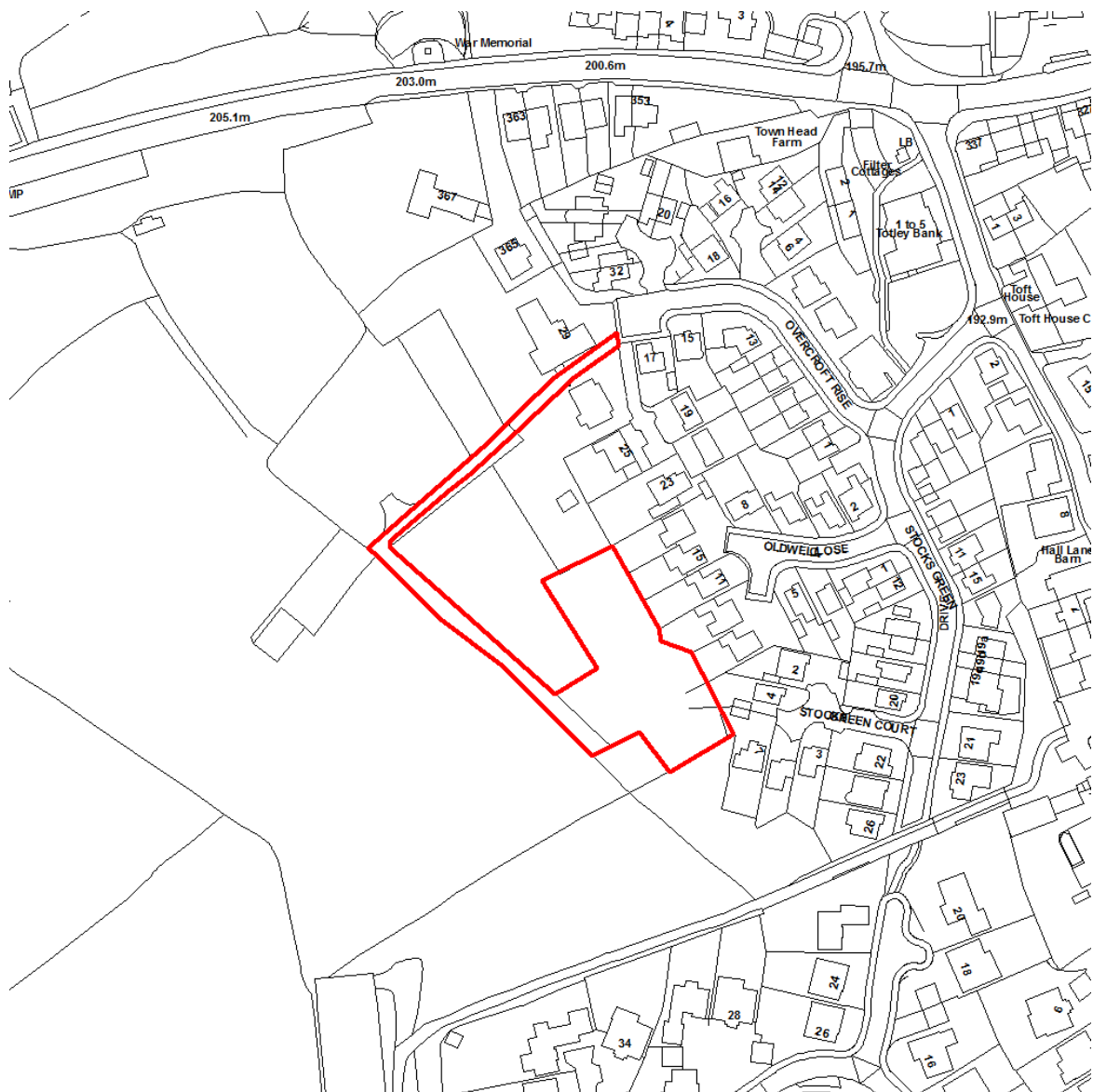

Case Number	17/04626/FUL (Formerly PP-06493845)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral double garage
Location	Land To Rear And Side Of 29 Overcroft Rise Sheffield S17 4AX
Date Received	09/11/2017
Team	South
Applicant/Agent	Self Architects
Recommendation	Appeal against non-determination

Site Location



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INTRODUCTION

The current application is the subject of an appeal under the grounds of non-determination. The final decision can only be made by the Planning Inspectorate.

