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Case Number	19/03333/OUT
Application Type	Outline Planning Application
Proposal	Demolition of garages and erection of 2 dwellinghouses (approval sought for access only, all other matters reserved)
Location	Garage Block Rear Of 14 To 22 Marcliffe Road Sheffield S6 4AG
Date Received	06/09/2019
Team	West and North
Applicant/Agent	Space Studio
Recommendation	Grant Conditionally

## **Time Limit for Commencement of Development**

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. Application for approval in respect of any matter reserved by this permission must be made 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.

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

## Approved/Refused Plan(s)

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

Drawing Number- A19-2128-01-site location plan published on the 09.03.19

Drawing Number- A19-2128-02-proposed block plan published on the 09.03.19

Drawing Number- A19-2128-03-proposed sections published on the 09.03.19

Reason: In order to define the permission.

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

5. 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.

6. 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 construction works commencing. 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.

7. 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 construction works commencing. 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.

8. No development shall commence until a report detailing the flow of surface water through the site and measures to control water runoff has been received

and approved by the Local Planning Authority. The report shall include detail on how the dwellinghouses will be protected from surface water flooding events, and how water will flow through the site during heavy rainfall events. Thereafter, the measures recommended in the report shall be implemented prior to the occupation of the development.

Reason: In order to mitigate against surface water flooding risk.

9. The development shall not be commenced until such time as a scheme to dispose of foul and surface water drainage, including any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. This development shall be implemented in accordance with this scheme thereafter.

Reason: To ensure satisfactory drainage arrangements.

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

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. 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 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.

12. Details of a suitable means of site boundary treatment 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 and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

## **Other Compliance Conditions**

13. 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.

14. No gates or barriers shall, when open, project over the adjoining highway.  
Reason: In the interests of pedestrian safety.

15. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

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

1. The applicant is advised that the plans submitted with this application are not approved. They have been treated as illustrative only and matters relating to (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale are all reserved for subsequent approval. The applicant is also advised that, while the Local Planning Authority is satisfied that the site can accommodate two residential units, the restricted nature of the site and its proximity to neighbouring properties is such that, in order to prevent any overbearing impact on or overshadowing of those properties, the two residential units are likely to be single-storey.
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. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
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.
5. The developer should be aware that the size of the development is such that it would be prudent to investigate the ground conditions on the site before proceeding further. Information and advice on ground conditions is available from Building Control, Howden House, 1 Union Street, Sheffield, S1 2SH. If any coal shaft, adit or other coal working is encountered, no work must be carried out without the authorisation of the Local Planning Authority.
6. 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.
7. 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>

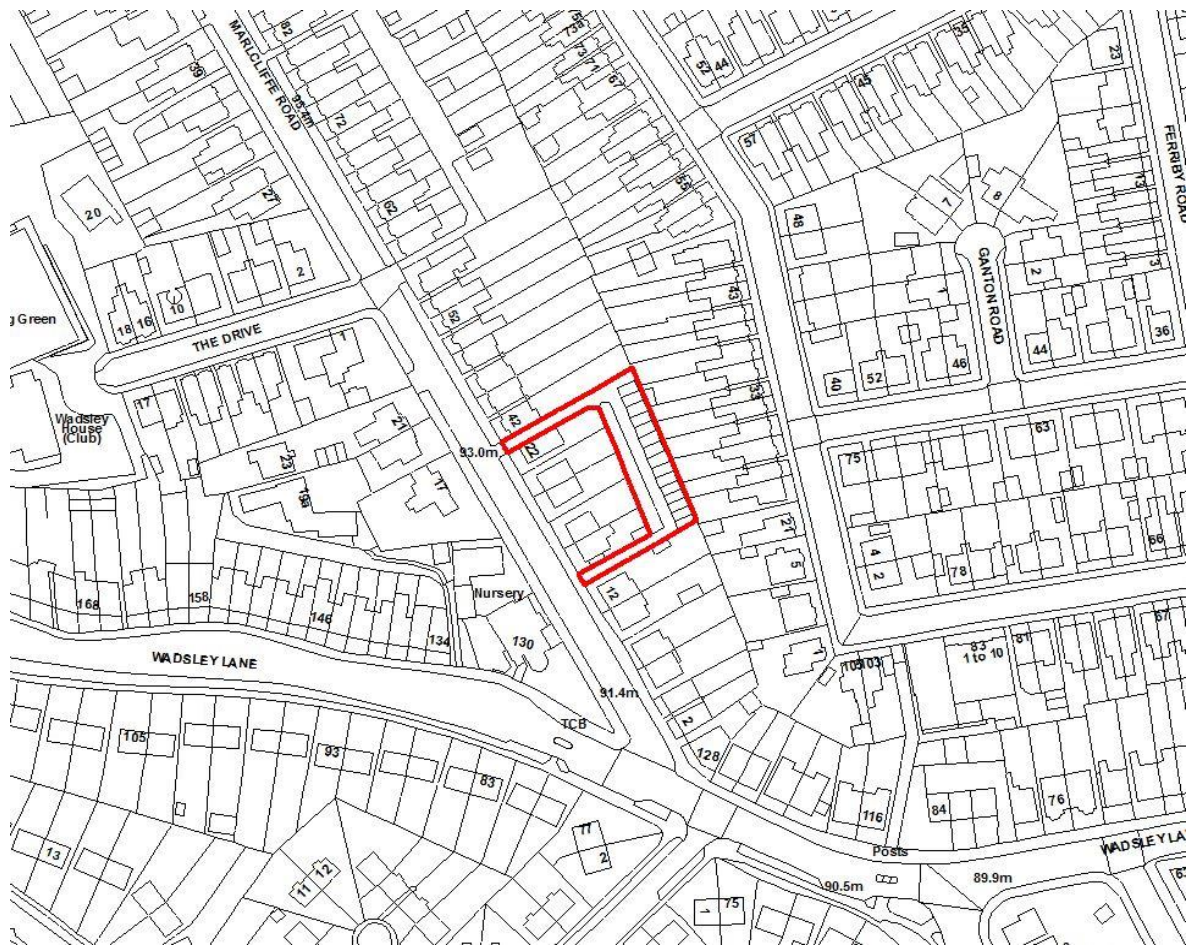
The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

