
Case Number	18/00845/FUL (Formerly PP-06783459)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse
Location	Land At Junction With Welbeck Road Fern Road Sheffield S6 5AX
Date Received	28/02/2018
Team	West and North
Applicant/Agent	Lion Design
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 A1807 01A Plans and Elevations - Proposed

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 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.

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to 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.

6. Before the development commences, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details:

- i) Full structural calculations/drawings and Approval In Principle (AIP's) related to the house structure supporting the infill material to the rear of the existing Welbeck Road retaining structure.
- ii) Construction method statement in relation to maintaining structural support to the highway (Welbeck Road) whilst constructing the footings to the proposed dwellings.
- iii) The type/specification of infill material and method of compaction to the rear of the existing Welbeck Road retaining structure.
- iv) Any structural implications to the retaining wall associated with reprofiling the garden.

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

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

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

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

8. 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.

9. 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.

10. 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.

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

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

Other Compliance Conditions

12. 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 which materially affect the external appearance of the development shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: To ensure there is no visual intrusion which would be detrimental to the amenities of the locality.

13. Construction and demolition 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.

14. 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.

Attention is Drawn to the Following Directives:

1. 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.
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. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

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:

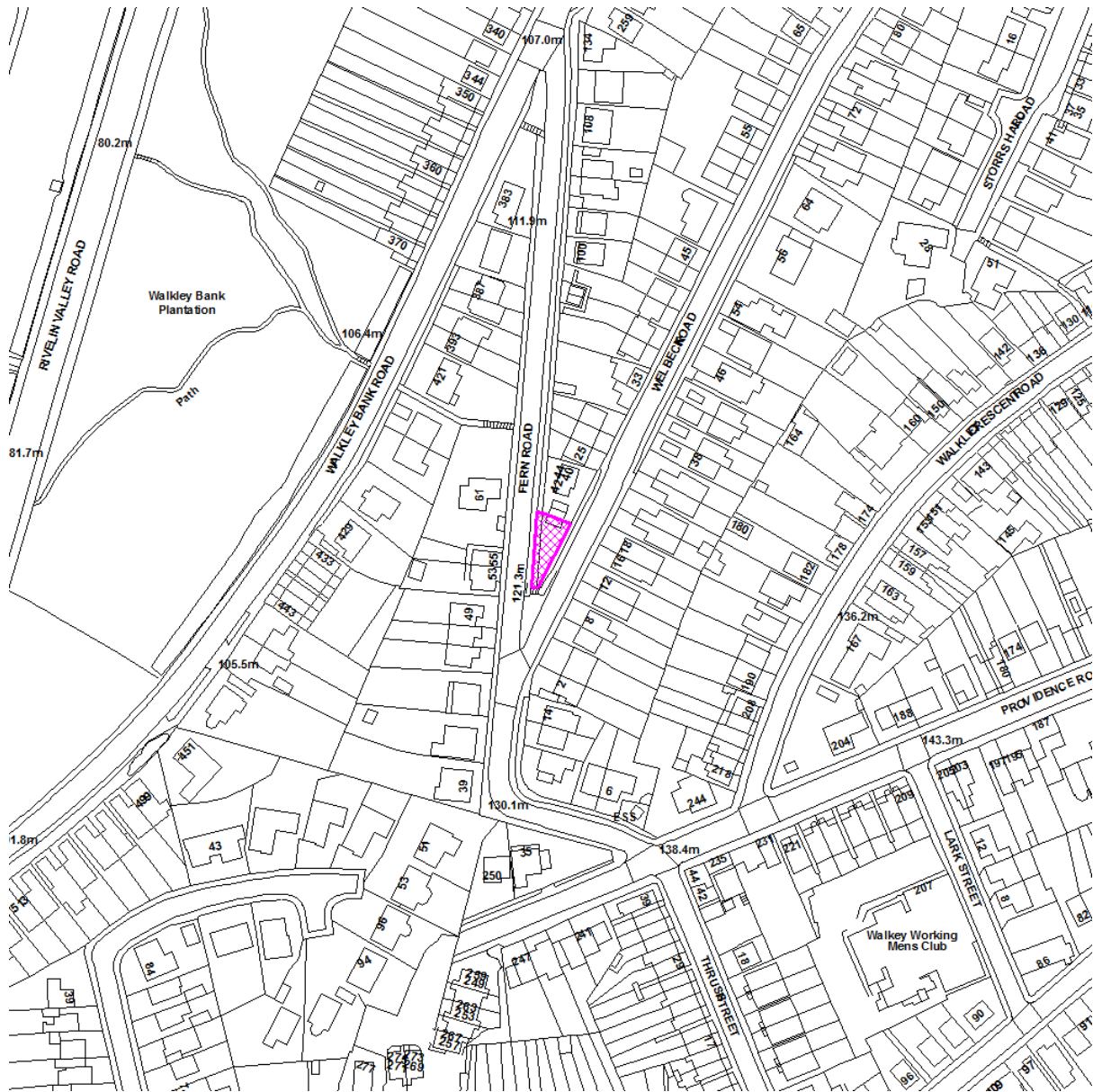
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk.