Therefore, the purpose of the following report is to seek Members' endorsement of the proposed approach/recommendation of the Local Planning Authority in contesting the appeal.

LOCATION AND PROPOSAL

The application/appeal site is located to the west of houses on Overcroft Rise, Oldwell Close and Stocks Green Court. The main body of the site is an agricultural field, and is accessed between Num's 27 and 29 Overcroft Rise.

The application seeks planning permission for a 5 bedroom, detached dwellinghouse, with a double garage and 2 parking bays. The front of the dwelling would be single storey, and due to site topography and excavation the property would be 2 storeys at its rear. It would comprise 3 components, with connecting glazed links and be constructed from natural sand stone, natural slate and dark grey doors and windows.

The access would lead from the existing approach between Num's 27 and 29 Overcroft Rise. From Overcroft Rise it would follow an existing farm track which leads SW. It would then turn and lead SE, using the track incorporated into a previous approval (granted under 14/01243/FUL). At that point the access would turn towards the proposed house to an area at the front of the dwellinghouse.

The dwellinghouse is located in a Housing Area under the provisions of the Adopted Unitary Development Plan (UDP), whilst the cellular reinforced grass turning area is located in the Green Belt. The application site is adjacent to Totley Conservation Area and the land designated as Green Belt is also identified in the UDP as being an Area of High Landscaped Value (AHLV).

RELEVANT PLANNING HISTORY

14/01243/FUL; Erection of agricultural building and access road.
Approved 21/7/2014

14/03256/FUL; Erection of dwellinghouse Refused - 12/2/15, and Dismissed at Appeal - 18/8/15

The reasons for refusal in summary form were as follows:

- Additional hardsurfacing was harmful to open character of Green Belt and inappropriate development
- Development due to scale, massing and location had adverse impact on visual amenity of Green Belt and Area of High Landscape Value
- Out of character and unsatisfactory design, harmful to setting of Totley Conservation Area.
- Unacceptable overlooking to neighbouring property
- Absence of turning facilities for fire appliances, and refuse / delivery vehicles .

The Planning Inspector concluded:

- the hardsurfacing would be inappropriate green belt development,
- the introduction of the development on the open land, would alter the character of the setting of the settlement, the character of the area, the setting of the Area of High Landscape Value and harm the Green Belt,
- reductions of neighbour privacy and overbearing impacts
- was satisfied that access measures could be achieved.

15/01823/ARPRN; Prior notification of proposed alterations to agricultural access road and provision of turning area Refused Prior Notification – 19/5/15

16/01606/APN; Erection of an agricultural barn (Application for determination if approval required for siting and appearance) Refused Prior Notification – 20/5/16

16/04533/APN: Erection of agricultural storage building (Application for determination if approval required for siting and appearance) Refused Prior Notification - 02.03.2017

17/01698/APN; Extension to turning area and alterations to junction of the access road (Application for determination if approval required) Refused Prior Notification - 18.05.2017

SUMMARY OF REPRESENTATIONS

Following direct neighbour notification and the placement of site notices, 23 representations have been received. These are summarised as follows:

-Many of the factors which applied to the previously refused scheme (also dismissed at appeal) still apply.

Land Designation Issues

-Intrusion into Green Belt. The proposed upgrades to track/part of garden are mostly located in Green Belt, which would be compromised and result in conflict with appropriate policy/s. Would conflict with Appeal Inspector's conclusions which concluded this element of previous scheme was inappropriate development in the Green Belt.

