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Case Number	18/02353/FUL (Formerly PP-07055501)
Application Type	Full Planning Application
Proposal	Erection of 1 no. detached dwellinghouse including integral garage (Amended Plan received 30th August 2018)
Location	Curtilage Of Croft House 9 Nook End Sheffield S6 6AR
Date Received	18/06/2018
Team	West and North
Applicant/Agent	Russell Robinson Architecture
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 No. L01 (Location Plan);
  - Drawing No. L02 (Existing Site Plan);
  - Drawing No. L03 (Proposed Site Plan);
  - Drawing No. 01 (Proposed Plans); and
  - Drawing No. 02 (proposed Elevations)

received on the 18 June 2018 and 30 August 2018 from Russell Robinson Architects

Reason: In order to define the permission

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

3. 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.

4. 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 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 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 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 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. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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.

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

7. 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.

8. Notwithstanding the submitted plans, before the development becomes occupied, splays shall have been provided to each side of the vehicle access off Nook End, the details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

9. 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.

10. 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.

11. 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.

#### Other Compliance Conditions

12. The development 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.

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 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.

#### Attention is Drawn to the Following Directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
2. 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. 0730 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 Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@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 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.

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

## Site Location



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## INTRODUCTION

The application relates to the lower garden curtilage of Croft House, 9 Nook Lane in Stannington.

Members may recall that two applications to erect two detached dwellinghouses on this site were refused planning permission initially in April 2008, under reference No. 08/00450/FUL, and then again in August 2008, under 08/02576/FUL. Both applications were refused on highway grounds, contrary to the advice of officers, with Members considering that the use

of a substandard access to serve the dwellinghouses off Nook End would impact on vehicle and pedestrian safety.

## LOCATION AND PROPOSAL

The Croft House is a detached dwellinghouse that is situated along the south-western side of Nook Lane, an unadopted road that feeds off Stannington Road near its junction with Wood Road. The dwellinghouse is stone and brick constructed with a dual pitched roof.

The curtilage of Croft House is triangular in appearance and covers a very generous area of some 0.175 hectares. The dwellinghouse sits towards the northern section of its plot with the remaining land laid out as garden. Enclosing the rear garden along its side and rear boundaries is mature hedging that provides a good level of natural screening from neighbouring properties. The land slopes in an easterly direction with the land levels being some 2.1m lower at its eastern end.

The property is situated in a Housing Area with the surrounding area made up of an eclectic mix of house types. There are a range of building styles in the vicinity of the proposal site, including brick built semi-detached dwellinghouses, more recently constructed stone dormer bungalows, prefabricated bungalows and traditional stone cottages.

The applicant is seeking full planning permission to erect a 3-bedroomed detached dwellinghouse within the lower garden curtilage of the host property. Access would be taken from Nook End, near to the site's south-eastern tip.

## RELEVANT PLANNING HISTORY

08/00450/FUL - Erection of two dwellinghouses, provision of 6 car parking spaces and new vehicular passing point to be constructed on Nook End. This application was refused by Members at the meeting held on the 22 April 2008 following Member's site visit.

08/02576/FUL - Erection of 2 no. dwellinghouses, provision of 6 car parking spaces (resubmission of planning application 08/00450/FUL) (amended description) – Refused 13/08/2008

## SUMMARY OF REPRESENTATIONS

Two rounds of consultation have been carried out, the first at the time of the application being submitted in July 2018 and the second in August 2018, the second following amendments being received relating to access arrangements. A summary of all representations received are detailed below:-

First round of consultation – July 2018

Representations from nine properties have been received in response to neighbour notification, all objecting to the application. Some of the residents have written in more than once.

