
| | |
|------------------|--|
| Case Number | 18/04774/FUL (Formerly PP-07510652) |
| Application Type | Full Planning Application |
| Proposal | Demolition of existing garage and erection of a dwellinghouse (Amended Plans - published 06/02/20) |
| Location | Within The Curtilage Of 461 Redmires Road Sheffield S10 4LF |
| Date Received | 24/12/2018 |
| Team | West and North |
| Applicant/Agent | JR Planning |
| 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 2106 1 Rev D Proposed Plans and Elevations published 6th February 2020

Drawing 2106 2 Rev C Proposed Site Layout published 6th February 2020

Drawing 2106 3 Existing Site Layout (including redline boundary) published 6th February 2020

Reason: In order to define the permission.

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

3. 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.

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

4. 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.

5. 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.

6. The development 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 dwellinghouse commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

Other Compliance Conditions

8. 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: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage and to ensure that the architectural character of the site is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

9. The windows on the side elevation of the new property facing east towards No.461 Redmires Road shall be fully obscured to a minimum privacy standard of Level 4 Obscurity, the full details of which shall have first been submitted to an approved in writing by the Local Planning Authority. The approved obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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

10. The development shall not be brought into use unless the driveway areas of the site are constructed of permeable/porous material. 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.

11. The existing stone boundary wall and railings shall be retained.

Reason: In the interest of the visual amenity of the site.

Attention is Drawn to the Following Directives:

1. 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

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.

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 applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
4. 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.
5. 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.

6. The developer is advised that the trees to the south of the site are of significant amenity value and so the root protection area of these trees shall not be disturbed, compacted or used for any type of storage or fire.

LOCATION AND PROPOSAL

The application relates to a parcel of land to the side (west) of 461 Redmires Road. The site is currently used as part of the garden of No.461 and is occupied by a small single-storey garage. A public footpath runs along the western boundary of the site with a traditional two storey stone lodge building on the opposite side.

Planning permission is sought for the erection of a detached dwellinghouse on the site. This would be in the form of a 3 bedroomed dwellinghouse with living accommodation in the roof. At present the property is accessed from Redmires Road via a private drive and this would not be altered. A new driveway would be created for the proposed property and the garden in front of the existing property would be hard surfaced to provide parking for No.461.

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.

SUMMARY OF REPRESENTATIONS

A representation has been received from the Lodge Moor Island Residents Association (this is the management committee for the estate which comprises of 16 dwellings that were once occupied by staff at Lodge Moor hospital before it was redeveloped).

This sets out that the proposed building materials and design of the new property are out of keeping with the estate which was built in the 1920's /30's.

Common land within the estate is jointly owned between the existing properties and residents pay for its upkeep.

The new access would be hazardous, on a bend, next to a footpath and bus stops.

Scaffolding, if overhanging the footpath, could obstruct access of emergency vehicles into the more recently constructed [Henry Boot] estate and nursery.

In addition 9 representations have been received from local residents which all object to the development and raise the following concerns:

- This site is within a private estate of 16 houses with no on street parking. There is a shared parking court and the development would put additional pressure on the use of this.

- The site is accessed from Redmires Road adjacent to a public footpath, and bus stops on both sides of the road. This raises highway safety concerns, in particular for pedestrians.
- Vehicles would have to reverse onto the highway where there is a blind spot. The road is busy, particularly with people dropping off and picking up at the nursery.
- There are double yellow lines along Redmires Road and so there would be no visitor parking.
- The existing garage did not receive planning permission.
- The proposed house is not in keeping with the neighbouring properties which consist of dwellings of 2 designs. The properties were built to house staff working at Lodge Moor Hospital and have some historic merit.
- The proposed dwelling is too close to 461 Redmires Road and the adjacent footpath. The development would ruin the symmetry of the estate and the materials are not in keeping with neighbouring properties.
- The proposed density would be too high and again would be out of keeping with the area. The proposal would be an overdevelopment.
- The development would remove part of the existing boundary wall / railings which would again be detrimental to character of the former Lodge Moor Hospital.
- If allowed, the development could set a precedent for further properties to cram additional dwellings onto gardens.
- The development may compromise access into the estate during an emergency.
- Issues of devaluation of property, noise, disturbance and safety issues during building works were also raised.