-Appeal Inspector commented current Green Belt boundary is not defined on the ground, and proposal would also result in substantial new development that would alter character and setting of settlement.

-Out of character with Totley Conservation Area. Conflicts with UDP policy BE16.

-Whole site is greenfield development, so scheme would be contrary to Core Strategy policies CS24 and CS71.

-Loss of a green open area which has high levels of biodiversity, with signs of badgers and bats.

-Site was demarcated by Council as a building free buffer zone, which was reinforced recently by Council's expression of the intention to extend Green Belt across the strip to the residential boundary. Consent would conflict with relevant and emerging policies.

-Conflict with National Planning Policy Framework (NPPF) policies.

Design and Amenity Issues

-Proposed dwelling is excessively sized and totally out of character with properties in locality. Is sited on a narrow site.

-Ridge level would almost equal previously refused application. Building is in an elevated position above numerous properties.

-Overbearing presence. Very close to boundaries of four existing dwellings. Property much larger than other dwellings.

-Overlooking to several gardens (specific reference to Num's 7 and 15 Oldwell Close and obliquely to others) and habitable room windows. Impacts would be exacerbated by 'upside-down' nature of house.

-Overshadowing in afternoon and evening.

- Light pollution from glazed links.
- Proposed house would be directly in front of house approved at Stocks Green Court (unbuilt), at very close proximity.
- Property would stand out on landscape.
- Loss of outlook across farmland and an Area of High Landscape Value to distant moorland skyline.
- Glazed links form highly visible features.
- Opposition to any residential development on this piece of land, as previous schemes have been resisted in the past.

Highway Issues

- Increased congestion on Tottle Hall Lane, leading to serious accident risk on Baslow Road. Concerns regarding emergency vehicle access.
- Increased vehicle movements would harm amenities of residents of Num's 27 and 29 Overcroft Rise.
- Access creates a blind junction with right of way to numbers 19-27 Overcroft Rise.
- Farm track would not be suitable for refuse / emergency vehicles. These vehicles could not be assured of access through locked gate at top of Overcroft Rise, which is a difficult access point for large vehicles.
- Refuse bins would only be collected from Overcroft Rise, and not from dwelling.
- Query distance to nearest fire hydrant.
- Cellular reinforced grass would cause changes to natural land drainage.
- Leakage from vehicles would require analysis.

Drainage and Subsidence Issues

- No detail about foul drainage and grey water management. Query whether Yorkshire Water infrastructure can accommodate additional demands. Yorkshire Water don't appear to have been notified.
- Surface water drainage is a concern due to extent of increased risk of flooding. Access route from top of Overcroft Rise has been subject to constant flooding from fields. Any scheme should prevent hard surface run-off onto Overcroft Rise.
- Soakaways require 12 month (4 season) infiltration testing to assess acceptability. Rigorous investigations (ground investigation, ground water monitoring, risk assessment and feasibility studies) don't appear to have taken place to ensure residents would be free from risks.
- Concerns for subsidence on downward slope from site.

Agricultural Use Issues

- The barn approved under 14/01243/FUL should not have been approved. Obviously wasn't required since it hasn't been built. If built, would conflict with amenities of occupiers of proposed dwelling.
- Land is farmed by a tenant farmer not Applicant. Scheme would lessen agricultural value of site. No agricultural justification has been provided with application. Applicant's address at time of previous application was 29 Overcroft Rise and was resident on site at that time so presumably could have remained.

Other Issues

- Land to rear of 11 and 15 Oldwell Close (within site) could be subject to a future planning application, as well as land owned by 27 Overcroft Rise.
- Creation of precedent, undermining Green Belt and Area of High Landscape Value. A complete field could be opened up to development.