- Highway safety Issues: Nook End is a narrow unmade road/track with no vehicular access at the other end. It is used by pedestrians (dog walkers, horse riders and school children);

- The width of the track is 2-2.2m wide and is 200m in length; Nook End currently accommodates 9 properties (Nos. 2, 9, 30, 32, 34, 36, 38, 40 and 42) Planning guidelines normally only allow for 5 properties to use a private unmade track. If planning is granted, the number using this unmade road would be double the guideline;
- Two similar plans for houses on this site were submitted in 2008 and both were rejected;
- Building on gardens reduces vegetation so increasing CO2 levels. It also reduces drainage and reduces the habitats available for local wildlife including the very important bee and butterfly populations;
- Stannington has many new houses being built including on the site of the former Dyson works. There is no need for an additional house on this garden in the centre of an established area;
- There are no foul drainage pipes running along Nook End. It would not be possible to connect the proposed development to a mains foul drainage system;
- The proposed parking area would not be adequate or safe for the public using the busy footpath. Sight lines would not be adequate. Vehicles reversing out of the property would have no sight along the road;
- The proposed development is very close to the lane boundary which would require substantial excavation and new retaining walls;
- The proposed house would stand very high and overbearing to its surroundings;
- The proposed house would be very close to houses on Stannington Road. Closer than usual planning guidelines;
- Drainage Issues. During wet weather surface water already discharges from the property onto the lane;
- Difficulties during the construction phase. This is the only access to other properties on the lane as well as the footpath;
- The loss of the conifer hedge would affect nesting birds and other species of wildlife;
- Difficulties for emergency services to access the dwellinghouse;
- Security issues;
- Noise and pollution during construction;
- Loss of privacy/loss of views;

Bradfield Parish Council recommends refusal of the application on grounds of overshadowing/overbearing due to the siting of the dwellinghouse close to the common boundary of neighbouring properties. Also raise objections to the development on highway safety grounds.

Loxley Valley Protection Society has raised an objection stating that they support the many neighbour objections to this application. Below is a summary of their objections:-

- The clause in the previous owners sale agreement should prevent the site being developed for housing;
- Previous applications for two dwellings (08/02576/FUL and 0800450/FUL) were refused in 2008 and although the land now seems to be garden rather than paddock there is no automatic presumption that a garden can be built upon;



- Access & highway safety reasons given for the previous refusal;
- The character of the attractive unmade lane with its many older stone properties could be detrimentally changed by further infill;
- The size of the house in relation to the site area makes it appear to be an overdevelopment of the site;
- The loss of trees;
- The granting of this application will be to the detriment of the living conditions of neighbouring residents and the safety of users of the definitive footpath that is Nook End.

#### Second round of consultation – August 2018

The second round of consultation resulted in representations from seven properties. Without exception, all the complainants have stated that their initial concerns with the development remain, with further comments being received that the development could have an effect on subsidence of neighbouring properties due to the excavation works.

#### PLANNING ASSESSMENT

##### Principle of Development – Policy and Land Use

The application site is situated in an area where housing is acceptable under UDP Policy H10. It is also considered that the proposal would not conflict with Core Strategy Policy CS24, which relates to the use of previously developed land for new housing given that the Council is currently achieving a build rate on previously developed land of approximately 95%.

Also of relevance is Policy CS26, which seeks the efficient use of housing land. The site is located in an area where a density in the order of 30 to 50 dwellinghouse per hectare should be achieved. The policy does allow development outside these ranges but only where they achieve good design, reflect the character of an area or protect a sensitive site.

The existing density of the site is approximately 5.7 dwellinghouses per hectare. This is expected given the site area of 0.175 hectare houses a solitary dwellinghouse.

The proposed dwellinghouse would sit within a triangular parcel of land to the southeast of the host property. The site area of the plot would be 428 square metres, with the density being approximately 23.3 dwellinghouses per hectare. While this remains less than the suggested density range set out in Policy CS26, to develop at a higher density would not be appropriate given the character of the area, particular the housing that feeds of Nook End being low density.

Based on the above, it is considered that the proposal to erect a single dwellinghouse on this site is acceptable in principle and would be in general accordance with UDP Policy H10 and not conflict with Core Strategy Policies CS24 and CS26.

