

2021/0386

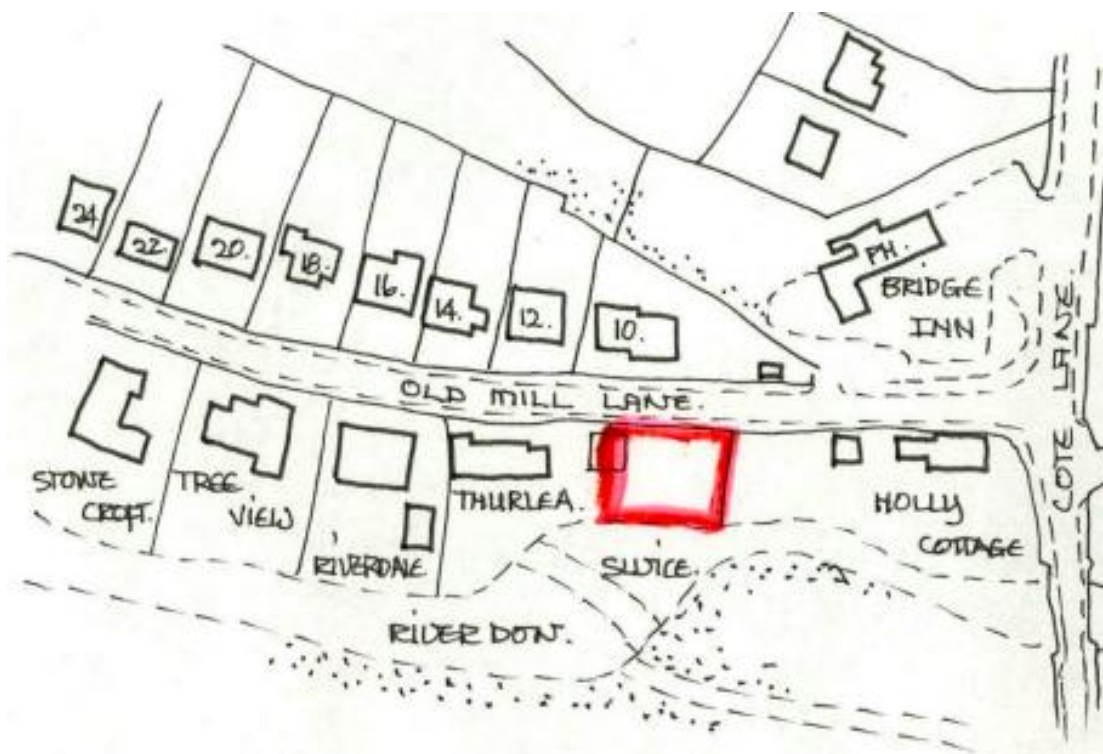
Mr Michael Ball

Detached dwelling including re-positioning of detached garage and formation of gabion retaining wall (part retrospective)

Thurlea, Old Mill Lane, Thurgoland, Sheffield, S35 7EG

Description

The site is currently used as a side garden to the east of Thurlea, set off Old Mill Lane, Thurgoland. Land levels fall very steeply along the southern boundary of the site towards the River Don. The site is accessed via Old Mill Lane which mainly consists of individually designed dwellings and bungalows, constructed of stone and brick. Thurlea is a brick built bungalow with a detached stone built garage which is to be demolished as part of the proposal.



To the east of the plot is a two storey stone built dwelling currently under construction, approved under application 2019/1104. Beyond this plot is an existing dwelling known as Holly Cottage. To the west of the site is the applicant's property, Thurlea which is a detached bungalow.

To the rear of Thurlea and along the boundary with the bank of the River Don, the applicant has constructed a gabion wall retaining structure and terraced garden. The gabion baskets have been filled with natural stone.

The application site abuts part of a Scheduled Ancient Monument to the south known as Wortley Top Forge. The area concerned includes the weir which controlled the water flow for the head goit which in turn was controlled by a sluice gate which is still visible today.