Amended Plans

- No substantial changes, and earlier objections still apply. Some elements are worse. Dwelling remains over-sized and out of character, with imposing and overbearing impacts.
- Over-development of an undersized site.
- Overlooking opportunities from glazed links would be harmful. Drawings show occupant of dwelling at 1.51m tall, which would still lead to overlooking.
- Overlooking from large number of 2nd floor windows. Invasion of privacy (to 9 Oldwell Close)
- Inadequate separation distance, given differences in levels.
- Visually the dwelling would appear to link to unbuilt barn and form a continuous block of development.
- Concerns over planting of trees; they aren't permanent, deciduous trees provide little screening for much of year, take years to be established and could become a blocking / overshadowing feature for residents below.
- Harm to local environment, Green Belt and AHLV.
- Paved driveway will form an intrusion into the Green Belt.
- Area has high levels of biodiversity.
- Scheme remains similar to the 14/03256/FUL scheme which was refused and dismissed at appeal, which was over-large in footprint and height, inappropriately sized, overbearing, overlooking, visually intrusive and of dominant appearance.
- Sections don't give a true representation of how proposed house will appear.
- No details of foul drainage or grey water management. No clarification of whether Yorkshire Water could manage additional demands.
- Surface water drainage concerns.
- Proposal is not a farm-house, but a property development. Dwelling is capable of sub-division / multiple occupation
- Any approval would lead to a subsequent larger housing development.

Cllr Martin Smith commented on the original submission:

- Scheme fails to address previous concerns.
- Inappropriate in such a prominent and sensitive location on edge of Green Belt, particularly due to scale and massing
- Overbearing impact on neighbouring properties, leading to loss of privacy and residential amenity
- Out of scale with neighbouring properties
- Planning/enforcement history should be taken into account

Cllr Smith provided a 2nd comment stating that the amendments don't make any significant improvements.

Cllr Ross has also commented on the original submission and states:

- Site has been subject of a number of similar proposals rejected by the Council and later dismissed at appeal to Planning Inspectorate. Reasons for refusals still hold.
- Land is in Buffer Zone on the edge of the Green Belt, is in an Area of High Landscape Value, and can be viewed from the Peak District National Park. Therefore contrary to relevant policies.
- Site is adjacent to Totley Conservation Area.
- Proposed dwelling stands above neighbouring properties, having a significant overbearing impact. Windows would overlook properties on Oldwell Close and cause loss of privacy.
- Drainage concerns.
- Proposed dwelling would occupy a significant portion of the land available to previously approved barn building.

Cllr Ross provided a 2nd representation regarding the amended drawings stating that the previous concerns still stand, and that the revisions don't make any substantial improvements.

Non-Planning Issues

- Sequence of different application raises questions regarding validity, credibility and motives of Applicant.
- Applicant is seeking to gain consent by a process of attrition.
- A large dwelling isn't required for Applicant's purposes and nearby schools, public transport facilities and amenities suggest property is intended for use by others in future. No requirement for Applicant to be near the farm.
- Loss of view.

A letter of support has been provided by the farmer of the application land.

- It is commented that there was a recent burglary at the site. Applicant wishes to live on the farm to look after it, for security, vermin control and efficiency.
- References to a potential nursing-home and a non-existent buffer zone are irrelevant.
- Refusals of hay barn and tractor turning area have led to inconvenience.
- Dwelling is sited out of Green Belt, and would not be obtrusive when viewed from farm land which doesn't have public access.
- Access road is adequate for large farm vehicles and all likely traffic.
- Scheme meets policies on overlooking and amenity.

PLANNING ASSESSMENT

Greenfield Development

Core Strategy Policy CS23 seeks to concentrate new housing (at least 90%) within the main urban areas of Sheffield. Policy CS24 seeks that priority be given to the development of previously developed land (brownfield sites) and states that no

more than 12% of new dwellinghouses should be on greenfield sites between 2004/05 and 2025/26.