## Highway Issues

A number of the objections received from neighbouring properties are highway related. Nook End is a single-file private track/lane that provides vehicular access to approximately 7 dwellings. It noticeably narrows down after a fork to the right which serves house number 32. Whilst for vehicles Nook End is a cul-de-sac accessed from Stannington Road, it does actually carry a public right of way that links Stannington Road to High Matlock Road. The objectors consider that the restricted width of Nook End coupled with the increased vehicular activity associated with the proposed new dwelling will unacceptably compromise the safety of pedestrians. They also question whether the applicant has rights of vehicular access along Nook End; point to a previous refusal of planning permission to construct 2 houses with 6 parking spaces off Nook End and; make reference to the Unitary Development Plan which advises road layouts should be to adoptable standards where they serve 5 or more dwellings.

The reason for the refusal of application 08/02576/FUL (the 2 houses and 6 parking spaces) was that it required the use of a substandard access to the highway impacting on vehicle and pedestrian safety and on the amenities of adjoining residents: H14 (d) & (e).

The differences between the refused application and the current application are that the scale of the development has halved. Access for the refused application would have been taken towards the end of Nook End, meaning driving almost the full length. Access to the current application would be taken just beyond the fork serving existing house number 32, significantly shortening the journey along Nook End. The existing properties accessed via Nook End are all substantial. Google Maps seems to indicate 6 vehicles parked within the curtilage of number 32. A further 4 vehicles seem to be parked within the curtilage of number 9. There are a further 5 properties accessed from Nook End, all with their own parking demand and servicing requirements. The development proposal would include an integral garage for a single vehicle and forecourt parking for a further two.

Since the refusal of 08/02576/FUL, the National Planning Policy Framework (NPPF) was published in 2012, amended in July 2018 which states at Paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Even though Nook End is narrow and with no possibility of being brought up to adoptable standards, given its current usage, it would be difficult to argue in officers' opinion that the construction of a single dwellinghouse would severely compromise vehicle and pedestrian safety along Nook End, or the amenities of adjoining residents. Vehicle speeds along the lane are slow and importantly, the applicant has submitted an amended plan that shows a defined pedestrian waiting/passing place for vehicles in front of the proposed entrance gates. This passing place is key in officers' opinion as it would allow for a vehicle to be pulled over safely in the event of a vehicle approaching in the opposite direction. This passing place would benefit all users of Nook End.

It is acknowledged that the application site has been subject to two previous refusals, both refused on highway grounds. However, officers are satisfied that the development of a single dwellinghouse within the lower section of the property's garden would not unduly

harm highway safety to warrant a refusal on highway grounds. The proposal to provide a passing place should help to reduce standing vehicles in the highway when approaching from Stannington Road onto Nook End.

### Design Issues

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Policy H14 (b) seeks new buildings and extensions to be well designed and would be in scale and character with neighbouring buildings.

The proposed dwellinghouse would be 'L' shaped in appearance and positioned relatively central on its plot. Owing to the sloping ground levels, the plans show the house would be partially cut into the garden area, to help reduce the overall scale and massing of the house. It would be two-storey in height, traditionally designed with dual pitched roofs, and designed with an integral garage, porch canopy and raised veranda accessed from the property's ground floor.

It is considered that the proposed dwellinghouse is of acceptable design quality and would not harm the character or appearance of the surrounding area. The surrounding area has a somewhat eclectic mix of house types, with no defined style that is prevalent. The dwellinghouse is considered to be well-proportioned, designed in a traditional style comprising dual pitched roofs, gable walling, stone heads and cills and chimneybreast. The supporting details confirm that the dwellinghouse would be constructed using natural stone with artificial slates, and either grey or cream uPVC windows.

Despite some of the objections raising concerns with the design of the dwellinghouse, it is considered that it is architecturally sound and would not detract from the character and appearance of the area. The dwellinghouse would sit in a good sized plot (approximately 0.05 hectares) that would allow for front, side and rear gardens, and off-street parking provision.

### Residential Amenity Issues

Policy H14 relates to conditions that new development or change of use proposals in Housing Areas are required to meet. Part k requires that new development should not lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

It is considered that the sub-division of the plot to provide a second dwellinghouse would not significantly diminish the amenity of the host property or result in sub-standard living conditions of the dwellinghouse's future occupants. The proposed site plans shows that the existing dwellinghouse would continue to be afforded with an extensive garden some 1200 square metres in area, and the proposed property some 250 square metres, far exceeding the minimum requirements set out in SPG Designing House Extensions.