Amended plans were received in January 2020 and February 2020. Neighbours were re-consulted on the amended plans and as a result 5 additional representations have been received.

These re-iterate the issues raised previously, that there is insufficient parking, the access would be dangerous coming off the existing access into the site, the design is out of keeping with neighbouring properties and the building is out of scale for the size of the small plot.

In addition the following new issues were raised:

- The development would increase rain water run-off which if allowed to spill onto the highway could be hazardous in winter.
- Three windows would face directly onto No.461 and so could result in privacy issues.
- The loss of the existing boundary wall and replacement with a timber fence would be detrimental to the character and appearance of the area.
- The property would be too close to the neighbour and so would prevent disabled access.
- The rear garden would be too small for a family home.
- The access and common ground are owned collectively by the residents and it is unlikely that they will give consent for it to be used by occupiers of the new property. The deeds would also need to be amended and at who's expense?

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 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:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- 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.

Principle of Development

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

UDP Policy H14 ‘Conditions on Development in Housing Areas’ is also applicable. 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, where 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, and it would provide safe access to the highway network and appropriate off street parking.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

Core Strategy Policy CS24 is also relevant. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

The Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. Although the site is classed as being greenfield it is within a

relatively sustainable location, close to public transport links and local services and is surrounded by residential properties. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and does not conflict with the aims of Core Strategy Policy CS24.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing our conclusions in a monitoring report later this year. At the current time, the Council cannot therefore 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.

This development would make a small contribution to the supply of housing within the city.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area.

The proposal seeks to erect a single dwelling on a piece of land with an area of approximately 225sqm. The development would have a density of approximately 44 dwellings per hectare. In addition the retained plot of the host property (461 Redmires Road) would be in the region of 250sqm. The new property would have a useable rear garden area of 65sqm and No.461 would retain a useable rear garden area of 80sqm. As such it is considered that the proposed development would not represent an overdevelopment of the site.

As set out above, the revised National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and the lack of a 5 year housing land supply tilts the balance in favour of the development. Furthermore the density ranges specified in the Core Strategy are out of date and so greater weight should be attributed to guidance contained within the revised NPPF.

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.

It is considered that the proposed development would be of an appropriate density and is in a sustainable location. In principle the application is considered to be acceptable.

Street scene

The proposed dwellinghouse would be set back from Redmires Road, set within a private estate, but would be visible from Redmires Road and the public footpath that runs along the western boundary of the site.

On the opposite side of the footpath is Redmires Lodge, which is a traditional building of stone construction. On the opposite side of Redmires Road the predominant building style is of bungalows; however there are also two storey properties. These too are set well back from the highway and finished in a variety of brick and render.

Amended plans have been received which reduce the overall height of the proposed building and set it back. It would be positioned so that the ridge would be below the ridge height of No.461 and it would only be slightly higher than the ridge of the lodge building on the opposite side of the footpath. The property would also be set back from Redmires Road, so the frontage would be 2m behind the front of No.461.

The proposed dwellinghouse would have a natural stone finish, to tie in with the lodge building on the other side of the footpath with a gable facing the highway which is a feature of both the lodge building and No.461.

The proposed dwellinghouse would be set close to No.461, with a gap of 1.2m between the properties. This would be closer than the setting of other properties within the area; however it is considered that on balance (and given the tilted balance in favour of residential development), this would not cause significant harm to the character of the area to warrant a refusal of the application.

The applicant has indicated that the stone wall and railings that form the current boundary to the western side would be retained with a screen fence erected to the inside of the wall to make the rear garden more private. The large majority of such a fence would be obscured from view by an existing hedge adjacent to the footpath. In addition, it is recommended that should planning permission be granted, conditions be attached to any consent requiring full details of the boundary treatment to be submitted for approval to ensure that the stone wall is retained and the appearance of the fence is not harmful to the character of the area. The front garden area should remain open as at present to ensure that the development does not cause demonstrable harm to the visual amenity of the area and this again can be secured by condition. The removal of permitted development rights will prevent the erection of a fence without consent.

The site is not within a Conservation Area and the lodge building is not Listed. It is considered that on balance the development would not be harmful to the character and appearance of the area and so would comply with UDP Policy H14 as well as the revised NPPF. Paragraph 127 c) sets out that development should be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change.

Paragraph 130 of the revised NPPF (2019) also sets out that 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.