In terms of Core Strategy Policies CS23 and CS24, the Council is currently achieving 96% of all new housing on previously developed land (i.e. only 4% on greenfield sites). The development of this greenfield site would not therefore conflict with either of these two policies.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where a Local Planning Authority cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

At present, Sheffield can only demonstrate a 4.5-year housing supply of deliverable housing sites across the city. In addition to Paragraph 49, Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, amongst other things, specific policies in the NPPF indicate development should be restricted. The specific policies, which indicate that development should be restricted are set out at Footnote 9 of the NPPF and include policies relating to land designated as a heritage asset. Therefore, despite the fact that the Council is currently unable to demonstrate a five-year housing supply, the NPPF is clear that the failure to demonstrate a five-year housing supply does not apply a presumption of granting planning permission at the expense of designated heritage assets.

Land Use

The application site is located in land partly designated as being within the Green Belt and AHLV and partly within a Housing Area under the provisions of the Adopted Unitary Development Plan.

The following policies are therefore relevant:

National level

The National Planning Policy Framework at para 87 states “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para 88 states “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Para’s 89 then states that the construction of new buildings is inappropriate in Green Belt, and then gives a number of exceptions to this with further exceptions in para 90.

Local Level

UDP Policy GE1 'Development in the Green Belt' states; In the Green Belt, development will not be permitted, except in very special circumstances, where it would: c) lead to encroachment of urban development into the countryside

UDP Policy GE3 covers 'New Building in the Green Belt', and states the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses which would comply with Policy GE1.

UDP Policy GE4 covers 'Development and the Green Belt Environment', and states the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area and wherever possible, conserve and enhance the landscape and natural environment.

UDP Policy GE8 covers 'Areas of High Landscape Value and the Peak National Park' and states in Areas of High Landscape Value, protection and enhancement of the landscape will be the overriding consideration. Development which is permitted (b) on land conspicuous from Areas of High Landscape Value or the Peak National Park; must protect, and wherever appropriate enhance the appearance and character of the Area of High Landscape Value and Peak National Park.

Policy CS74 of the CS states; High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

b. views and vistas to landmarks and skylines...across the city to the surrounding countryside;

The proposal includes the provision of a forecourt / turning area at the front of the dwelling. The large majority of this would be located in the Green Belt. It would cover an area of approximately 13m by 20m (260 sqm). The drawings specify that this would be treated in a cellular reinforced grass.

Whilst the provision of this surfacing would represent an engineering operation, it would be considered to preserve the openness of the Green Belt and as per para 90 of the NPPF would not be considered to be inappropriate or to conflict with the purposes of including land in the Green Belt.

The drive and turning area provided as part of 14/03256/FUL was not considered by the Appeal Inspector to preserve the Green Belt's openness, so was considered to be inappropriate development. Whilst the driveway in the Green Belt as part of that application covered an area measuring 30m by 4m, it was to be hardsurfaced having a very urbanising visual impact. As a result it is considered that such a surface would have had a much greater intrusion into the Green Belt's openness than the larger area of cellular reinforced grass. Cellular reinforced grass would very closely mirror the existing surfacing, and it would be considered unreasonable to seek to argue it wouldn't preserve the Green Belt's openness.

In concluding that the two situations are different, it is particularly relevant that the cellular grass would be sited in an area where grass coverage can become extremely thin, due to vehicular activity and general operations

It is therefore considered that the element of the development within the Green Belt would not undermine the purposes of including land within the Green Belt.

On this basis, this part of the proposal would be considered to meet the requirements of NPPF para 90, and UDP policies GE1 and GE4.

Design, Character and Appearance

At the national level NPPF para 17 at item 4, states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Item 5 of the same paragraph identifies another core principle of planning as being the recognition of the intrinsic character and beauty of the countryside.

In regards to the historic environment para's 132 of the NPPF requires great weight to be given to the conservation of a designated heritage asset. Para's 133 and 134 give directions on required responses depending on the level of harm to designated heritage assets.