In terms of neighbouring properties' residential amenity, it is considered that the only properties that would be directly affected by the development are the houses situated to the south of the site (Nos. 572-584 Stannington Road). No other properties are considered to be affected by the development including the host property (Croft House), or properties to the north of the site beyond Nook End that are more than 21m away.

In terms of 572-584, these properties all comprise rear gardens that back onto the site with a separation distance of approximately 14m between their respective elevations and the nearest part of the dwellinghouse. The submitted plans show that the proposed dwellinghouse would be set in just of the common boundary (approximately 0.5m and 1m) given the slight splay of the side boundary and with exception two high level rooflights within its southern roofslope, no windows are proposed within its side elevation facing these neighbouring houses.

In view of the above, it is not considered that the development would result in any significant overlooking or loss of outlook that would be harmful to the residential amenity of neighbouring properties. The separation distance between the proposed dwellinghouse and neighbouring properties would exceed the guidance contained in SPG Designing House Extensions. This together with the fact that the dwellinghouse would have no windows within its side elevation and the rooflights being 1.7m above finished floor level should prevent any problems of overlooking. Conditions removing the 'PD' rights on side windows and no part of the rooflights being less than 1.7m above finished floor level should be attached to any grant of planning permission.

#### Other Issues

Environmental Protection Services (EPS) has advised that they have no significant concerns with the proposal. They have stated that there are no positive indications of likely contamination or ground gas risk, and the site is not in the Coal Authority Development High Risk Area. EPS has however has stated that the end use is sensitive, which includes private landscaped areas with made ground or naturally elevated levels of contaminations being of concern. They therefore recommend that the usual suite of contamination conditions be attached to any grant of condition, and directives for light and construction phase working hours in the interest of protecting the amenity of neighbouring properties.

Yorkshire Water has stated that they have reviewed the details and have no comments to make with regard to the development.

Some of the objectors make comment that they understand that there may be a restriction (covenant) on the land, imposed by a previous owner that housing cannot be built. Members are informed that restrictive covenants on land are not planning matters and as such cannot be given any weight in the determination of this application.

Objections have been received stating that the removal of the hedge will have an effect on ecological value of the site and in particular nesting birds. Members are informed that the hedge can be removed by the applicant at any time regardless of whether an application has been received to develop the site or not. It is however a criminal offence to wilfully remove the hedge during the nesting season (March- August) should it be identified that the hedge is being used by nesting birds.

There is no evidence that officers are aware of that would suggest that the development of the site and proposed engineering operations would lead to any subsidence that would undermine neighbouring properties. In any event, this matter would be assessed at the construction stage and controlled through building control and not planning.

#### CIL Issues

The development is situated in an area where CIL is liable. The applicant however has stated that the dwellinghouse will be self-build and is claiming self-build exemption.

#### SUMMARY AND RECOMMENDATION

Full planning permission is being sought to erect a 3-bedroomed storey detached dwellinghouse within the lower garden curtilage of a large detached dwellinghouse in Stannington.

The principle of erecting a house within part of the garden curtilage of The Croft is accepted under Policy H14 of the UDP and Policy CS24 of the Core Strategy and would not prejudice or undermine the Council's targets for the development of previously developed land across the city. While the development would remove part of the garden curtilage of the host property, this property would still benefit from an extensive garden curtilage in excess of 1200 square metres, which in officers' opinion would be more than commensurate to the size of the house.

It is considered that the proposal would not significantly impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed. The applicant agreed to amend the scheme that would allow for a passing place to be constructed in front of the entrance gates. This in officers' opinion would greatly reduce vehicular/pedestrian conflict between vehicles approaching in an easterly direction along Nook End and vehicles turning onto the lane from Stannington Road.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development would be in general accordance with UDP Policies H10, H14 (a) BE5 and Core Strategy Policies CS24, CS26 and CS74 and is recommended for approval subject to the conditions listed.