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.

8. The proposed development is in close proximity to the norther Powergrid apparatus in the area. You are advised to contact on 0800 389 8204. Further information is also available on the Northern PowerGrid website at: [www.northernpowergrid.com](http://www.northernpowergrid.com)
9. 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.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

# Site Location



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## LOCATION AND PROPOSAL

The application site is located within the Wadsley-Hillsborough district of Sheffield and comprises of a narrow plot of a land currently occupied by a series of 15 garages that are used for storage. The site is accessed via two routes, one between numbers 12 and 14 Marlcliffe Road and one between numbers 22 and 42.

To the east the site is bound by the rear gardens of numbers 23 to 37 Overton Road. To the north, south and west by the gardens of properties on Marlcliffe Road. The land falls from west to east such that properties on Marlcliffe Road are higher than those on Overton Road.

Marlcliffe Road is a relatively busy through road linking Wadsley Lane to Langsett Road.

Outline planning permission is sought for the demolition of the garages and the erection of two dwellinghouses, with all matters reserved except the means of access from the highway. As a result, consent is not being sought for layout, scale, design or landscaping. The submitted Design and Access Statement suggests that the proposals comprise of dormer bungalows. However it should be noted that the height and position of the proposed dwellinghouses as shown on the submitted plans are purely indicative.

## RELEVANT PLANNING HISTORY

16/00640/OUT- Demolition of existing garages and erection of 2 dwellinghouses (Amended description) - granted 27.04.16.

## SUMMARY OF REPRESENTATIONS

9 representations (2 from the same author) have been received in relation to the proposed development. 8 (including the duplicate) raised objections and 1 raised a neutral question. The representations are summarised as follows:

### Highway Safety

- The steep gradient of the existing drives is problematic. The driveways are narrow, steep and difficult to turn into and out of, access will therefore be dangerous.
- The poor visibility of the access driveways will cause a danger to pedestrians.
- Cars emerging from between parked vehicles will be hazardous.
- Access will be a problem (eg for deliveries) for anything larger than a small/medium van.
- The removal of the garages will increase on-street parking on Marlcliffe Road, which has high levels of on-street parking.
- On street parking is worse on match days due to the site's proximity to SWFC.
- The existing garages are used for storage purposes with few vehicles using the site, whereas the new dwellings will have regular vehicle use.

### Impact on Neighbouring Houses



- The proposals will overlook the rear gardens and have views into the rooms of neighbouring houses on Marlcliffe Road and Overton Road.
- While the new dwellings are to be built with the apex view to properties on Overton Road, this still allows front windows to overlook directly into the house/garden of some neighbours.
- The proposed dwellings will be overlooked by existing properties.
- The proposed houses will have an overbearing impact on houses on Overton Road, exacerbated by ground level differences.
- The height of the new dwellings is substantially higher than the existing garages; as such the new houses will block direct sunlight to neighbouring houses and their gardens.
- The increase in traffic levels compared to the existing garages will disturb local residents.
- Rear wall of existing garages protects privacy. Demolition of the garages may impact on this privacy.