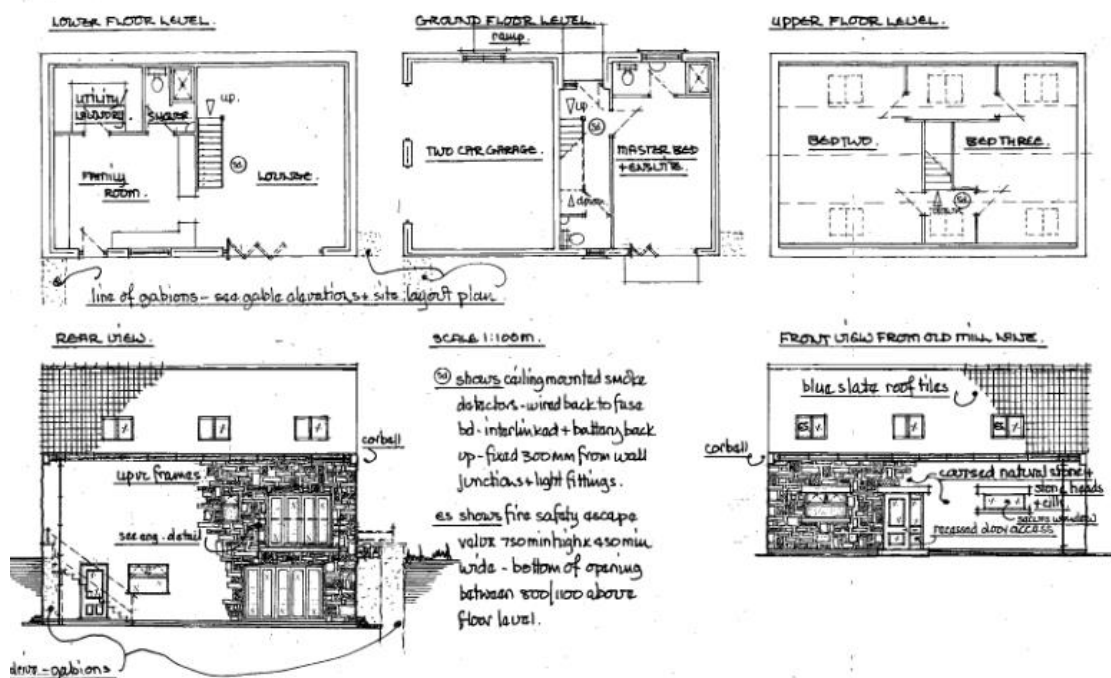


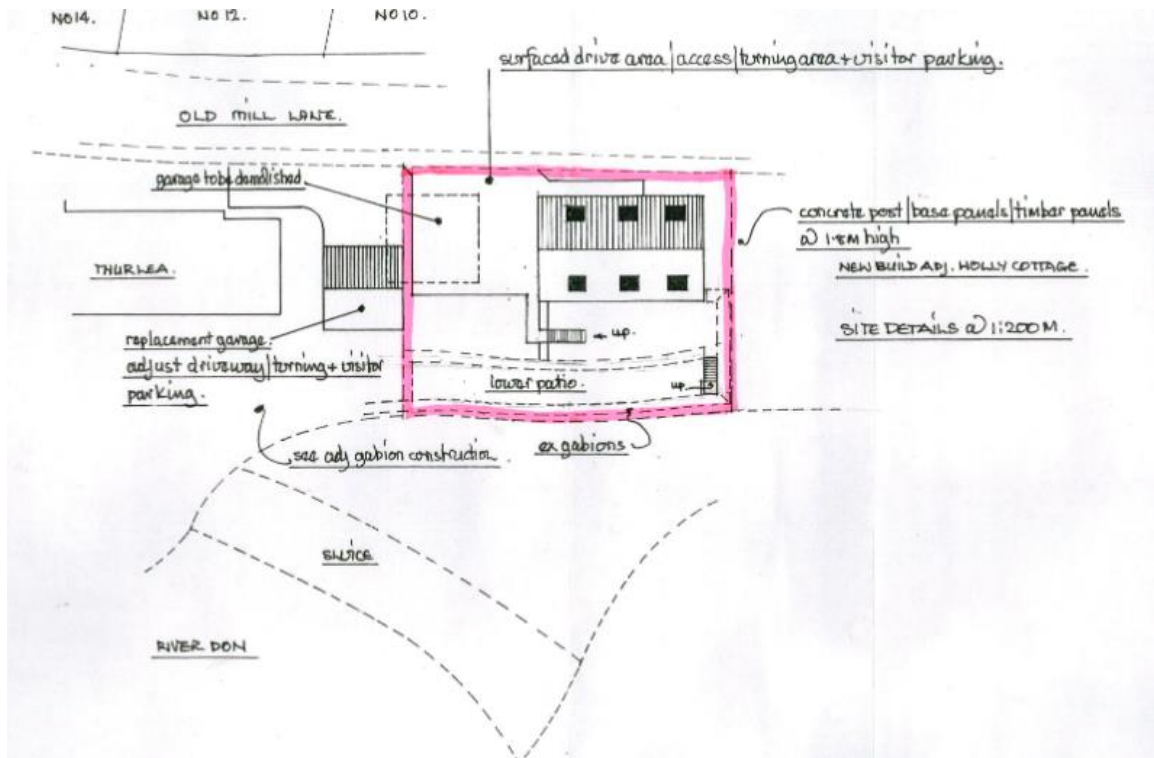
Proposed Development

The application proposes the demolition of the existing detached garage and the erection of a split level, two storey detached dwelling, which would appear single storey from the front, with rooms within the roof space. The proposed dwelling is orientated to face onto Old Mill Lane with proposed access adjacent to the existing access for Thurlea. The proposal includes parking/turning for two cars and an integral double garage.

The dwelling is a 3 bedroom property with 2 bedrooms within the roof space and to the ground floor, and at lower ground floor are the main living areas which include a kitchen/family room, lounge, utility and wc. The rear garden would be terraced and gabion walls adjacent to the River Don are proposed in order to provide a safe level garden area.

The proposal also includes the erection of a replacement detached garage for Thurlea to the west of the site and the retention of the gabion wall that has been erected to the rear of Thurlea.

