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Case Number	19/02364/FUL
Application Type	Full Planning Application
Proposal	Application to relocate the turning head (Application under Section 73 to vary condition No. 2. Approved plans and to vary condition no.s 3. (hard & soft landscape scheme) 6. (scheme of sound insulation works) & 7. (validation testing) as imposed by planning permission No. 15/03924/FUL - Demolition of existing building and erection of three dwellinghouses and garages (Re-submission of 15/02390/FUL)
Location	Navarda House, Shelley House And Jeremy House Rotherham Road Halfway Sheffield S20 8GL
Date Received	26/06/2019
Team	City Centre and East
Applicant/Agent	Tatlow Stancer Architects
Recommendation	Grant Conditionally

#### **Time limit for Commencement of Development**

#### **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:

Plans and Elevations - Rev H as approved by application 19/01859/NMA  
Proposed site plan A3 - 11 Rev D  
Landscape Masterplan - 951-RRH-01 Rev D

Reason: In order to define the permission.

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

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

4. The approved landscape works shall be implemented in the first planting season following the approval of the application. 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.

5. The development shall not be brought into use unless a boundary wall with a maximum overall height of 1.8m as shown on the approved plan has been built along the side and rear boundaries of the site. The boundary wall shall thereafter be retained.

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

8. Before the development is commenced full details of finished levels within the site abutting the adjoining public footpath shall be submitted to and approved in writing by the Local Planning Authority. The submitted detail shall include both longitudinal and cross sections showing the finished levels in relation to the footpath itself and any required retaining structures. The development shall thereafter be completed in accordance with the approved levels.

Reason: In the interest of the visual amenities of the locality and amenities of neighbouring occupiers.

9. The dwellings 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 dwellings commencing, and shall thereafter be retained.

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

10. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

15. Within 6 weeks of the date of this approval full details of the arrangements which have been entered into which will secure the highways improvement works (which expression shall include pedestrian safety measures) listed below shall have been submitted to and approved in writing by the Local Planning Authority.

Highways Improvements: Provision of turning head and associated pavement on Rotherham Road and reinstatement of pavement to front of dwellings as indicated on the approved plan

Prior to the highway improvement works being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority. The improvement works shall be implemented within 3 months of the date of final approval unless an alternative timescale is approved in writing by the Local Planning Authority.

Reason: To enable provision of a vehicle turning head on the above-mentioned highways to compensate for that lost as part of the development and in the interests of pedestrian safety.

16. Within 4 weeks of the completion of the highway improvement works, a Post Completion Review of the turning head in operation shall be undertaken at times to be agreed with and in the presence of the Highway Authority and submitted to and approved in writing by the Local Planning Authority. Any recommendations arising from the Post Completion Review shall be implemented within 4 weeks of the date of final approval.

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

### **Other Compliance Conditions**

11. The dwellings shall not be brought into use unless the hard surfaced areas of the site are constructed of permeable/porous surfacing unless otherwise approved in writing by the Local Planning Authority. Thereafter the approved permeable/porous surfacing material shall be retained.

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

12. The dwellings shall not be used unless the car parking accommodation, including the garages, 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 gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

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

14. The development and boundary structures shall be completed in full accordance with the materials indicated on the approved plan dated Oct 15 Rev G.

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

Attention is Drawn to the Following Directives:

1. For the avoidance of doubt in line with National Planning Practice Guidance:

Condition 1 has been removed as the development has commenced.

Conditions 8, 9 and 10 of planning permission 15/03924/FUL have been included on this Decision Notice for completeness and because they remain in force. No further information is required in relation to these conditions at this stage subject to the previously agreed details being carried out in accordance with the information approved under Condition Application 15/03924/COND1. Please note the repeat conditions are listed with the same numbering as the original decision notice.

Conditions 3, 6 and 7 of planning permission 15/03924/FUL have not been included on this Decision Notice. The details required by these conditions have been agreed as part of this application.

Please note that the format of the decision notice has been amended since the original consent so some conditions may appear out of order but they do have the same numbering.

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. 0800 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 the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.
3. 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.
4. 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:

Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: arthur.petrelli@sheffield.gov.uk

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 on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

6. 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.

7. 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](mailto: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.

8. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349

Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

9. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination  
Sheffield City Council  
Town Hall  
Sheffield  
S1 2HH

Telephone: 0114 273 6677

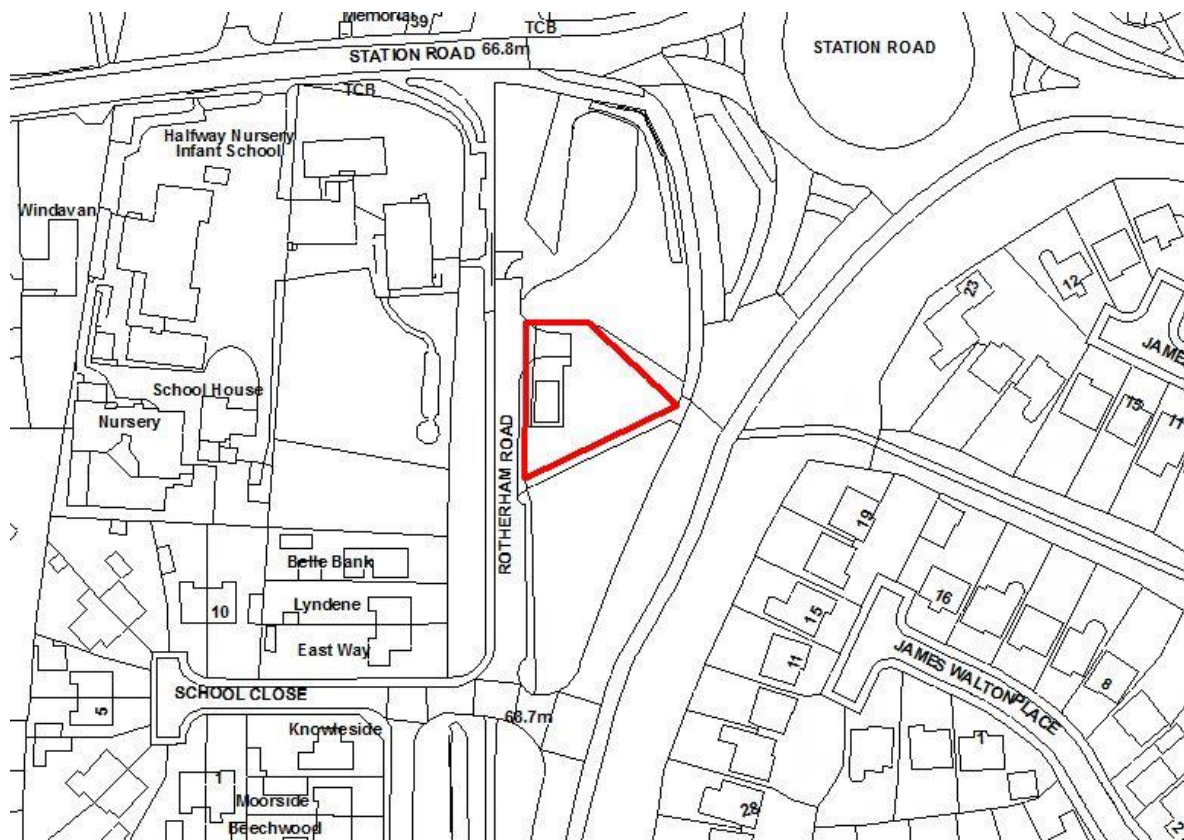
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

10. 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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## LOCATION AND PROPOSAL.

The application relates to three recently built dwellings (two semi-detached and a detached dwelling) which are located on a small parcel of land between Rotherham Road and Rotherham Road North. The dwellings face directly onto Rotherham Road, a short no through road which also provides pedestrian access to Halfway School and vehicular access to other residential dwellings and two informal off road car parking areas. At the time of the initial approval there was an adopted turning head within the red line boundary of the development site which was shown for retention on the approved plans. During construction the dwellings were incorrectly sited resulting in the turning head becoming incorporated within the curtilage of one of the approved dwellings and this area of land, which is owned by the applicant, is now required for off road parking to ensure the new development has adequate levels of parking.

This application has been submitted under Section 73 to seek approval for a revised site layout. As part of the submission, the applicant is seeking to carry out off site works which will enable an adopted turning head to be relocated to the other side of Rotherham Road. The submitted plans have been amended since first submission in order to provide more details regarding the proposed off site highway works.

## REPRESENTATIONS

6 letters of objection, including one from the Governing Body of Halfway School were received in connection with the initial submission which raised concern that:

- The siting of the new turning head outside the school could be a danger to children, parents, carers and general public. To alter the footpath would create a situation where pedestrians are closer to and at more risk of conflict with vehicles. Rotherham Road is very busy without placing moving vehicles nearer to the children and public.
- The letters agree that the parking situation is bad on Rotherham Road, especially at school pick up times due to the volume of traffics and limited space and that there is no opposition in principle to the creation of a turning head but question if an alternative solution could be found? It is thought that the turning head should be sited on the opposite side of the road to the school where there is less risk to young children.
- It is stressed that any work needs to ensure the safety of the children, allow for adequate parking for both residents, parents and staff and to enable emergency services to access neighbouring properties and the school as needed. It is suggested that offsite works if approved should take place when the school is closed.
- It is suggested that this seems like a land grabbing exercise by the applicant. The land shown for the turning head is not the developer's land but belongs to the Highways Authority. Highways should need to make a formal submission after a full and complete consultation, assessment and determination of



location with affected parties to protect the footfall in this area particularly paying attention to the safety of children and their parents.