UDP Policy BE5 covers 'Building Design and Siting' and states:
Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

Physical Design

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (f) designs should take full advantage of the site's natural and built features;

UDP Policy BE16 covers 'Development in Conservation Areas' and states:

In Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.

Material considerations in considering proposals will include matters which would affect the setting of a Conservation Area or significant views into, or out of, the Area.

UDP Policy H14 deals with 'Conditions on Development in Housing Areas' and states;

In Housing Areas, new development or change of use will be permitted provided that:

- (a) new buildings and extensions are well designed and would be in scale and character with neighbouring buildings;

Policy CS74 of the Core Strategy deals with 'Design Principles' and states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;

The Planning Inspector dealing with the previous appeal stated that there was no boundary clearly defining the land designated as Housing Area on the ground with the land either side of it not differing in character. As a result the portion of the site within the Housing Area was described as being indistinguishable from the land forming the countryside beyond the settlement.

The Inspector went on to say that the existing settlement is physically bounded by the existing properties and their rear gardens. The dwellings are set substantially lower than the open land beyond their rear boundaries. As a result, this arrangement provides a transition between the open countryside and the settlement, as only the rear boundaries and roof forms of the houses are perceived from the open countryside.

These circumstances remain, and whilst the current proposal features 3 elements (connected by glazed links) the central section would have a ridge line approximately 1.9m lower than the ridge level of the main building in the previous scheme. Whilst this is a reasonable reduction, the proposed ridge height of the central section would be 2.47m above the ridge of No 7 Oldwell Close. The ridge's of the proposal's 2 outer sections would be approximately 1.48m above No 7 Oldwell Close's ridge.

The additional height of the proposed building in excess of the height of existing dwellings in the existing settlement would mean it would be considered to be a significantly more prominent construction. As a result the proposed building would continue to be considered to represent a significant and substantial building, that would be set at a high level compared to the development beyond it.

The provision of 3 separate components with glazed links would not adequately reduce the visual impact of the proposal, as they would be viewed together as a single building. The scale and massing of the proposal would be considered to have an adverse impact on the character and appearance of this transitional zone between the open countryside and the settlement.

The site currently reads as an open field with housing beyond the boundary treatment that is present. The development proposed would result in the house appearing as a stand-alone somewhat random feature within the field completely out of character with its surroundings.

On this basis the proposal is considered to conflict with UDP policy GE4, which requires development conspicuous from the Green Belt to be in keeping with the area and to conserve and enhance the landscape and natural environment. It is also considered that there would be conflict with policy GE8, which seeks to prevent harm to and wherever appropriate, enhance the appearance and character of the AHLV. It would also be considered to conflict with UDP policies BE5 and H14, along with policy CS74 from the Core Strategy.

In relation to the implications on the Conservation Area, it is not considered that the existing houses represent important features in the area in their own right. However, the “setting of the conservation area between town and country” is identified in the Conservation Area Appraisal as being one of the features of special interest justifying the designation as a Conservation Area.

The setting of the settlement was considered by the Planning Inspector to be important to the character of the Conservation Area. The current proposal's lack of sympathy to the appearance of the settlement's edge would result in harmful impacts to the setting of the conservation area. It would undermine the immediate surroundings of the Conservation Area as a transitional area between town and country.

In conclusion the proposal would be considered to conflict with UDP policy BE16. In addition there would be considered to be conflict with UDP Policies BE5 and H14.

Paragraph 134 of the NPPF states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. The only public benefit of the proposal would be a minimal contribution to housing provisions.

The provision of a single house unit would not be considered to outweigh the less than substantial harm to the Conservation Area as a designated heritage asset. As a result the scheme would also conflict with the provisions of NPPF paragraphs 132 and 134.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where a Local Planning Authority cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

At present, Sheffield can only demonstrate a 4.5-year housing supply of deliverable housing sites across the city. In addition to Paragraph 49, Paragraph 14 of the NPPF indicates that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless, amongst other things, specific policies in the NPPF indicate development should be restricted. The specific policies, which indicate that development should be restricted are set out at Footnote 9 of the NPPF and include policies relating to land designated as a heritage asset. Therefore, despite the fact that the Council is currently unable to demonstrate a five-year housing supply, the NPPF is clear that the failure to

demonstrate a five-year housing supply does not apply a presumption of granting planning permission at the expense of designated heritage assets particularly in light of paragraphs 132 and 134.