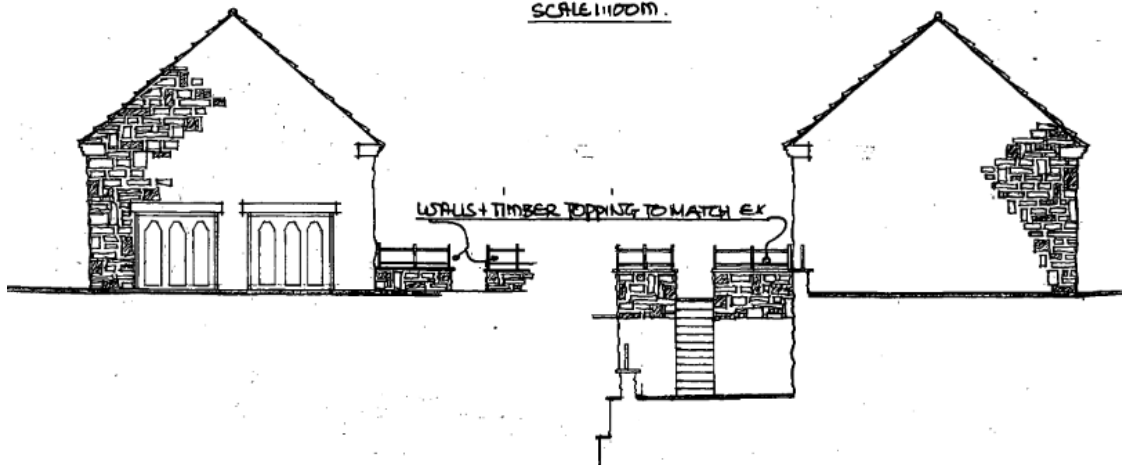


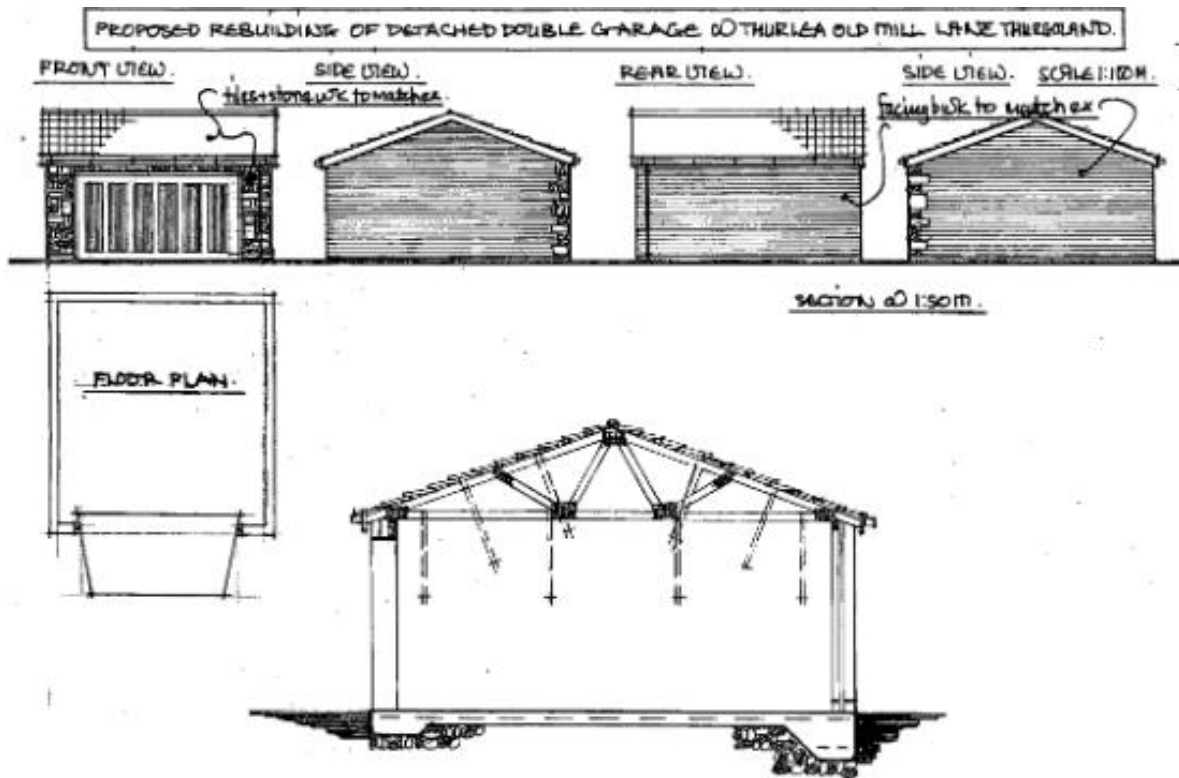


PROPOSED GABLE VIEW FROM BOUNDARY OF THURLEA.

PROP. GABLE VIEW OF BOUNDARY WITH HOLLY COTTAGE.

SCALE 1:100 M.





The proposal includes the retrospective element which includes a gabion wall set to the southern boundary of the site and to the rear of Thurlea, on the bank of the River Don. The wall is almost complete, with the exception of an area of wall which will contain the terraced garden to the rear of the proposed plot for the additional dwelling. The proposed wall is to be landscaped with suitable plants such as sedum, in order to soften the appearance of the stone.



During the processing of the application, a Preliminary Ecological Appraisal, Rev: 220850/2, the Precautionary Working Method Statement have been submitted.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

The site is set within the Green Belt as shown on the Local Plan Maps, therefore the following polices are of relevance:-

GB1 protects green belt from inappropriate development in accordance with national planning policy.

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

H4 Residential Development on Small Non-allocated Sites, proposals will be supported where they are located on previously or part developed land, are within a village, are accessible and have good access to a range of shops and services.

H9 'Protection of Existing Larger Dwellings'

T3 'New Development and Sustainable Travel'

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

Poll1 'Pollution Control and Protection'

HE1 'The Historic Environment'

HE2 'Heritage Statements and general application procedures'

HE3 'Developments affecting Historic Buildings'

SPD's

-Design of Housing Development

-Parking

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of

sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Thurgoland Parish Council – Initially resolved to object to the application due to it being in the Green Belt. They also had concerns with regards to the size and appearance of the gabion wall and whether appropriate authorities had been consulted on this. They also had concerns that another property very close to the lane will affect the street scene and introduce more vehicles into a crowded rural lane. Following this there were re-consultations with the Parish Council on receipt of further information from the agent including with regards to the gabion wall and ecology. Following these re-consultations the Parish Council confirmed:-

Thurgoland Parish Council have no comments to make on the above amended application.

Ward Councillors – One comment received with regard to the gabion wall being built on the river bank at the point where the garden meets the water. It is unclear what the structure is intended to achieve or whether permission for it is required either from the Council or the Environment Agency

Highways – No objection subject to conditions

Drainage – Details to be checked by Building Control

Historic England – No objection to the application on heritage grounds.

Conservation Officer – No objections

Yorkshire Water – No comments received

Pollution Control – No objection subject to conditions

Air Quality – EVCP required

Building Regulations – A Building Regulations application would be required for the proposed dwelling and gabion wall

Environment Agency – Proposed dwelling - We have reviewed the information submitted and consider that it is appropriate to the scale and nature of the development. We have no objection to the proposed development. However we would recommend to the applicant that flood protection measures are incorporated into the development. This will protect the occupants for future generations.

Gabion baskets - Thank you for the submitted information regarding the Gabion Baskets and copy of the consent for as granted in July 2013 for the works. However any consent granted at the time would have been for a maximum of 3 years only. This all changed after April 2016 with the introduction of Environmental Permitting Regulations (EPR) for Flood Risk Activities (replaces FD Consenting under WRA): so that any development within 8 metres of a watercourse would require a permit to carry out works.