#### Use and Design and other matters

- The proposal is overdevelopment of the site.
- There are already enough houses in the local area.
- The development of this site would be damaging to and out of character with the area.
- The small scale of the new houses would be out of character with the larger terraces and semi-detached and detached houses in the local area.
- The proposals will increase flood risk as drainage is already a problem for the site.
- Disruption during construction will adversely impact on neighbours.
- Emergency vehicles will be unable to access the new houses.
- Vehicles accessing the site may impact on the foundations of adjoining property.
- The development will impact on the capacity of local schools.

Non-planning matters raised include the impact of the development on views, difficulties disposing of the existing garages (asbestos cement roof tiles) and granting access through neighbouring land.

#### RESPONSE TO REPRESENTATIONS

Many of the concerns raised are covered in following assessment. In relation to these that are not:

- With regards to the impact on the stability of adjoining property, any approved proposals will be required to comply with building regulations and will be subject to a full structural assessment.
- The existing accesses allow unrestricted vehicle movements in close proximity to neighbouring properties. The level of vehicle movements associated with two houses is likely to result in an overall reduction and not cause significant additional disturbance.

- Activity associate with construction will be short-lived. Construction is regarded as a necessary activity, though developers are expected to take reasonable steps to ensure that no undue inconvenience is caused to neighbours.

## PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises of the Core Strategy which was adopted in 2009, and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the "tilted balance".

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, the policies which are most important for determining the application will automatically be considered to be out of date.

At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer. Consequently the policies that are most important for determining this application are automatically considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the NPPF below.

It should also be noted that the granting of outline permission for the erection of two dwellinghouses on this site in 2016 (16/00640/OUT) is a material consideration. In the time since that decision the relevant Unitary Development Policies, Core Strategy policies, Supplementary Planning Guidance and the circumstances of the site remain fundamentally unchanged. Whilst the National Planning Policy Framework (NPPF) has been amended in the interim, the central thrust of policies therein remains unchanged.

In assessing the current outline application, it will be necessary to consider the principle of development, the proposed access arrangements and the indicative layout plan in order to establish whether the site can accommodate the proposal.

### Principle of Development

The application site is located within a Housing Area as allocated in the Sheffield Unitary Development Plan. UDP Policy H10 sets out that within such areas housing is the preferred use of land, subject to compliance with other policies including UDP Policy H14 – Conditions on Development in Housing Areas.

Policy H14 sets out that new development will be permitted provided that new buildings are well designed and would be in scale and character with neighbouring buildings; that the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood. The policy also stipulates that development shall provide safe access to the highway network and appropriate off-street parking.

Core Strategy Policy CS23 – Locations for New Housing, sets out the intention that new housing will be concentrated where it will make efficient use of land and infrastructure and in the period 2008/09 to 2020/21 the main focus will be on suitable, sustainably located sites within or adjoining the main urban area of Sheffield.

The application site is considered to be previously developed. The reuse of this brownfield site will contribute towards the objectives of policy CS24 and the target of delivering at least 88% of new housing on previously developed land.

Policy CS26 seeks to promote the efficient use of land and sets out that in urban areas the density should be 30 – 50 dwellings per hectare. The application site is approx. 0.07 hectares in size and the proposed development would have a density of 40 dwellings per hectare, in compliance with policy CS26.

In principle the proposals are considered to comply with policies H10, CS23, CS24 and CS26 as the site is within a sustainable location and makes efficient use of previously development land. Compliance with UDP Policy H14 will be considered later in the report.

### Design Issues

As noted above matters of layout, scale, design and landscaping are reserved for subsequent approval.

An indicative layout plan was submitted with the application which indicates that 2 dwellings with a footprint similar to adjacent properties could be accommodated on the site which allows for suitable provision of off-street car parking and amenity space.

A Design and Access Statement has also been provided which suggests that the proposals comprise of dormer bungalows and that the size, design and facing

materials of the proposed dwellings will take account of local character to ensure that they sit comfortably against neighbouring properties and the wider locality.

It is noted that, due to the topography of the site, any dwelling would be set slightly elevated in relation to dwellings on Overton Road and lower in relation to dwellings on Marlcliffe road. It is considered that, provided the proposed dwellings take account of the topography of the site, as well as the scale and position of neighbouring dwellings, the development would not appear out of character and it is considered that the site is capable of development.

#### Amenity Issues

UDP Policy H14 (c) states development should not result in over-development, deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

An indicative layout plan has been submitted which shows how 2 detached dwellings can be accommodated on the site.

