

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 09/08/2016

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

\*NOTE\* Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

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Case Number	16/02068/FUL PP-05186786
Application Type	Full Planning Application
Proposal	Retention of service meter boxes on front elevation
Location	13 College Street, Sheffield, S10 2PH
Date Received	28/05/2016
Team	South
Applicant/Agent	Andrew Shepherd Architect
Recommendation	Refuse with Enforcement Action
Date of Recommendation	9 August 2016

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Refuse for the following reason(s):

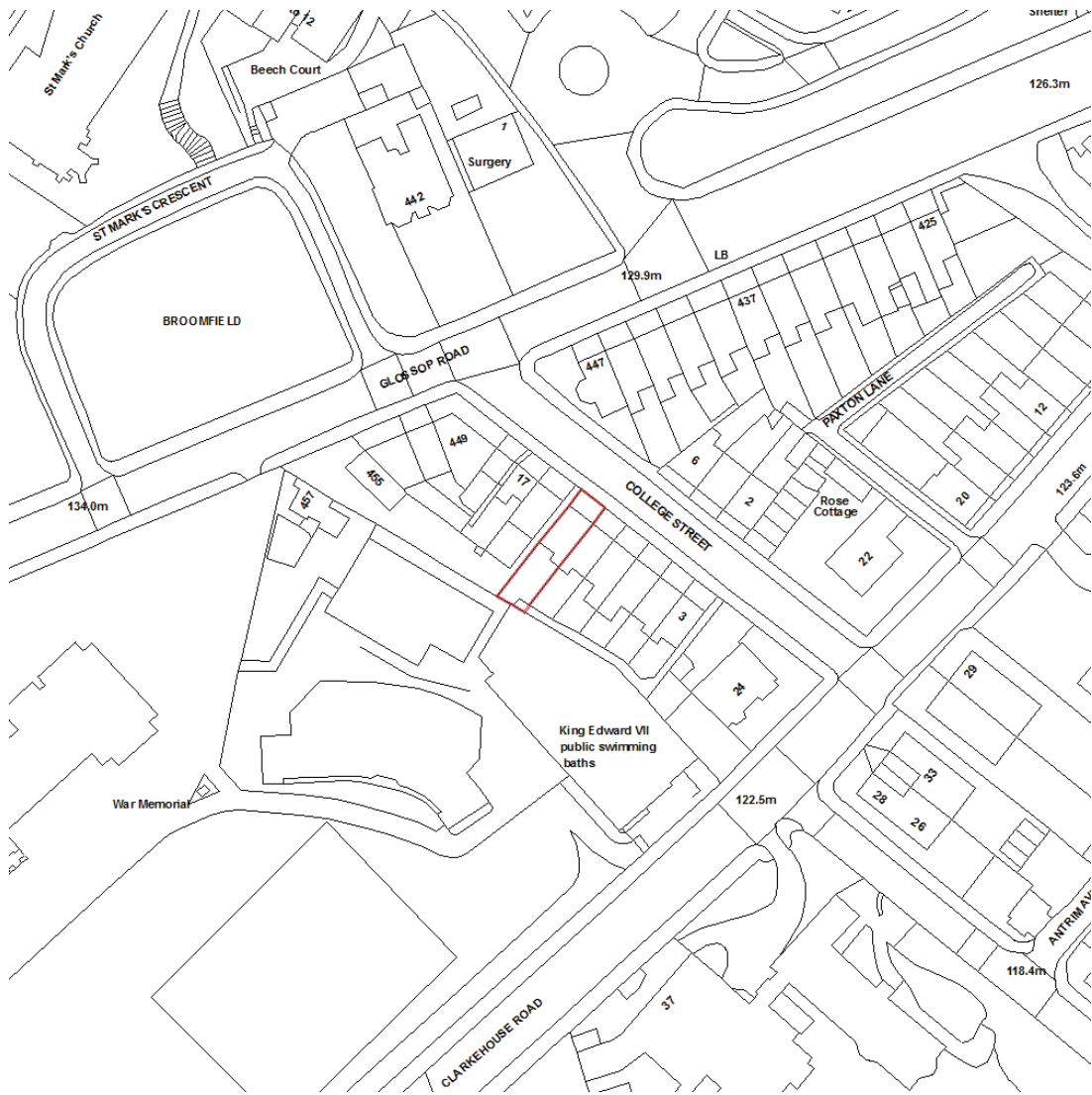
- 1 The service meter boxes, notwithstanding the proposed mitigation measures, by virtue of their size, projection and use of non-traditional materials, constitute prominent, modern and unsympathetic features which fail to preserve or enhance the character of the Conservation Area. The proposal is therefore contrary to Policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan, Policy CS74 of the Sheffield Local Plan: Core Strategy, to the aims of the Article 4 Direction in force within the

Broomhill Conservation Area, and to the requirements of Paragraphs 132 and 134 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:  
  
-SUPPORTING SUBMISSION "RETENTION OF EXTERNAL METER BOXES"
2. The Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the two service meter boxes and restore the building's frontage to its condition prior to the unauthorised works. The Local Planning Authority will be writing separately on this matter.
3. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirements(s), and, there being no perceived amendments(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to an end-of-terrace property that is utilised as apartments and located within the Broomhill Conservation Area. It is also covered by the Article 4 Designation applying to many properties through the Conservation Area.

The application seeks planning permission to retain two service meter boxes located on the property's front elevation. These were installed in 2014 without the necessary planning permission.

## RELEVANT PLANNING HISTORY

The application has been submitted in response to an enforcement enquiry from a member of the public.

## SUMMARY OF REPRESENTATIONS

None

## PLANNING ASSESSMENT

The main issue for assessment is whether the development preserves or enhances the character or appearance of the Broomhill Conservation Area.

The application property is identified as a Building of Townscape Merit within the Conservation Area Appraisal. The street is characterised by brick fronted, terraced dwellings. With the exception of one other property, there are no further units having meter boxes on their front elevations.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Conservation Area is subject to an Article 4 Direction, which brings under planning control the replacement or alteration of the architectural features and details which are part of the special character and appearance of the area.