- The biggest concern during the initial application was about the retention of the turning head which is used during the busy school run periods. The dwellings as built have disregarded the approved conditions which should be enforced. The road already had an adequate turning head which the local authority failed to protect by allowing building work to take place. Had building work been enforced then the relocation of the turning head would not be required. The school and general public should not have to suffer the consequences of 'make do' solutions.
- The three new dwellings enjoy flat road side kerbs and not dropped kerbs as per the initial planning application in 2015. These properties should be subjected to the same amenities as surrounding properties which allow parking on the property frontage to help ease congestion in this area.
- The construction of the new houses caused considerable disruption to road users and no site safety has been observed. There are concerns that the community would have to put up with this again. Common sense needs to prevail and the lives of school children should not be affected or put at risk
- One letter in support of the application has been received from a resident of the new development which makes the point that there is a major issue with parking for the parents and staff attending the school which is a long standing issue and should be separately addressed. The letter states that most of the drivers have no regards for the safety of the children or anyone else who wants to access the road during busy school times. The writer says that having witnessed the recent need for police presence, the council should be looking for other options such as the surfacing of the rough ground/ car parks in front of the school to provide adequate parking/tuning facilities and that objecting to a plan which is going to help with the turning of vehicles is not going to remedy the longstanding issues.

Following receipt of the amended plans the Governing Body of the School have indicated that they are broadly in support of the revised layout plan showing a separate realigned footpath, but still have concern about road safety for their children. The governing body have suggested that significant railings be provided around the turning head and be extended along the kerb edge/grassed section to avoid cars mounting this area as children may run across it.

#### RELEVANT PLANNING HISTORY

15/03924/FUL Demolition of existing building and erection of three dwellinghouses and garages Application granted 19.01.16

15/03924//COND1 Application to approve details in relation to conditions 3 (Landscaping), 8 (Finished Levels), 9 (Surface Water), 10 (Wheel Cleaning) of planning permission 15/03924/FUL-Application decided 29.11.16 (Details agreed in respect of conditions 8, 9 and 10)

15/03924/COND2 Application to approve details in relation to condition number(s): 3 (Landscaping) imposed by planning permission 15/03924/FUL. Application decided 02.07.2019 (Details not agreed)

19/01859/NMA Application to allow alterations to front and rear elevations (Amendment to planning permission 15/03924/FUL) Application granted 17.06.19

## BACKGROUND

Planning officers were first made aware of the discrepancy with the approved plans following the receipt of a solicitor's enquiry. Following a site visit it was apparent that the development had not been built in accordance with the approved plan. The dwellings had been sited closer to the highway than the approved plan, the boundary treatments were not as agreed and the development has encroached on both the adopted turning head and footpath along the site frontage. The council has since been working with the developer to address the outstanding issues.

## PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF.

The site falls within an Open Space Policy Area as defined by the Unitary Development Plan. The principle of development on this site was established by the initial planning approval in 2016 so this report will only cover the issues arising from the failure to erect the dwellings in accordance with the approved plans.

### Highway Issues

The NPPF seeks to focus development in sustainable locations and requires that safe and suitable access to a site can be achieved for all people. The NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

UDP Policy T22 requires developers to make provision for sufficient off street parking to meet the needs of their development.

The original turning head which formed part of the adopted highway was shown on the initial approved plan (15/03924/FUL) to be located to the front of the northern most semi-detached dwelling and the approved off road parking for this dwelling was set back clear of the turning head. As built the driveway to the front of the dwelling was substandard in length and to remedy the situation the applicant has extended the driveway of this property over the turning head and the whole area has subsequently been blocked paved preventing its continued use as a turning head for all road users. It is noted that, in addition, the front boundary of all three dwellings currently encroaches over a narrow strip of highway land which runs the full frontage

of the application site and that wide dropped crossings had been provided to each dwelling.

For the development to work as built the applicant needs to maintain in curtilage parking which is clear of the highway boundary. As a way forward the applicant seeks approval through this application to carry out off site highway improvement works which will enable a new turning head to be provided to the other side of Rotherham Road and the existing turning head to be formally closed as highway. For clarification the land where the turning head will be located is adopted highway. Under Section 278 of the Highways Act the council can permit the developer to carry out necessary 'improvement works' within the highway. The works would be carried out by the applicant in agreement with the highway authority.