Amenity Issues

As well as para 17 of the NPPF at Item 4 requiring developments to provide a good standard of amenity for existing and future occupants of land and buildings, Policy H14 of the UDP states in c) that the site should not be over-developed or deprive residents of light, or security, or cause serious loss of existing garden space.

The rear elevation of the proposed building would be separated by approximately 23.3metres from No 7 Oldwell Close. Notwithstanding the elevated level of the application site, the separation distance/s to neighbouring dwellings would enable the development to avoid having imposing or overbearing presence when viewed from these neighbouring properties and their gardens.

In regards to overlooking the Agent revised the proposal's rear elevation to include windows which were intended as being high level. However, a cill level of 1.51m is shown, which would not fully prevent views to the 1st floor windows of neighbouring properties by adult males who have an average eye height of 1.63m in the UK. (Source – firstinarchitecture.co.uk Therefore, whilst this version of the proposal may have some overlooking and privacy implications, these impacts would be able to be mitigated by a condition on any approval requiring slight alterations to the window cill heights and/or requirements for obscured glazing. Since the internal areas served are either non-habitable rooms or form part of larger rooms / open plan spaces, such a requirement would continue to achieve acceptable internal living conditions.

It is therefore not recommended that Members endorse a suggestion that the scheme is harmful for this reason. But the requirement for an appropriate condition to deal with the potential issue would need to be made as part of the appeal documentation.

The 2 glazed link sections would have glazing facing rearwards. As they would form non habitable areas, overlooking from these link sections would be able to be controlled by requiring installation of obscured glazing. Whilst lighting and movement would be detected, the small and non-habitable nature of these spaces would mean the areas were used predominantly for circulation purposes. As a result persons would only be present in these spaces for short lengths of time, and this would be considered to avoid detrimental impacts upon living conditions of neighbouring occupiers.

Overall, the proposal would be considered to avoid undermining amenities and living conditions of neighbouring occupiers. As a result, the scheme would be considered to meet the relevant requirements of UDP policy H14.

Highways Issues

UDP policy H14 states in part d) that development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

The scheme is provided with a double garage and two spaces at the garage frontage. This would be a satisfactory level of off-street parking.

The vehicle movements associated to a single dwelling would be relatively limited, meaning implications at the site access point would not be significant. It is therefore considered that these elements of the proposal would not lead to harmful circumstances which would be capable of supporting a refusal of the application.

The turning area would allow fire appliances, delivery and refuse vehicles to access the site and turn, thereby allowing exiting the site in a forward gear.

In regards to refuse collections, submissions were made as part of the previous appeal which satisfied the Appeal Inspector that measures could be put in place dealing with the issue. It is therefore considered that similar measures would continue to be satisfactory. Conditions covering these items would be able to be included in any approval of the scheme.

On this basis the proposal would be considered to satisfy the requirements of UDP policy H14 d).

Drainage Issues

The application forms state that foul sewerage would be taken to the mains sewer system, and surface water would be dealt with by soakaway. It was stated by the Applicant as part of the previous appeal that there was a permanent easement from the site over and under an access way through the adjoining curtilage of 7 Stocks Green Court, which would give access to the adopted road for purposes of foot traffic, services and drainage to the adopted sewers.

This permanent easement would allow foul sewerage to access the public network via that routing.

No details have been provided to evidence that a soakaway would function properly without any detrimental implications. Any approval would need to be subject to a condition requiring details of foul and surface water drainage, and satisfactory details would need to be submitted and approved at a subsequent point. Were it established that soakaways would not function adequately, the easement routing and public sewer facility would need to be utilised.