The two meter boxes are located adjacent to each other at the right hand side of the front elevation, adjacent to the property's exposed side elevation. They currently have a white, gloss finish and black housing for the cables running downwards. They stand proud of the property's original frontage by something in the region of 0.1m, and individually measure approximately 0.4m by 0.6m.

The applicant proposes to mitigate the impact by locating a planter box in front of the service boxes. Planters are present and include evergreen planting, which are

stated as having growth potential and being capable of providing year round masking of the service boxes. It's also proposed to paint the meter boxes with a matt paint, matching the colour of the brickwork. The Applicant argues that these two actions would remove the visual detriment to the Conservation Area's character.

The Applicant also argues that as the service boxes connect back to the installed services in the building, it would be unreasonable to resist granting retrospective planning consent. Instead, it's stated that they should instead be relocated internally at the time of the next refurbishment of the dwelling.

The planter boxes do not currently serve to fully screen views of the service boxes. Whilst the planting may grow it would be difficult to guarantee full screening, and it is not considered that it could be permanently relied upon to screen the service boxes as all planting requires consistent stewardship by current and future occupiers.

The proposed painting of the meter box frontages, even when combined with the planter boxes, would not be considered to mitigate their impacts satisfactorily. A similarly coloured matt paint would appear quite different to the surrounding brick and mortar elevation.

Even after implementation of the proposed mitigation, the meter boxes would continue to represent an alien, unsympathetic and unsightly addition to the property's frontage. The boxes would conflict with the appearance of the original frontage to a degree which harms the appearance of the property and its contribution to the character of the street scene and wider Conservation Area.

Whilst similar boxes are in existence at No11 College Street (the adjoining property), they are established and pre-date the designation of the Article 4 Direction. There are no other examples along the street. The Article 4 direction has been put in place to preserve the character and appearance of property frontages throughout the Conservation Area, by removing the ability to carry out such alterations without gaining planning permission.

Paragraph 132 of the National Planning Policy Framework requires that any harm or loss to a heritage asset, such as a conservation area, requires clear and convincing justification. On its own the harm caused by the service boxes is less than substantial and, in such cases, Paragraph 134 the National Planning Policy Framework (NPPF) says that this harm should be weighed against the public benefits of the proposal.

In the context of Paragraph 132, the proposal offers no clear public benefits and is therefore contrary to this section of the NPPF.

In relation to the impact/reasonableness on the applicant, relocation of the meter boxes would entail a certain cost, and the present arrangements may offer some internal advantages. However, the applicant offers the internal relocation at the time of the next refurbishment, implying that the costings and internal advantages would not be prohibitive.

The relocation would be likely to result in the service boxes being shifted to the respective side elevation, where they would not be of significant visibility.

The proposal is considered to fail to preserve or enhance the character and appearance of the Conservation Area. It is therefore contrary to Policies BE15, BE16 and BE17 of the Sheffield Unitary Development Plan, 1998, Policy CS74 of the Core Strategy, the aims of the Article 4 Direction in force in the Conservation Area and the principles of the NPPF which seek to protect the character and appearance of conservation areas.

As a result the proposal is considered to be unacceptable, and is recommended to be refused with enforcement action.

#### SUMMARY AND RECOMMENDATION

The application seeks to retain two existing service meter boxes on the front elevation of an end-of-terrace property within the Broomhill Conservation Area.

Notwithstanding the proposed modifications to the boxes, they are considered to represent an alien, unsympathetic and unsightly addition to the property, which harm the character and appearance of the building and its contribution to the Conservation Area.

For these reasons the scheme is considered to be unacceptable, and is recommended for refusal with enforcement action.

#### ENFORCEMENT

If permission is refused, it will be necessary to authorise the Head of Planning to take all steps, including enforcement action and the institution of legal proceedings, to secure the removal of the unauthorised service meter boxes and restoration of the affected portion of frontage to its appearance prior to the service meter box installation.

It will also be necessary to delegate the Head of Planning to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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Case Number	16/00610/FUL PP-04839660
Application Type	Full Planning Application
Proposal	Erection of three dwellinghouses
Location	Curtilage Of Lyndon And Cobblestone House, 8 High Matlock Road And 10 High Matlock Road, Sheffield, S6 6AS
Date Received	16/02/2016
Team	West and North
Applicant/Agent	Cero Architecture
Recommendation	Grant Conditionally
Date of Recommendation	9 August 2016

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Subject to

**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:

Site Location Plan: 05-0815-OS2A received 16th February 2016.

Site Plan: 05-0815-OS1F received 20th July 2016.

Proposed Plans and Elevations: House Type A: 05-0815-SK1.11 received 16th February 2016.

Proposed Plans and Elevations: House Type B: 05-0815-SK1.10 received 16th February 2016.

Street Scene: 05-0815-OS3 received 2nd March 2016.

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. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on site and a report submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

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

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

5. 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

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 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.

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 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.

8. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses 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.

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 the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. 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

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.

11. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

12. Before the dwellings become occupied, all vehicle and pedestrian areas shall have been surfaced and drained to the satisfaction of the Local Planning Authority.

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

13. 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**

14. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

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

15. The dwellinghouses shall not be occupied unless a sprinkler system, fitted to the requirements of BS9251, and with a minimum pressure of 1.0 bar has been provided. The sprinkler system shall thereafter be retained.

Reason: In order to ensure the safety of occupants in the event of a fire.

16. 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 dwellinghouses 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.

17. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans, surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

Reason: In the interests of highway safety

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

Reason: To ensure satisfactory drainage arrangements

19. 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.

20. 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.

21. The dwellinghouses shall not be used unless the car parking accommodation for the dwellinghouses 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.

22. 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.

23. The dwellinghouse shall not be used unless that part of the road providing access thereto has been provided in accordance with the approved plans.

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

24. Notwithstanding the approved plans, the location of the proposed tree planting as per Site Plan: 05-0815-OS1F are hereby not approved and details of proposed tree planting shall be agreed in accordance with condition 9 of this planning permission.