Due to the dimensions of the site, it is considered that some adequate distances can be achieved between the proposed dwellinghouse and surrounding dwellings to ensure that it does not result in overbearing or overlooking to neighbouring residents. It is noted that adjacent neighbouring properties have windows which face towards the site as such sufficient distances between the proposed dwellings and the neighbouring dwellings will need to be provided. It is therefore considered that a single storey dwellings would be adequate in this instance to prevent any overbearing or overlooking into the immediate neighbouring dwellings, a directive will be attached to the decision notice, to ensure that any future applications adhere with this entreaty.

It is considered that suitably designed dwellings could be accommodated on the site without causing unreasonable overbearing, overshadowing or privacy issues.

A sufficient amount of amenity space can be provided for the proposed dwelling and retained for the existing dwelling to ensure that the site is not overdeveloped.

#### Landscaping Issues

UDP policy BE6 - Landscape Design, seeks good quality landscape design in new developments. Landscape details will be reserved by condition, though the indicative plans show two good sized garden areas and the footprint of the new houses will likely be less than that of the existing garages.

#### Highways Issues

Outline consent is sought for access to the development, and the submission proposes the use of the two existing access ways as individual drives for each dwellinghouse.

The access drives have a gradient of 1:7. This is a not inconsequential gradient, particularly given that the recommend gradient for driveways for parking on is not more than 1:12. However, the drives will be used primarily for access and not for maintaining a stationary vehicle. The amount of land available provides the capacity for 2 parked vehicles as well as turning facilities for each dwellinghouse, which is considered to sufficient.

The existing access ways serve 15 garages and the level of potential car movements in and out of them is relatively high. It is noted in representations that the level of car movements is likely lower than expected as many of the garages are used for storage as opposed to daily parking. However, this still requires relatively regular use of the access routes to enable goods to be transported to and from the garages.

The level of car movements for a single 2-car household equate to approximately 4-6 car movements per day (with commuting to work and travel for leisure/shopping). Therefore the level of movements over the course of a day will not be significant, and not significantly higher than the existing garages (with an assumption that each garage could be visited, on average, twice per week).

The existing access ways do not benefit from pedestrian or vehicular inter-visibility splays, and suffer from poor visibility of the pavement in particular. This is due to the height of existing boundary treatments. As these are not in the ownership of the applicant there is no opportunity to lower these to an appropriate level to improve visibility.

This arrangement is not ideal. However, bearing in mind the existing use of the access ways and the fact that car movements should not be materially different, the scheme should not cause a material increase in the danger to pedestrians. The danger is further limited by the gradients of the drives, whereby cars leaving the site will be travelling uphill and at low speeds as they exit.

In this location Marlcliffe Road is not heavily trafficked and is straight. In addition, parked cars on the road limit traffic speeds. The movement of cars in and out of the access ways should, therefore, not cause a material harm to traffic safety.

As previously described, there is space on site to provide parking for 2 vehicles and room for turning. Moreover, given the distance of the site from the highway, future residents are unlikely to park on street. The loss of the existing garage spaces will limit the availability of potential parking but as the garages are not commonly used for car parking, this limits the potential for parking to spill out onto the street. In addition, around 50% of houses on the immediate stretch of Marlcliffe Road benefit from off-street parking, whilst the absence of traditional residential frontages on the opposite side of Marlcliffe Road provides additional parking opportunities. .

Parking by football spectators is an issue for everyone in the local area. However, this is limited to set times of the week, and the amount of on street parking available during match times will always be highly limited, regardless of whether the development is approved or not.

The two access ways are too narrow for emergency vehicles. However, this does not prevent appliances parking on Marlcliffe Road and accessing the site on foot. For fire appliances, there is a need for any new houses to be within 45m of the highway. The access roads are between 24m and 30m in length, which allows scope for the houses to be erected within reach of the hoses. Should a development require a layout with parts beyond the extent of the standard hose, sprinkler systems can be employed and enforced by condition to allow for extra time during an emergency for longer hoses to be employed.

#### Community Infrastructure Levy

The site lies within an area where there is £30 per m<sup>2</sup> CIL charge.

#### SUMMARY AND RECOMMENDATION

The redevelopment of this brownfield site for residential purposes is the preferred use of land in policy terms and, in light of the above assessment and subject to the reserved matters, it is considered that the site can accommodate two single storey dwellinghouses (with accommodation in the roof) whilst protecting the amenities of the occupiers of neighbouring dwellinghouses and providing safe access to the highway. In addition the development will make a small but welcome contribution to the city's housing supply.

It is therefore recommended that Members grant outline planning permission for the demolition of the garages and the erection of two dwellinghouses, with all matters reserved except the means of access.