Ecology Officer – No objections subject to conditions

Representations

The plans were amended during the processing of the application to include the gabion wall already constructed to the rear of Thurlea. Additional consultations have been carried out due to the addition of the retrospective gabion wall to the rear of Thurlea to this application and due to additional information being received with the additional Heritage Statement and an Ecology Report. 3 objections have been received from neighbouring residents in separate consultations and 1 email of support has been received. These comments are summarised below:-

3 objections:-

- Parking issues already on Old Mill Lane
- Existing trees have been cut down on the site
- Lack of flood risk assessment has been submitted
- Lack of biodiversity report
- The plans are not accurate and don't include details of gabion wall etc
- Inadequate site stability and public safeguarding issues in regard to the gabion wall. Has been built without professional expertise and without the proper authorisation
- Two recently-built houses, a little further upstream had reinforced concrete driven piles in order to stabilise the riverbank.
- A wall not complying with the relevant regulations does not seem safe in this situation and could present a significant risk to anyone occupying a dwelling built there.
- Both the Environment Agency and Historic England only concern themselves with cosmetic matters such as landscaping. Their comments have no bearing on the legitimacy of planning permission or building regulations

1 email of support:-

- support this application, given the proposal indicates natural local stone/high level finishes etc. for this new property/site. I have lived on Old Mill Lane for some 35 years and would be keen to see this application now approved without further delay, as it would benefit as well as complete the street-scene and provide certainty to the residents of Old Mill Lane for this part of the lane.

Assessment

Principle of development

The site is situated within an existing line of properties, along Old Mill Lane in the Huthwaite area of Thurgoland and within the Green Belt as allocated in the Local Plan.

The NPPF states a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with the exception of buildings for uses such as agriculture/forestry and limited infilling in villages. The Parish Council have objected to the proposal due to the site being located within the Green Belt, however the application site has characteristics which arguably would qualify its development as 'limited infilling', being largely

contained within an existing built up street and with a clear boundary to the rear provided by the River Don. The principle of infill developments along Old Mill Lane have also been established with the granting of permission of the adjacent infill plot to Holly Cottage (2019/1104) and further along Old Mill Lane, two dwellings have been constructed between Riversedge and Stonecroft (2019/0269). The development is therefore considered as an infill development and is acceptable in principle, in accordance with the NPPF.

As Thurlea is a 'larger' dwelling, Local Plan Policy H9 'Protection of Existing Larger Dwellings' would apply to this application. The policy states that:- 'Development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area. The loss of existing larger dwellings will be resisted. Support will be given to the re-establishment of Houses in Multiple Occupation into single family sized houses' The proposed dwelling would be set to the side of the existing dwelling. Thurlea would be retained as part of the proposal and the site plans show that the existing dwelling would still have a sufficient garden areas. The proposal would retain the existing house and a large portion of garden area and the proposal would not have a significant impact upon the remaining garden area. In addition, given that the land is set to the side of the dwelling, the property would not have any significant adverse impact upon its setting as they would appear as part of the existing residential development along Old Mill Lane. The proposal is considered acceptable when measured against Policy H9.

Residential Amenity

The proposed dwelling is located to the side of the new dwelling adjacent to Holly Cottage and to the side of Thurlea. The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. Further detailed guidance on residential development is provided in the South Yorkshire Residential Design Guide. The Guide includes information requirements, design guidelines and technical requirements.

The layout meets the Council's guidelines in terms of privacy requirements and separation distances to other dwellings and there are no windows proposed to the side elevations overlooking adjacent dwellings. The dwelling has been designed with internal and external spacing standards (including adequate room sizes and garden areas) which comply with the requirements of the SYRDG and the SPD. The proposed and existing gabion wall does not increase levels of overlooking to adjacent properties and would not cause any significant overshadowing or overbearing impact.

Given the above, the proposal is therefore considered to be acceptable in terms of residential amenity in compliance with Local Plan Policy GD1: General Development.

Visual Amenity

The site is situated within the Green Belt; however, it is set between other dwellings. The development of the site for one dwelling would not cause any significant impact upon the openness of the Green Belt and once constructed would appear as part of the fabric of Old Mill Lane and the Huthwaite area. The Conservation Officer has been consulted and has no objection to the design of the dwelling. The properties along Old Mill Lane are a mix of modern and non-vernacular typology of little heritage interest. The design of the dwelling is in keeping with the area and the dwelling would appear as a bungalow with rooms in the roof space from the frontage of the site and therefore its scale is in keeping with the surrounding properties. It is proposed that the dwelling would be constructed of stone and subject to the submission of

material samples, the proposed dwelling complies with Local Plan Policy D1 with regards to visual amenity.