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

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. 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.
3. 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 a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

4. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to

commencing works. The Co-ordinator 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.

6. 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. 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.
7. In the interests of local wildlife any trenches left overnight should be covered or left with a means of escape for mammals.
8. Prior to works commencing, the ecological consultant should inspect the proposed work area and immediate adjacent area for wildlife habitats and if any are found then works should cease.

# Site Location



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## LOCATION AND PROPOSAL

The application site relates to a parcel of land at the furthest extent of Webbs Avenue, to the rear of properties on High Matlock Road, Wood Lane and Myers Grove Lane. The site was previously rear garden area belonging to 8 and 10 High Matlock Road.

The site is in a barren state with much of the vegetation having been removed and an open boundary to the rear garden of 8 High Matlock Road.

The site is adjacent to a plot where planning permission was granted for the erection of two bungalows under planning reference 08/02615/FUL. This land was previously garden area.

The application seeks planning permission for the erection of three dwellinghouses.

## RELEVANT PLANNING HISTORY

There have been a number of planning applications for similar proposals on adjacent sites to the application site. These planning applications are listed chronologically and the decision reasons are specified.

Previous applications on adjacent sites

- 02/03566/FUL - Erection of dwellinghouse (As amended plans received 09.06.2003) at Curtilage Of 424 Myers Grove Lane – Refused 30th July 2003 –

The application was refused as it was considered that the development would constitute uncoordinated backland development, detracting from the established character of the area and would also overlook neighbours. Drainage Officers considered that the proposal would have exacerbated flooding problems with regards to the watercourse and recommended refusal, but this was not a refusal reason on the decision notice.

- 02/03569/OUT – Erection of dormer bungalow at 426 Myers Grove Lane - Refused 30th July 2003. – Application was refused in line with comments stated for the above application 02/03566/FUL.

An appeal was also subsequently dismissed due to flooding issues. The inspector stated the only evidence with regards to flooding were objections raised by Council Drainage Officers during the planning application and therefore the only evidence afforded suggested that the development would exacerbate flooding. The Inspector however considered that the principle and design of the development was acceptable and the impact upon neighbouring living conditions to be acceptable.

- 04/03105/OUT - Erection of dwellinghouse (Resubmission) at 426 Myers Grove Lane - Granted conditionally 1st December 2004.



The principle of the development and the design and impact upon neighbouring living conditions were considered acceptable under the appeal for the above application (02/03569/OUT). The issues over potential flooding were considered to have been overcome after discussions with Yorkshire Water and Council Drainage Officers. The application was subsequently approved.

- 06/00236/FUL - Erection of a two-bedroomed dwellinghouse at 424 Myers Grove Lane - Refused 16th March 2006-

The application was refused as it was considered that the dwelling would constitute an uncoordinated form of backland development, which would be injurious to the amenities of occupiers of surrounding properties and the character of the area.

A subsequent appeal was also dismissed due to the significant harm to the character and appearance of the area and to living conditions of neighbours.

- 08/02615/FUL - Erection of 2 bungalows including one with integral garage and one detached garage (amendments received 03.09.2008 and 05.11.2008 and additional information received 10.12.2008) at Curtilage of 424 & 426 Myers Grove Lane - Granted Conditionally 29th December 2008.

## SUMMARY OF REPRESENTATIONS

Bradfield Parish Council has objected on the following basis:

- The site and surrounding area has a complicated planning history and any considerations should also involve numbers 424 and 426 Myers Grove Lane.
- There are known drainage issues in the area and the plans submitted would seem to involve building across a culvert.
- Information appears to be inaccurate in that there are trees on the site and there are protected species, whereas the applicant has stated no to both.
- The use has been described as vacant, whereas the area has been used as garden areas for No.8 and No.10 High Matlock Road.

Loxley Valley Protection Society objects on the following basis:

- The land is described as vacant, whereas it is the bottoms of the gardens to properties on High Matlock Road.
- There is no presumption of building within gardens in Sheffield, this is an application to build on greenfield land.
- Although there are/were long gardens in this area of Stannington, many have been built upon and Webbs Avenue is becoming overdeveloped and congested.



- An adjacent site is currently a building site, the bottoms of the gardens of 424 & 426 Myers Grove Lane with planning permission for 2 properties granted under 08/02615/FUL. This followed several refusals of permission for the site & one dismissal at Appeal on application 06/00236/FUL for land to rear of 424, where the Inspector, as we read it, stated that on this part of Webbs Ave one additional dwelling with off road parking would not cause significant harm, ie that already granted on 426 under 04/03105/OUT, but further development would cause significant harm to the character and appearance of the Area and to the living conditions of neighbours, and potential residents of the proposed dwelling.
- Based on common sense & the Inspector's report, these 3 proposed properties represent an overdevelopment and could result in a detrimental effect on the living conditions of existing residents. For these reasons the planning history of 424 & 426 needs to be taken into consideration.
- There is a part open and part culverted flowing watercourse to the right branch of Webbs Avenue. It has been fed through a pipe under the new proposed driveway. When high levels of rainfall occurs, the pipe cannot cope with the flow and the unculverted areas flood gardens. The Environment Agency has objected to building near or over this watercourse.
- There are also issues over raw sewage escaping, and further development without improvement to the drainage system will exacerbate these issues.
- The gardens form a green corridor for wildlife, including protected species into the nearby green belt and Loxley Valley. The mature gardens and large trees contribute to the biodiversity of the area.
- The road, paid for by residents, will face increasing issues from building work.

Nick Clegg MP has objected to the application on behalf of a constituent:

- The main concerns raised by residents is that access to the properties would be via an unadopted road, Webbs Avenue, which is narrow and it is understood a lot of residents currently use it for parking.
- The current development is already causing problems for the residents of Webbs Avenue, damaging both the road and residents property.
- The residents also raise concerns about emergency vehicles as the refuse collection cannot negotiate the corner.
- It is understood that there are concerns about water drainage and sewage, as during heavy rain the already existing pipes and watercourse cannot cope with the current usage.