The part of Rotherham Road which fronts Halfway School is a no through road which experiences high levels of traffic at the start and end of the school day. The road also gives access to two informal parking areas which are understood to be used by school staff. The existing turning area has provided a well-used facility within the highway and it is essential that a turning head is maintained to facilitate the safe flow/movement of traffic along this highway.

The highway verge to the other side of Rotherham Road is wide and gives ample space to provide a turning head. In liaison with the Council's Road Safety Officer the submitted plans have been amended to show a realignment of the existing public footpath so it will avoid direct conflict with the turning head with the new footpath following a 'desire' line to the school entrance.

It is acknowledged that the School Governors still have concerns regarding child safety and have requested the addition of railings around the turning head and adjacent to the new footpath. The council is concerned that it shouldn't be recommending the erection of long lengths of handrails unless absolutely essential for highway safety, especially given the Council's objective of minimising street clutter across the city. In this respect the Road Safety Officer has recommended that a post completion review is carried out at school start/finish times so the need for railings can be fully assessed. A suitable condition will be added to any subsequent approval requiring a review to be carried out within four weeks of the works being completed and any resulting recommendations from the review being implemented thereafter.

The applicant has agreed that the front site boundary will be realigned along the back edge of the pavement and that smaller vehicle crossings will be installed. This will help to increase the amount of on-street parking available in the area.

With the above changes in place it is agreed that each of the three previously approved dwellings will have appropriate levels of parking for the development and safe access onto Rotherham Road. In view of this the development is considered acceptable in highway terms and is considered compliant with Policy T22 of the Unitary Development Plan and the provisions of the NPPF.

Other Issues

## Boundary Treatment and Landscaping

Condition 3 of planning approval 15/03924/FUL required the submission of a comprehensive landscaping scheme for the site. Due to site levels the rear elevation of the development is highly visible from Rotherham Road North and landscaping was intended to, over time, help screen the development from this main highway. In support of this application the applicant has submitted a detailed landscaping scheme prepared by Weddle Landscape Design. This confirms the planting of 5 trees and shrub planting close to the Rotherham Road North.

The original approved plans required the erection of a 600mm high brick wall along the site frontage. This will now be incorporated into raised planters to the front of the dwellings which will improve the appearance of the dwellings as viewed from Rotherham Road. Details of the planting to the raised beds is also included on the landscape plan

The submitted landscaping details are considered acceptable and as such condition 3 is considered to have been complied with. Condition 5 requires the approved landscaping to be implemented prior to the development being brought into use. The wording of this condition will be amended to require the landscaping to be implemented by the end of the first planting season following approval.

## Sound Insulation

Conditions 6 and 7 of planning approval 15/03924/FUL required the provision of sound insulation works and validation thereof to ensure that the development was acceptable for use by future residents

In support of this application, the applicant submitted a validation report prepared by Blue Tree Acoustics. The report has been checked by the Environmental Protection Service who consider it acceptable for approval. In this respect the requirements of conditions 6 and 7 of Planning Consent 15/03924/FUL have been satisfied and that there is no need to repeat these conditions on any subsequent approval.

## Closure of Adopted Turning Head

This development will require parts of the all-purpose Adopted Public Highway known as Rotherham Road to be stopped up (i.e. permanently closed), as shown single-hatched on the plan attached as 19/02364/FUL-Stop-Up. This is addressed in the recommendation below.

## SUMMARY AND RECOMMENDATION

The application seeks approval for a revised site layout which has resulted from the approved development being incorrectly sited impacting on the adopted turning head to the front of the site. In order to compensate for the loss of the existing turning head the applicant proposes to construct a new turning head on the opposite side of the road within the public highway to the front of Halfway school. The proposed layout which has been designed in accordance with advice from the Council's Road Safety Officer is considered to be acceptable for installation in this location. The off-

site highway works will be subject to a post completion review to ensure that they are safe without further modification.

The development, with off-site highway improvement works is considered to be in full compliance with the provisions of the Local Plan and the National Planning Policy Framework and the planning application is recommended for approval.

Members are also requested to confirm that they:

- a. Raise no objection to the proposed stopping-up of the area of highway shown single-hatched on the plan 19/02364/FUL-Stop-Up, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- b. Authorise Legal Services to take all necessary action on the matter under the relevant powers contained within either Section 116 of the Highways Act 1980 or Section 247 of the Town & Country Planning Act 1990, whichever is deemed most appropriate at the time of application.

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