Contamination Issues

The site has been used for potentially contaminative agricultural purposes. These present a potential risk to human health and/or the environment. As a result a series of conditions would need to be incorporated into any approval of the scheme.

Community Infrastructure Levy

The site is located within a CIL Charging Zone with a residential levy of £80 per square metre.

The funds generated through CIL will be used in connection with strategic infrastructure needs.

RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed in the above assessment section. In regards to the remaining items the following comments can be made:

-In regards to biodiversity there is no evidence of protected species using the site as a permanent habitat. Whilst there will be highly likely to be wildlife activity on the site it has been stewarded as an agricultural field.

-The Totley Buffer Zone is no longer viable as a planning consideration. The Housing Area and Green Belt designations are relevant. Whilst, an amendment to the Green Belt boundary was proposed as part of the Pre-Submissions City Policies and Sites document, this proposal would be assigned limited weight as the amendment was objected to as part of the consultation process. It would therefore be considered to be unreasonable to resist the application based upon this issue.

-It was suggested within representations that rigorous investigations ought to be required. The nature of the proposal and the site would not be considered to warrant particular attention is given to these issues, and instead the requirements of the building regulations would need to be addressed if approval were granted.

-The potential for further future applications do not form a material consideration relevant to the current application.

-The concern that the dwelling would be occupied by others in future is noted. The Applicant's argument that the farm unit requires an on-site presence is not considered to justify the scheme, so occupation by others would not further lessen the acceptability of the proposal.

-The section drawings are considered to be accurate and a useful tool in assessing the implications of the proposal.

-Yorkshire Water are not notified of applications of this nature.

-The Applicant's previous occupation of 29 Overcroft Rise is not relevant to the current application.

SUMMARY

The application that seeks planning permission for a single detached dwellinghouse is currently the subject of an appeal to the Planning Inspectorate on the grounds of non-determination

Due to the grounds of the appeal, the final decision can only be made by the Planning Inspectorate. Therefore, the purpose of this report is to seek Members' endorsement of the suggested officer approach in contesting the appeal.

The application site is designated in the Adopted UDP as part Green Belt and part Housing Area. It is considered that the proposed dwellinghouse would have a detrimental impact upon the setting of the Green Belt and the Area of High Landscape Value. It would also be considered to undermine the setting of Totley Conservation Area.

In relation to amenity issues, it is considered that the proposed dwelling would not represent an overbearing presence. With the imposition of planning conditions to secure some modest elevational alterations and to control certain details it is considered the living conditions of surrounding residents could be safeguarded.

The scheme would be considered to be acceptable and to avoid any detrimental impacts upon highway safety relating to the application site.

RECOMMENDATION

Members are requested to endorse the suggested officer approach to defend the current non-determination appeal on the grounds of harmful impacts on the setting of the Green Belt and Area of High Landscape Value, and also to the setting of the Conservation Area.

The following reasons for refusal are suggested:

The Local Planning Authority considers that the proposed development, by reason of its scale, design and location would constitute development in an area of open land which would significantly alter the character and setting of the settlement, fail to integrate with its setting and have an adverse impact on the appearance and character of the adjacent Green Belt and Area of High Landscape Value. These impacts would be contrary to Policies BE5, GE4, GE8 and H14 of the Adopted Unitary Development Plan, Policy CS74 of the Sheffield Development Framework Core Strategy and would be in conflict with the requirement of the National Planning Policy Framework to recognise the intrinsic character of the countryside.

The Local Planning Authority considers that the proposed development, by reason of its scale, design and location would be out of character with the appearance of the edge of the settlement and be detrimental to the setting of Totley Conservation Area. This would be contrary to Paragraphs 132 and 134 of the National Planning Policy Framework, Policies BE5, BE16 and H14 of the Adopted Unitary Development Plan and Policy CS74 of the Sheffield Development Framework Core Strategy.

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