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. 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



LOCATION AND PROPOSAL

The application relates to a triangular piece of land at the junction of Welbeck Road and Fern Road. The land steps down steeply, with Welbeck Road set at a significantly higher level.

A highway retaining wall forms the rear boundary of the site. On part of the site is a run of three flat roofed garages, accessed from Welbeck Road, and the remainder is covered by undergrowth. Towards the junction are a highway verge, pavement and set of steps.

The proposed development would replace one of the garages with a flat roofed three storey dwellinghouse. The property would be of modern design with a natural stone finish and decorative cedar boarding. Two integral garages would be provided within the development as well as a small garden area to the side of the property. The existing steps from Fern Road to Welbeck Road and grass verge are outside the development site and would be unaltered.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

SUMMARY OF REPRESENTATIONS

8 representations have been received from local residents. These set out the following issues:

The development would result in increased on-street parking. Welbeck Road and Fern Road are already congested.

The development may result in direct overlooking to neighbouring property, particularly given the level changes.

The proposed design is radically different to all other buildings in the area.

The Welbeck Road elevation does not address the contextual street scene.

The development is not in keeping with the area or of good design and is contrary to Core Strategy Policy CS74.

Height of the development and fencing is not shown. This could have implications for highway safety in term of visibility.

The development would result in a loss of light to neighbouring properties and gardens.

The development would result in the loss of wildlife habitat and would not increase biodiversity.

The development could have implications for the neighbouring garage if new footings etc. are required.

Loss of view and noise and disturbance during construction works were also cited.

PLANNING ASSESSMENT

Principle of Development

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

Core Strategy Policy CS23 emphasises concentrating new housing development within or adjoining the main urban area of Sheffield.

The development also needs to be assessed against government guidance contained within the revised National Planning Policy Framework (NPPF). Paragraph 68 of the revised NPPF sets out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should ... c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 118 also sets out that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The site is within the urban area and is surrounded by other residential properties. The footprint of the building would be partially upon the footprint of the existing garage and is considered to be a brownfield site. The remainder of the site is covered by undergrowth and serves no purpose in terms of informal open space. It has an unkempt appearance.

The proposal would make a positive contribution to the supply of housing and is considered to be within a sustainable location, relatively close to local shops and services and on main bus routes. In this respect the development would accord with UDP Policy H10, Core Strategy Policy CS23 and paragraphs 68 and 118 of the revised NPPF.

Density of Development

UDP Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped.

Core Strategy Policy CS26 sets an appropriate density range for this location of between 30 -50 dwellings per hectare.

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

The development would equate to a density of around 69 dwellings per hectare. The site is within an area of relatively high density housing with flats, semi-detached and terrace properties within close proximity to the site. The property would have ample garden space to the side (around 50sqm of useable garden space), which is commensurate to other gardens within the area. The site would not appear overdeveloped.

It is considered that, on balance the development would be complicit with UDP Policy H14, Core Strategy Policy CS26 and the revised NPPF. Core Strategy Policy CS26 does state that densities outside the desired ranges will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area. It is felt that in this instance the proposed development is of good design and the plot size is similar to others within the area.

Street Scene

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

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

Paragraph 127 of the revised NPPF sets out that planning policies and decisions should ensure developments are ... c) sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 130 of the revised NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions....Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

As already discussed, the street scene consists of a mix of detached, semi-detached and terraced properties of varying ages. Next to the site is a three storey block of flats which has a flat roof.

Materials within the area also vary; however brick and stone are the predominant building material.

The proposed dwellinghouse would be constructed from natural stone with decorative timber boarding on the front and side elevation. The property would be of modern design with large aluminium framed windows and a flat roof. Given the narrow plot the property would be built close to the highways (both Fern Road to the front and Welbeck Road to the rear); however other properties within the area are built close to the pavement, with some properties on Welbeck Road built right up to the pavement.

To the side of the property the proposed garden would be enclosed by a stone wall to the Welbeck Road elevation and a stone wall with timber fence above to the Fern Road elevation. Other properties along Fern Road have similar fencing to that proposed (including the flats next door).