Given the wide variations in the street scene, the set-back nature of the site and the gable feature of the roof, the proposed dwellinghouse is considered to be acceptable in terms of design.

Amenity

The new dwelling would be sited to the side of No.461. There is an upper floor window on the side of No.461; however this serves a non-habitable room (bathroom). The property would not breach the '45 degree rule' in terms of windows in the front and rear of No.461 and as such it is considered that the development would not result in unacceptable levels of overshadowing or loss of light.

There are windows in the side of the lodge building which face towards the site. At the closest point there would be a distance of around 11m between the windows in the lodge and the side of the new property. The properties are also angled away from each other and the lodge is not in residential use (it is in use as a children's nursery). It is considered that the development would not give rise to unacceptable overshadowing to the lodge.

Paragraph 123 c) of the revised NPPF sets out that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Habitable room windows in the new property would face towards Redmires Road to the front or the rear garden to the south. On the side elevation a hall way, staircase and bathroom window are proposed. To ensure that overlooking to No.461 does not occur it is recommended that a condition be imposed on any consent requiring these windows to be obscure glazed.

As set out above, the proposed dwellinghouse would have a small but useable rear garden with an area of 65 sqm. In addition the host property (No.461 Redmires Road) would retain ample private amenity space, the main rear garden area being around 80sqm. This would be similar to some of the rear gardens of other properties within the estate.

It is recommended that if planning permission is granted, permitted development rights are removed so that the property could not be further extended or altered or curtilage buildings erected without the need for planning permission.

When weighed in the balance it is considered that the development would not cause significant harm to the amenity of occupiers of neighbouring property and potential occupiers of the development would be afforded adequate living conditions. In this respect the development would comply with paragraph 123 and 127 of the revised NPPF as well as UDP Policy H14.

Highways

The proposed development would be accessed from Redmires Road via a private driveway which serves the small estate of 16 properties. The plans indicate that No.461 would be afforded two parking spaces to the front of the property and that the proposed property would have a similar access to the existing arrangements to reach the garage that is there at present. The drive would enable two further parking spaces to be created.

Subject to the imposition of condition requiring details of the surfacing of the driveways and measures that will be put in place to prevent water from spilling onto the highway, it is considered that the intensification of use of the access point by a single dwelling house would not pose significant highway safety concerns.

The level of parking proposed is adequate and the site is in a sustainable location next to a high frequency bus route.

The development would accord with UDP Policy H14 and, with heed to paragraph 109 of the revised NPPF (2019), which sets out that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, it is considered that a refusal on highways grounds cannot be justified.

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 5. Within this zone there is a CIL charge of £80 per square metre. The applicant has completed a CIL form which sets out that the development proposes 115sqm of residential floor space.

Response to Representations

The effect development would have upon residential amenity and highway safety has been dealt with in the report above.

Obstruction of the public footpath during construction works would not be a reason to withhold planning permission.

Issues of the contribution required towards the management / maintenance of communal areas and the access, as well as who would pay for the drafting of any revised legal agreements, are a private legal matter.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single dwellinghouse on land to the side of 461 Redmires Road. The proposed dwellinghouse would be set back

from Redmires Road, accessed via a private drive which serves a small estate of 16 dwellings (former houses for staff at Lodge Moor Hospital).

Adjacent to the site is a public footpath and on the other side of the footpath is a traditional stone lodge building.

In the absence of the Council's 5 year supply of housing land the tilted balance is in play in accordance with paragraph 11 of the NPPF as the most important policies for determining this application (housing supply, design and amenity) are considered to be out of date. Therefore the positive and negative aspects of the scheme must be carefully weighed.

The development site is within a housing area and is surrounded by residential properties. Although the site is tight, there would be space within the site to provide a dwellinghouse, associated parking and amenity space. It is considered that the development would not give rise to unacceptable levels of overshadowing or overlooking and the site would not be overdeveloped. Adequate parking can be provided for the development and the proposal raises no significant highway safety concerns.

In applying the tilted balance in favour of sustainable development in paragraph 11 (d) of the NPPF it is considered that, the development would accord with UDP Policy H10 and H14, Core Strategy Policy CS24 and 26 as well as guidance contained within the revised NPPF and the Council's Supplementary Planning Guidance on Designing House Extensions. It is recommended that planning permission be granted with conditions.