16 letters of objection have been received from neighbours.

The material planning objections are summarised as follows:

- Foul water drains are already at capacity and some residents of High Matlock Road have already had problems with sewage in their gardens.
- The application does not meet the Council's own planning guidance for garden development.
- The proposal is back land development, priority should be given to brownfield sites.
- The extra vehicular traffic, extra storm water and additional sewage will generate extra issues for the residents of Webbs Avenue.
- The road is not to highways standards and will not take significant levels of traffic.
- The impact such proposals would have, would be negative to residents not only on High Matlock Road, but especially to those living on Webbs Avenue and the backs of the houses on Myers Grove Lane which have their rear gardens and access via Webbs Avenue.
- A new vehicle and pedestrian access will have to be created as there has never been any rear access to the High Matlock Road properties. Webbs Avenue, currently a quiet dead end road would become a through road for the new properties as this would be their only access
- Indeed, putting through a road for access to the new properties would change the character of this road from an unused cul-de-sac to a thoroughfare and be detrimental to the character of the green belt area.
- The existing use is described by the applicant as vacant land; this is clearly not the case; it has always been part of the rear gardens of No's 8 and 10. There is no current policy within Sheffield City Council that automatically allows for development in rear gardens, and indeed SSC has adopted policy guidance against housing development in rear gardens. This site is obviously a green field (not previously developed) site.
- Another consideration relates to the part-culverted/part open watercourse which cannot sustain more development. There is a history of problems with overflowing and inadequate sewerage and surface water systems in this area. This has got worse in recent years due to increased rainfall and flooding occurs on a regular basis to downstream properties. Both SCC and the Environment Agency have objected to past applications and policy does not support any culverting of open water courses. Any further development in this area will increase the existing flooding problems for downstream residents. The stream that has been partly culverted to the rear of 424/426 Myers Grove Lane then emerges above ground from a large diameter pipe next to the driveway of 13 Webbs Avenue. There is currently no grill over

the opening of this pipe. It has already at least once become blocked by building waste.

- The whole of this backland area provides a Green Corridor Link into the Green Belt of the Loxley Valley (which is very close and starts at the rear of 396 Myers Grove Lane and 40 High Matlock Road) It is extremely valuable for the safe movement and living space for wildlife including protected species.
- Our house joins 10 High Matlock Road whose main drain runs down to the drain on the developers property. We have noticed that our garden has been damp for the last 6 months and after further inspection the drain has been overflowing with sewage onto my garden. Yorkshire Water has been to inspect this and have confirmed that the drains have been blocked. They came to rectify the problem but we have had to call them again as it still overflowing.
- We live in the last house on Webbs Avenue and the men on site have told us they will be installing a gate, we would like to know which way this will open? I would like to object to it opening onto our road as this will obstruct access to my property yet if it opens onto the new houses, I believe the land is too high.
- When it rains at the moment all the surface water runs onto our property and down Webbs Avenue, I think once the development is completed this will cause more problems due to the surface being raised at the top of Webbs Avenue. Webbs Avenue is an unadopted road and there is no road drainage.
- With the size of these properties I do not think the developer has taken into consideration the parking facilities for each house. The garages do not look big enough to fit a car in. Webbs Avenue is very congested with current resident's cars, as most houses have at least two cars each parked on the road.
- Webbs Avenue doesn't have any footpaths and most existing dwellings have multiple car ownership, this leads to most households parking at least one car on the road. This leads to only one car-width access down the entire length with near maximum on street parking capacity and no scope for any overspill onto High Matlock Road, due to it being a bus route. I doubt that any proposed new dwellings will have sufficient off Webbs Avenue parking - especially the proposed five bedroom dwelling. Indeed, I believe that the extra traffic caused by the
- construction and then subsequent aboding, would be detrimental to the safety of pedestrians, local residents and their children.
- We were disappointed to have been informed about this development by the Estate Agent's sign. Only after a phonecall to the planning department was I informed that only 2 of the 9 properties on Webbs Avenue had been

consulted. It was suggested that all residents on Webbs Avenue should be notified of such a development.

- 2 properties being built on an adjacent site, approved under application 08/02615/FUL, The application had been refused many times, and finally was approved with various conditions attached. A lengthy period has passed from being approved and construction of the houses. This should be taken into consideration with this application.
- Compliance with the condition in regards to wheel washing, under planning permission 08/02615/FUL, has not occurred and is relevant as it is part of the same development.
- There are 9 properties on Webbs Avenue, and the current development brings the total number of properties to 14. This is a massive increase in density. There is a great concern about the increase in traffic leading to hazardous and risky parking, compromising safety of residents.
- A greenspace is being replaced with a hardstanding. This will have issues over drainage.
- The addition of 5 dwellinghouses in total will affect the quality of life of residents with an increase in traffic, parking, damage to the road, loss of greenspace, increased noise pollution, potential drainage issues and residents safety compromised.
- It is requested a condition be attached to the proposed development, that the road surface will be repaired and made good by the developers and also wheel washing facilities be implemented.
- Further development that would utilise access from Webbs Avenue would lead to an increase in traffic volume, leading to accelerated wear and tear. This would be amplified by the fact that this proposed development is right at the end of the 'dead end' road which would dictate that vehicles have to use the same stretch to both access and leave.
- Currently, the local authority refuse collection vehicle reverses down Webbs Avenue and terminates outside No. 9 due to the tight right hand turn in the road. Bins are wheeled down from the last two properties of No 11 & No.13. I believe that this demonstrates the restricted access down the road for service vehicles and indeed fire appliances should the need arise to attend to any further dwellings.
- The application should be considered not only from the point of view of High Matlock Road and Webb's Avenue, but should also consider previous (and ongoing) applications from 424 and 426 Myers Grove lane which adjoin the application site, together with previous applications for 400 and 402 Myers Grove Lane (which share the same part culverted/part open watercourse.