It is considered that the proposed development would be to the same scale and massing as neighbouring properties; having a similar footprint to existing properties and being of a similar height. The use of natural stone is welcomed and the cedar boarding would add interest.

Properties within the area do not have a distinctive character, there being so many different building styles /types. The neighbouring block of flats has a flat roof and it is considered that the proposed development would not be injurious to the overall appearance of the area; indeed the development would make a positive contribution to the street scene. As such the development would comply with UDP Policy H14, Core Strategy Policy CS74 and paragraphs 127 and 130 of the revised NPPF.

It is however recommended that permitted development rights be removed to ensure that the Local Planning Authority has control of any future additions / outbuildings that may be desired, to ensure that these would not impact upon the street scene.

Amenity

On the ground floor of the property would be 2 garages. At first floor level an open plan living area is proposed. This would have a large window on the front elevation (onto Fern Road) and a window and covered balcony on the front / side elevation. On the rear (to Welbeck Road) a high level kitchen window is proposed. This would be largely concealed behind the boundary wall along Welbeck Road. On the floor above two bedrooms are proposed. These would have windows on the front and rear elevations.

It is considered that the development would not give rise to unacceptable levels of overlooking to neighbouring properties.

On the front elevation the proposed dwellinghouse would not be directly opposite neighbouring dwellings and so overlooking from windows in the property would be at an angle and across the street. It is considered that overlooking would not be particularly greater than exists elsewhere along Welbeck Road and Fern Road and so a refusal of the application on this basis cannot be justified.

The proposed balcony would be recessed into the building and so people using it, particularly when sat down would not be prominent. It is recommended that the glass balustrade of the balcony be of etched glass to reduce any perception of being overlooked.

The property would also be set far enough from neighbouring dwellings to prevent unacceptable levels of overshadowing or loss of light.

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

Highways

The plans indicate that two off-street parking spaces would be provided in the form of two garages. This is considered to be adequate parking for a two bedroomed dwellinghouse.

Construction of the new vehicular crossing will remove a limited amount of scope to be able to park on-street; however it is not considered that this could justify a highways based refusal of the application.

The grass verge at the junction of Fern Road and Welbeck Road would not be altered and so the proposed development and boundary fencing would not obstruct sight lines at the junction.

The wall that forms the rear boundary with Welbeck Road is a retaining structure (recently re-built by highways) and so it is recommended that, should planning permission be granted, conditions be attached to any consent requiring a structural report and drawings to be submitted that show how the wall will be retained / maintained during construction and subsequent to development.

It is considered that the level of parking shown is sufficient and the development raises no highway safety concerns. In this regard the development is complicit with UDP Policy H14.

Community Infrastructure Levy (CIL)

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

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre. The applicant has completed a CIL form which sets out that the development proposes 91sqm of residential floor space.

Environmental Protection Issues

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

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

RESPONSE TO REPRESENTATIONS

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

Loss of view and noise and disruption during building works are not planning considerations; however it is recommended that a condition be attached to any consent limiting construction hours. Any damage caused to neighbouring property would be a private legal matter between the two parties concerned.

One of the representations raises concerns that the development would lead to a loss of wildlife habitat. The site does contain a number of small self-set trees and unkempt scrub. These do not harbour any protected species. The proposed plans indicate that a garden area would be provided with planting towards the corner, providing a buffer to the steps from Welbeck Road to Fern Road. It is considered that this would provide replacement habitat for wildlife and could in fact increase biodiversity if planted with species that are beneficial to wildlife (i.e. flowering plants that are 'friendly' to pollinating insects, small trees and bushes with berries etc.). It is recommended that a condition is attached to any consent requiring details of a landscaping scheme to be provided.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of two bedroomed dwellinghouse on land at the junction of Fern Road and Welbeck Road.

The land slopes steeply with Fern Road set approximately 1 storey lower than Welbeck Road.

The proposed dwellinghouse would be of modern design, constructed predominantly from natural stone with cedar boarding detailing.

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

It is considered that the development would not have a harmful impact upon the character and appearance of the area; would not give rise to unacceptable levels of overlooking or overshadowing and would raise no highway safety concerns.

The development would accord with Unitary Development Plan Policy H10, H14 and BE5 as well as Core Strategy Policy CS23, CS26 and CS74 and guidance contained within the revised NPPF. It is recommended that planning permission be granted with conditions regarding materials, removing permitted development rights and requiring structural details of how the highways retaining wall is to be retained / maintained. Phase I and II site investigation reports as well as the implementation of any mitigation measures should also be made a condition of any consent.

The applicant has been advised of the necessary pre-commencement conditions and has indicated their acceptance of these by way of email.

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