CS47.

It is therefore concluded that there is no strong case for resisting the application in principle based on open space policy.

Landscaping

The applicant has submitted a tree report in support of the application. This states that the trees within the site are mainly ash (approx. 6m tall) with some Hawthorn, Dog Rose and Guelder Rose planted as understorey and Blackthorn. It also refers to a single multi-stemmed Ash which might have been coppiced or cut down and the current growth is from the stump and might be the tree referred to in a TPO which exists on the site. The report suggests that the current growth is unlikely to have been noticeable when the TPO was originally made in 1997.

The report refers to the material closest to Station Road being mainly shrubs with the young Ash trees being more in the middle of the site. The applicant's consultant concludes that the most sensible course of action would be to clear the site and replant trees and shrubs following the development.

In your officers view the green edge that this landscape buffer provides to Station Road is important in visual amenity terms, in creating a buffer between the housing and the road and for the movement of wildlife. Therefore it is considered that the complete removal of the buffer and replanting is not acceptable.

The Council's landscape officer has visited the site. In your officers view there are no individual trees or shrubs of high amenity value including the TPO tree which appears to have been lost. It is considered that the proposed 7-5m wide landscape strip which is to be retained is adequate to maintain the positive visual impact the landscaping has along with the green link. Whilst the loss of the landscaping within the site will have a negative visual impact from within the housing site and reduce the width of the green link this is not considered to be so harmful as to justify resisting the proposal.

#### Character/visual impact

Unitary Development Plan Policy H14 states that in housing areas new buildings will be permitted provided they are well designed and would be in scale and character with the neighbouring buildings.

Core Strategy Policy H26 is concerned with the efficient use of housing land. It says that housing development will be required to make efficient use of housing land but the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities

Core Strategy Policy CS74 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.

The proposed house is positioned opposite number 2 James Walton Court and consequently will balance the existing house on the opposite side of James Walton Drive.

The plot on which the house sits is 270m<sup>2</sup> (excluding the retained planting). This is similar to the scale of the existing plots adjacent to the site within the estate. The footprint of the house is approximately 90m<sup>2</sup> whereas the houses adjacent to the site are mainly 70-80m<sup>2</sup> excluding single storey extensions. Whilst the house is at the

top end of the size range in the estate it is not considered to be so large that would have a harmful impact on the character of the area.

The form and style of the house will be in keeping with the adjoining houses on the estate. The design is relieved by gable roofs, a projecting bay and masonry cills and lintels. The overall design of the house is considered to be satisfactory and will be in keeping with the character of the estate.

It is concluded that the proposal is well designed and will be in scale and character with neighbouring buildings. Whilst it is judged that it will not specifically enhance the character of the area it is considered to respect the local character.

### Amenity

Unitary Development Plan Policy H14 says that in housing areas new buildings will be permitted provided that the site would not be overdeveloped or deprive residents of light or privacy.

The proposed house would have a rear garden of approximately 80m<sup>2</sup> and is 11m long, which is considered to be sufficient for a property of this size. The design has been amended since the original submission so that most of the habitable room windows which faced James Walton Court have been removed. The only windows now facing across James Walton Court towards the existing houses are a ground floor kitchen and utility room window and first floor bathroom windows.

The window to window distance is approximately 21m across James Walton Drive. The distance between the kitchen window and the windows in the houses on the opposite side of James Walton Court is approximately 18m. Window to window distances of 21m are normally expected on the more private facing facades such as rear elevation to rear elevation. However, reduced separation is permitted on many schemes where windows face on to the street, in order to achieve greater street enclosure, to respond to local character and as people are more tolerant of reduced privacy on the street frontages. In this case the window to window distances across the street are quite generous compared to other parts of the city because the houses within the estate have been designed with frontage car parking which pushes the houses back from the street. Given that the instances where the window to window distance are less than 21m are across the street and there is greater separation than found in many streets in Sheffield it is considered that the impact on privacy is not so great as to justify resisting this proposal.

### Access Issues

Unitary Development Plan Policy H14 says that in housing areas new buildings will be permitted provided that safe access to the highway network is provided; together with appropriate off-street parking and that there is no danger to pedestrians.

The highway officer considers the location of the drive access to be acceptable as it is located approximately 15m from the Station Road junction. Following the original submission the house layout has been adjusted to move the drive slightly further from the junction. It is good practice for drives to be located 10m or more from the

junction. In this case the drive exceeds this distance from the Station Road junction but is less than this from the James Walton Court junction. This is considered to be acceptable because it maximises the separation of the parking from the main road junction. The highway officer considers that the visibility for drivers who will be slowing as they turn into James Walton Drive will be sufficient. In the case of James Walton Court the reduced distance from the junction is considered to be acceptable due to the low amount of traffic (serving only 4 dwellings) and low speed of vehicles using this junction.

Residents have raised concerns about vehicles parking on the road and pavement close to the junction when visiting adjoining sites. This is a general safety concern and such parking would also reduce the intervisibility between drivers exiting the drive and entering the estate. Given this existing problem, a condition is proposed requiring the applicant to make an application for a traffic regulation order to provide parking restrictions adjacent to the junction. As this is considered under a separate process it is not possible to guarantee that the order will be approved. However given the wider benefits to the estate, the risk of it not being supported is considered to be low.

The application site is provided with 2 off road parking spaces which means the off-street parking provision is in accordance with the Council's parking guidelines for this site.

Therefore it is concluded that there is no case for resisting this application on safety or parking grounds.

#### Coal Mining Risk Assessment

The applicant has undertaken ground investigations over part of the site to a depth of 2m below ground level and slightly repositioned the house so that it is outside of the zone of influence of a potential mineshaft. The Coal Authority has now withdrawn their objection to the application subject to a condition being attached for further intrusive investigations to be carried out on the site. These intrusive investigations can be carried out after the development is permitted as any remediation which may be required would not affect the siting of the building. The further investigations can take place within the footprint of the proposed building and could mean that some remedial work is required to treat shallow mine workings or that a special foundation design may be required. However there is no reason why the development cannot be made safe with the appropriate mitigation.

#### SUMMARY AND RECOMMENDATION

The site lies within an open space area and is covered in trees and shrubs that create a buffer to the road and potential route for wildlife whilst providing a landscape setting for the housing. Despite this the proposal is considered to be acceptable in policy terms as a landscape buffer strip to Station Road will be retained which means the valuable functions of the open space and landscaping as described above will be maintained.

The landscaping that will be removed will have a negative visual impact and reduce the width of the green link. However the impact is not considered to be so great that it will have a significantly harmful impact, given that a landscape buffer to the Station Road frontage will be retained. The form and design of the new house is in keeping with the character of the area and it will not have a significant harmful impact on the amenity of adjoining residential occupiers.

The access and parking arrangements are considered to be safe for the reasons described above and the Coal Authority has accepted that the site can be safely developed.

The provision of an additional house within an established residential area is a benefit of the proposal as there is a shortfall in the Council's five year supply of housing which can be balanced against the negative impacts referred to above. It is therefore concluded that there is no strong case for opposing this proposal and it is recommended that planning permission be granted.