- Long history of problems with overflowing and inadequate sewerage and surface water systems, this has got worse in recent times due to the increased rainfall due to climate change and flooding occurs on a regular basis to downstream properties including my own.
- The site is a haven for wildlife including protected species, and although the applicant has stated no to both questions, this is clearly not the case.
- There are quite clearly trees and hedges on the site and adjoining, even though the applicant has stated no to the questions.
- The whole of this backland area provides a Green Corridor Link into the Green Belt (which is really close and starts at the rear of 396 Myers Grove Lane and 40 High Matlock Road) of the Loxley Valley and is extremely valuable for the safe movement of wildlife. Any further development here will detract from the green established character of the area(a point which was upheld by the Planning Inspector for the Myers Grove Lane Appeals) and which is a material consideration for this application.
- Any further development in this area will exacerbate the existing flooding problems for downstream residents.
- The stream that has been partly culverted to the rear of 424/426 Myers Grove Lane then emerges above ground from a large diameter pipe next to the driveway of 13 Webb's Avenue, there is no grill over the opening of this pipe and a small child or domestic/or wild animal could easily crawl in and become trapped.
- The neighbour at no. 386 Wood Lane states that privacy in their house and garden would be compromised. All three properties would have a direct view into the garden.

No-material planning consideration objections are summarised as follows:

- The developers are assuming that the granting of planning permission is a foregone conclusion, as they are already advertising properties and have placed a sign at the start of Webbs Avenue. – This is despite the fact there are several issues which need to be resolved.
- The plan includes a soakaway, where will this be located and where will it discharge?
- Has permission been sought from the residents of Webbs Avenue to use this watercourse?
- Road damage has to be met by the residents of Webbs Avenue. It is a private road.
- There is no reference to any pre-application advice being given to the developer regarding the likelihood of planning permission being granted.

- The two additional houses that have already been built, has seen deliveries of building materials of large flatbed trucks that have difficulty getting down the Avenue. I am surprised that more damage has not been done to date.
- It has rarely been seen, that such a stupid attempt to wedge houses into such an inappropriate and unsuitable piece of land. The application has been made purely with maximisation of profit in mind, with no consideration of potential buyers, existing residents, or for the surrounding buildings and geography.
- Construction work has already led to the deterioration of the road surface on Webbs Avenue.
- The site address for the proposed dwellings is only given as No 8 High Matlock Road. It should be also 10 High Matlock Road and rear of 424 and 426 Myers Grove Lane.
- The houses proposed are 4/5 bedroomed, for which there is no demand. A housing survey of local residents in Stannington in recent years identified the need to curb further development in Stannington. The only exceptions were for more affordable starter housing such as 1-2 bedroom starter homes and small bungalows for the elderly. What is being proposed are luxury houses which do not justify the development of this green site.
- Residents of Webbs Avenue paid over £1000 each to develop the road a few years ago and we have a 100% right of way agreement from the bottom of 11 Webbs Avenue to the development access, meaning private parking.
- How can planning be given to properties being built on land to the rear of 8 & 10 High Matlock Road, when there is no access from these properties, the only access being via Webbs Avenue, without consulting the residents of Webbs Avenue first for access.
- The building work has caused considerable inconvenience to residents, with noise and mud dropped on the road, various kerbs damaged and one car hit by a lorry.

## PLANNING ASSESSMENT

### Policy basis

#### National Planning Policy Framework (NPPF)

The National Planning Policy Framework attaches great importance to the design of the built environment and emphasises its role in contributing positively to making places better for people, whilst not attempting to impose architectural styles or particular tastes.

#### Unitary Development Plan Policies

The application site is within a Housing Area, as defined by the Sheffield Unitary Development Plan and therefore the following policies are applicable:

- Policy H10 'Development in Housing Areas' sets the preferred, acceptable and unacceptable uses in housing areas. The preferred use is housing and therefore the development is acceptable in principle.
- Policy H14 'Conditions on Development in Housing Areas' states that in Housing Areas, development will be permitted provided:

New buildings and extensions are well designed and would be in scale and character with the neighbouring buildings.

(c) The site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

(d) It would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

- Policy H14 is supplemented by an adopted SPG on Designing House Extensions. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.
- Policy H15 'Design of New Housing Developments' advises that new residential development should provide adequate private gardens, uniform walls to roads and easy access to homes and circulation around the site.

Also relevant are the following policies with regards to design are the following UDP policies:

- Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.
- BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. The development should try to integrate existing landscape features and also use native species where appropriate.

SDF Core Strategy

The following Core Strategy Policies are applicable:

- Policy CS74 'Design Principles' requires development to respect and take advantage of unique design characteristics within the local Neighbourhood.



- Policy CS24 – ‘Maximising the use of previously developed land for new housing’ states that priority will be given to the development of previously developed sites.
- Policy CS26 – ‘Efficient Use of Housing Land and Accessibility’ advises that housing development will be required to make efficient use of land but the density should be in keeping with the character of the area.
- Policy CS64 – ‘Climate change, resources and sustainable design of developments’ states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. They must also be designed to use resources sustainably.
- Policy CS65 – ‘Renewable energy and carbon reduction’ applies to both buildings and conversions of 5 or more dwellings and requires all significant developments to secure the following unless it can be shown not to be feasible or viable:
  - Provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy.

#### Principle of Greenfield Development

The application site is designated as a Housing Area as defined by the UDP. Policy H10 states that housing is the preferred use in these areas and therefore the principle of the development is acceptable, subject to compliance with Policies H12-H16 as appropriate.

The site is a former garden, and the site would therefore need to be considered as a greenfield development site. Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

The High Court in Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015) has judged that some residential gardens can be classified as brownfield sites. However, the judgement only applies this to gardens outside of urban areas, which does not apply to the judgement of this site.

There is, therefore, a presumption against inappropriate development in private gardens so to establish whether or not this proposal is ‘inappropriate’ the application needs to be set against all relevant policy criteria.

The NPPF also re-affirms previous national policy advice by excluding private residential gardens from the definition of previously developed land. Core Strategy policy CS24 gives priority for the development of new housing on previously



developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds. The current house completion database shows that 6.2% of new houses have been built on Greenfield, well within the 12% threshold.

The site is within an existing urban area, and the additional three dwellings would be in scale and form with the surrounding area, with those existing properties and the proposed dwellings having sufficient garden area. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

It is noted that previous planning decisions has resulted in refusals due to be those proposals being considered to be uncoordinated backland development. This scheme is however considered on its own merits.

With regards to the potential visual impact of the development, this is considered in sections of the report below.

#### Density

Policy CS26 states that new housing will be required to make efficient use of the land, but the density of new housing should be in keeping with the character of the area. For the majority of the urban area, which includes the application site, this policy recommends a density of 30-50 dwellings per hectare, however it also states that densities outside this range will be permitted where they achieve good design, reflect the character of an area or protect a sensitive area. The site area of this application is approximately 0.132 hectares, which results in a density of 22.7 dwellings per hectare. The proposal is below the recommended density for the area; however the application proposes 3 dwellings with rear gardens that are comparable in size with the surrounding dwellinghouses, all of which differ in size and design anyhow. The proposal is therefore considered to reflect the character of the area.

With regard to this, Sheffield currently can demonstrate a 4.7 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF, it is considered that the proposed development of this site for three houses would make a small but positive contribution to housing land supply across the city and should be given weight.

#### Design

UDP Policy H14 relates to conditions on development in Housing Areas. It details at Part (a) that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that

should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

The proposed scheme shows three two-storey detached houses. There are two properties labelled as 'Type A' on the submitted plan and these include integral garages. The other property is labelled as 'Type B' on the submitted plans and includes an attached garage. These are to be located at the end of Webbs Avenue, which is an unadopted private road.

The footprints of the properties are generally consistent with that of the surrounding area. They are slightly larger than the immediate neighbouring properties on Webbs Avenue, but are smaller than the footprint of the neighbour at No.386 Wood Lane. There is not an established building footprint or housing style in the area and therefore the proposed footprints are considered acceptable. It is considered that the layout is a logical completion to this extent of Webbs Avenue.

The dwellinghouses would be approximately 7 metres in height to the ridge, with an eaves height of approx. 4.3 metres. There is no consistent roof height or form in the local area, however the heights shown are generally consistent with those properties on Webbs Avenue. The proposed property shown on the submitted plan immediately adjacent to No.13 Webbs Avenue, would be approx. 0.6 metres lower in height, however the ridge heights of the other two proposed houses would step up in height due to the slight increase in land level across the site in a southerly direction.

The overall width and lengths are generally consistent with the area, but as stated there is no overall definitive housing form in the vicinity.

The properties are two-storey in appearance, however the relatively low eaves height reduce the overall massing of the properties. Each property shows a large gable feature and two small dormer windows to the principal elevation. They would be finished in artificial stone with artificial slate roofs and reconstituted stone heads and cills to the openings.

The material finishes and the overall designs are considered acceptable, given there is a mix of housing design, forms and material finishes in the local area.

#### Residential Amenity

Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or

security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

There are no specific guidelines in relation to the construction of new dwellings, however privacy and separation distances set out in the SPG 'Designing House Extensions' are applicable in this instance. Designing House Extensions SPG Guidelines 4-6 detail how the above policy is put into practice. These guidelines essentially require extensions to avoid overshadowing neighbouring property and maintain minimum levels of privacy.

Guideline 4 requires a minimum separation distance of 10 metres from a rear elevation to a rear boundary for reasons of privacy

Guideline 5 states that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided.

Guideline 6 states that extensions should protect and maintain minimum levels of privacy. This guideline asks for a minimum separation distance of 21 metres for main facing windows.

For the purposes of clarity and to differentiate the properties, each dwelling will be referred to separately in terms of effect on living conditions. They are referred as:

- Dwelling 'Type A' 1 – This is the first property one would encounter when accessing the site from Webbs Avenue. The most northerly sited of the 'Type A' dwellings as indicated on the submitted plans.
- Dwelling 'Type A' 2 – This is the second property one would encounter when accessing the site from Webbs Avenue.
- Dwelling 'Type B' – This is the third property one would encounter when accessing from Webbs Avenue. It is indicated as 'Type B' on the submitted plans.

#### Dwelling 'Type A' 1

This proposed property would be immediately adjacent to No.13 Webbs Avenue and would project beyond that neighbouring property's rear wall. It would however not break the 45 degrees line, in that the projection of the two-storey house would not project any further beyond that neighbouring property's rear wall than the distance to that neighbour's nearest main ground floor window. The proposal would therefore accord with Guideline 5 stated under SPG 'Designing House Extensions'. This neighbouring property also has no primary windows in the side elevation facing the application site, though it does have a small landing window. It is therefore not considered to overbear or overshadow the property at No.13, nor any other neighbour given the separation distances.

The dwelling would have a separation distance to the rear boundary of 11.5 metres at the nearest point. This distance accords with Guideline 4 of the SPG. The existing boundary treatment would also aid in privacy in any instance.

The proposal would be situated just over 21 metres from the properties opposite (those currently being constructed under planning permission 08/02615/FUL) which meets the separation distance specified under guideline 6. It is therefore not considered that this property would affect neighbouring privacy.

#### Dwelling 'Type A' 2

This proposed dwelling would project beyond the Dwelling 'Type A' 1 stated above. This would however not break the 45 degrees line mentioned above and therefore would accord with Guideline 5. Dwelling 'Type A' 1 has no side windows and therefore Dwelling 'Type A' 2 is not considered to detrimentally impact upon Dwelling 'Type A' 1 or indeed Dwelling 'Type B'. The attached garage of Dwelling Type B would abut the side elevation of Dwelling 'Type A' 2 and therefore is not considered to detrimentally affect each other's living conditions. Furthermore these properties would not directly face one another.

Dwelling 'Type A' 2 has a separation distance of approx. 9.5m which is under the recommended 10 metre distance. It is however not considered that this minimal difference would attribute to such significant additional overlooking to justify a refusal. Furthermore, the property immediately to the rear (No.10 High Matlock Road) benefits from a large rear garden and therefore Dwelling 'Type A' 2 would be a significant distance (approx.. 42 metres) from the main amenity space directly outside that neighbouring property at No.10 High Matlock Road. It is therefore not considered that this property would significantly affect neighbouring privacy beyond the rear boundary line.

Dwelling 'Type A' 2 would have a separation distance of at least 21 metres to the neighbouring property opposite (one of those being constructed under planning permission 08/02615/FUL). This distance accords with the minimum separation distance for main facing windows under Guideline 6. The property would have a distance of approx. 14 metres from a small area of the rear and side garden of No.386 Wood Lane. It is accepted that this would allow for some overlooking to this area of neighbouring garden, however the main amenity space directly outside the rear of No.386 Wood Lane would be situated approx. 20 metres from the proposed property, which is on a raised level garden area. It would allow for some overlooking to the far extent of the garden area, but given the small area it would overlook, it is not considered to be so significant that would significantly affect the privacy of No.386 Wood Lane.

#### Dwelling 'Type B'

This proposed dwelling would be sited to the rear extent of the site and would be sited parallel to No.386 Wood Lane, however their orientations would be reversed with No.386's principal elevation facing south and the proposed Dwelling Type B's principal elevation facing north.

The proposed dwelling would be partially screened by No.386's rear outbuilding and the separation distance from the house at No.386 is such that it is not considered that the proposal would overbear or overshadow this neighbour.

The principal elevation of Dwelling Type B would be a significant distance from any neighbouring property opposite and therefore it cannot be considered to detrimentally affect any neighbouring privacy forward of the property. The distance to the back boundary would be approx. 11 metres which accords with the recommended separation distance, however the back boundary also benefits from good levels of screening from existing vegetation on the boundary which would aid in privacy in this instance.

The proposed plans and elevation indicate a bedroom above the attached garage. This would include two dormer windows which would face No.386 Wood Lane's side and rear garden area. These dormer windows would have a distance of 14 metres from the nearest part of the rear garden of No.386 Wood Lane. It is accepted that this would allow for some overlooking to this area of neighbouring garden, however the main amenity space directly outside the rear of No.386 Wood Lane would be situated approx. 20 metres from the proposed property, which is on a raised level garden area. The area of garden approx. 14 metres from the bedroom above the attached garage is on a lower level than the main house of No.386 Wood Lane and as stated is not the main amenity space of this neighbour.

On balance, it is considered that this proposal would not significantly affect the privacy of No.386, given the main garden area immediately outside the rear elevation of the property would be situated over 20 metres away.

#### Amenity of future occupants

As discussed the proposed properties would not detrimentally impact upon one another and meet the recommended guidance set out in the SPG 'Designing House Extensions'. Each property also benefits from generously sized garden space, all being above the minimum recommendation of 50 square metres of garden area, with the smallest garden proposed being approx. 118 square metres.

Following on from the above, it is not considered that the development would raise any significant privacy issues or result in unreasonable overshadowing or over dominance of any neighbouring dwellings that would be harmful to their residential amenity. The proposal is therefore considered to satisfy the guidelines within Designing House Extensions and UDP Policy H14(c).

It is considered necessary to control any future extensions/outbuildings to the dwellinghouses given the potential to overshadow overbear or overlook neighbouring properties, as discussed above. It is therefore recommended that the properties Permitted Development rights be removed by condition.

#### Highways

Webbs Avenue is an unadopted public highway, which has likely been developed in a piecemeal fashion pre-dating planning legislation and the UDP. There's no realistic possibility of implementing a scheme to bring Webbs Avenue up to adoptable standards (drainage/lighting/kerbing/margins) owing to its existing restricted geometry. Applying the NPPF, we should only be recommending the prevention or refusal of this application on transport grounds if the residual

cumulative impacts are severe. Webbs Avenue is a public highway even though it is not adopted. Any amenity issues associated with the passing of vehicular trips generated by 3 dwellings will be almost unnoticeable. On this basis, there are no highway grounds for recommending a refusal. Conditions are recommended to be attached with regards to highways.

#### Parking

The two properties labelled as Type A on the submitted plans indicate that they would each have an integral garage allowing for one parking space and one off-street parking space on the driveway. This is considered acceptable and will allow sufficient parking.

Dwelling Type B is proposed to have one off-street parking space on the driveway and an attached garage showing two parking spaces. Due to the layout only one car would be able to realistically access the garage, however the property would still have two parking spaces in total which is considered to be acceptable. The dimensions scaled off the submitted plans meet the guidance for garages and off-street parking spaces as specified within the SPG 'Designing House Extensions'.

The site is also in a sustainable location, located close (approximately 100m away) to High Matlock Road that carries the 61 and 62 Bus routes.

#### Fire Vehicle Access

The distance from the furthest most part of the dwellinghouses to the existing road is also approx. 28 metres. South Yorkshire Fire and Rescue (SYFR) usually specify that the furthest point of a property to the public highway being no more than 45-50m from the public highway. The proposed distance meets this requirement, however it is accepted that the corner of Webbs Avenue would be difficult for a Fire Appliance to traverse if and when cars are parked along the street. On account of this, it is advised that the applicant would need to incorporate a sprinkler system into the design of the dwellinghouses. This can be secured by planning condition.

#### Refuse Collection

Manual for Streets March 2007 (MSF) states specifications for Refuse Collection Vehicles The width of Webbs Avenue meets the specifications stated under the MFS. A distance of 12 metres maximum is usually acceptable, however longer distances can be accepted if straight and free from obstacles. A distance of 30 metres is generally the distance that bins can be collected on foot. With this in mind, the best case scenario is that the existing property at No.13 Webbs Avenue (Furthest existing property) has a distance of 33 metres from the point that the Refuse Vehicle could park. The furthest situated of the two properties approved under planning permission 08/02615/FUL would be 58 metres away, which exceeds the 30 metres specified under the MFS.

The properties indicated as Type A on the submitted drawings would be a similar distance to those approved on the adjacent site mentioned above and the property



indicated as Type B would be a distance of 72 metres. This is not ideal and does not directly accord with Manual for Streets, however given that the road has a relatively flat gradient and the distance to the existing properties on the site and those being constructed, it is considered that the refuse collection would be acceptable in this instance and is not a sufficient reason to justify a refusal.

Furthermore, Veolia have confirmed that they have no objection to the proposed dwellings in terms of refuse collection. They have however stated that any bins will be required to be wheeled to the corner of Webbs Avenue, as their Refuse Collection Vehicles cannot traverse the corner to access the proposed site.

### Drainage & Flood Risk

Core Strategy Policy CS67 'Flood Risk Management' requires development to limit surface water runoff, and the promotion of sustainable drainage.

The policy does require reductions to runoff to no more than 5 litres per second per hectare. However, it only applies this to sites of over 1 hectare.

In the case of this development, the 1 hectare requirement does limit the specific controls on runoff that can be justified. However, it is appropriate to require the new dwellings to have natural water drainage into a separate system to local sewers, which can be conditioned.

The Land Drainage Officer has stated that there are concerns over the small watercourse being used as a route for discharge and they are not in favour of an attenuation feature, as an orifice to control the flows would be too small. It has been suggested that soakaways with overflows to the watercourse can be dealt with through building control.

Yorkshire Water has stated that the local public sewer does not have capacity to accept any discharge of surface water from the site.

It is noted on previous planning applications there have been concerns over flooding, however this issue was considered to have been remedied under application reference 04/03105/OUT. In this instance also, The Land Drainage Officer is happy for the drainage to be sorted through building regulations.

### Land quality Issues

Owing to the previous use of the site, there is a small risk that the site could be affected from ground contamination. It is therefore recommended that the usual suite of conditions be attached that requires the investigation of any potential ground contamination and where necessary, its remediation.

### Ecology

An ecology report has been submitted and our ecologists are satisfied with the findings of the report. A directive is recommended to be attached for an ecological

consultant to inspect the proposed work area and immediate adjacent areas for species and habitats and should any be found then works should cease.

## Coal

The Coal Authority records indicate that the application site falls within the defined Development High Risk Area.

A Coal Mining Risk assessment has been submitted and The Coal Authority are satisfied with the assessment and its findings, however they have recommended conditions be attached to this planning permission.

## Sustainability

The precise approach to reduce emissions of greenhouse gases and to address the issue of climate change or the means to generate renewable energy and reduce carbon emissions is assessed as part of the application.

Supporting information that has been submitted indicates that each property would have the following in support of Policy C64 and CS65:

- High efficiency condensing boilers
- Hot water energy needs reduced by low-flow spray taps, flow rate-controlled air pulsed and provision of A+ rated washing appliances will reduce water energy demand by 35% from current requirements.
- The carbon reduction to the properties is set with the designs being to current building regulations.
- Windows are set to maximum allowable opening to meet building regulation to maximise light infiltration to the dwellings and utilise solar gains.
- Materials on the build are to be sourced locally and related to the green guide where possible.

## Landscaping

Policy BE6 states that good landscape design will be required in all new developments. A condition will be attached to ensure appropriate landscaping is provided as part of this development.

## Trees

The submitted plan indicates that one tree will be retained within the site to the rear of Type B. This tree is considered to offer amenity to the surrounding area and also aids in privacy along the boundary line with No.386 Wood Lane. A condition is recommended for the retention of this tree.

The plan also indicates that 4 trees will be retained outside the site, however this is outside the scope of this planning application's site boundary.



The site plan also indicates that 5 lime trees are proposed. This offers mitigation for the loss of trees and vegetation on the site previously. As stated however the hard and soft landscaping of the application site can be dealt with by condition.

There has been an objection from a neighbour with regards to the position of the proposed trees. In light of this, the replacement planting and location of trees can be dealt with by condition in conjunction with soft and hard landscaping.

#### Community Infrastructure Levy (CIL)

The development is liable to providing a contribution to the CIL, in order to provide improved infrastructure to meet the needs of new development. The agent has completed a relevant form to indicate they are aware of the required contribution for the scheme.

The floorspace created is 578 square metres in a charging zone of £30 per square metre.

#### Other Matters and response to representations

The following is in response to other matters raised in the representations and not directly stated in the planning assessment section of this report.

- The layout and cul-de-sac form aids in informal surveillance of the street and brings to life a currently barren area of land.
- A neighbour raised concerns that not all the properties along Webbs Avenue were consulted as part of the planning process. In light of this further properties were notified along Webbs Avenue, High Matlock Road and Myers Grove. A further consultation period was allowed for comments to be made in respect of the application.
- A concern was raised over the implementation of planning permission 08/02615/FUL, in that construction appears to have started well after the expiry date of the planning permission. This application for two houses commenced as per a Building Regulations application back in 2011 and therefore the development commenced as per the planning permission. It is understood that construction has started again around Christmas 2015, however the planning permission was implemented back in 2011.
- The wheel washing with regards to the application 08/02615/FUL has been raised with our Enforcement Officers and also has been raised with the applicant. Wheel washing conditions are recommended as part of this planning application also.
- Issues have been raised over the fact that Webbs Avenue is an unadopted private road. This is outside the remit of planning control and the matter over the use of the private road will be private matter between the developer and those who own the road.

- The applicant has been advised that they will need permission from the owner of the private watercourse, this is however outside the remit of planning control. The use of soakaways and the watercourse is something that is controlled through a building control application.

#### SUMMARY AND RECOMMENDATION

The principle of erecting three dwellinghouses on this site is accepted under Policy H10 of the UDP and Policy CS24 of the Core Strategy.

It is considered that the proposal represents an appropriate form of development. It delivers three additional dwellinghouses, at a time of less than 5 years housing supply in the city and therefore represents a positive, sustainable contribution to the city's housing stock.

It is considered that the development would not impact on highway safety or result in the residential amenity of neighbouring properties being unduly harmed.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies H10, H14 (a) BE5 and Core Strategy CS74, CS24, CS26 and CS64 and the National Planning Policy Framework. It is therefore recommended for approval subject to the conditions listed.