Objections have been raised with regard to a loss of trees on site prior to the submission of the planning application. There were no trees on site that are protected by Tree Preservation Orders. There did not appear to be any trees of significance on the site which would warrant protection during construction, therefore the loss of the trees prior to the submission of the application is not of significance to this planning application.

In terms of the proposed and existing gabion walls, these provide a visually acceptable solution to stabilise and provide a safe level garden/terrace area to Thurlea and the proposed dwelling. As can be seen from the existing wall built on site, the wall has been constructed with high quality materials and once the stone has weathered and the proposed landscaping is in place, the wall will blend into its surroundings and there would be a limited impact upon visual amenity and the Scheduled Ancient Monument.

Impact on Scheduled Ancient Monument

The application is for the erection of a detached dwelling and the repositioning of a detached garage and the formation of a gabion retaining wall (part retrospective). The Conservation Officer and English Heritage have been consulted as the application site abuts part of the Scheduled Monument known as Wortley Top Forge (NHLE 1018262). The area concerned includes the weir which controlled the water flow for the head goit which in turn was controlled by a sluice gate which is still visible today. Wortley Top Forge is significant because it demonstrates the continuity in the production of iron from the early 18th century - the adaptation of a finery forge to wrought iron working is rare. Survival of the buildings including the workshops, offices and cottages along with the complete water management system also enhance the importance of the complex by adding to our understanding of the iron industry and those who worked in it.

The application is supported by both a Supporting Statement and a separate Heritage Statement which acknowledges the close proximity of the site to the scheduled monument. The updated Heritage Statement also states that:-

‘The southern boundary of the plot is shared with the River Don, the riverbed being somewhat at a lower level. Over time and with historic flood levels rising and falling erosion of the ground has taken place, in order to prevent further damage taking place natural stone filled gabions have been proposed. In order to ensure ‘blending in’ of any proposal, the gabions would match the works already in place adjacent to the river boundary, also to try and speed up the gabions facings aging process, planting additions have been proposed. It should be noted that very similar works have been carried out to several properties to the west of our proposal adjacent to the river. Also, where Old Mill Lane and Roper House Lane meet at Rumtacle Bridge, which form the Thurgoland Tunnel, the bank sides are formed totally of filled gabions. (We have been informed that this work was carried out in conjunction with the then BMBC Conservation Officer’s requirements).

Bearing in mind and taking into account these points, the proposal details are

- a) Natural Stone facings
- b) Dark colours to the roof coverings
- c) Matt finish to the proposed window and door frames
- d) Sympathetic finishes to the driveway and turning areas
- e) The gabions adjacent to the river forming the rear boundary will consist of natural stone infill

Wortley Top Forge is surrounded by mature trees which prevent our site being viewed from within its curtilage.

Sharp Forge Bridge is well away from the proposal. Both sites therefore remain unaffected by the proposal. It is concluded that these details should satisfy the requirements of both the LA and English Heritage.'

The Conservation Officer has no objection to the proposal. Historic England provided further advice during the processing of the application, confirming that on the basis of the proposed planting to allow the gabion wall blend into the landscape and further information on the reasons for this bank protection, Historic England did not object to this application. The agent has now submitted a revised heritage statement outlined above which includes justification and plans to plant the existing and proposed gabion wall to allow it to blend into the landscape. This overall harm caused by the gabions will be mitigated with planting/greening/ageing of the gabion structures to soften the setting and the proposal. The proposal is therefore considered acceptable in terms of the overall impact upon the Scheduled Ancient Monument and therefore complies with paragraph 194 and 195 of the National Planning Framework Policy (NPPF) and policies HE1, HE2 and HE3 of the Local Plan.

Drainage/Flood Risk

The Council's Drainage Officer has no objections to the proposal subject to the details being inspected by Building Control.

In terms of Flood Risk and the proposed dwelling, the site is set adjacent to the River Don which is a designated main river. The Planning Flood Map shows that the southern boundary along the edge of the site lies within Flood Zone 3, .However, a Flood Risk Assessment and Sequential Test have not been required as the proposed dwelling itself located outside of Flood Zones 2 and 3 and in Flood Zone 1 and the area of Huthwaite is a sustainable location in accordance with the exceptions test. However, given its proximity to Flood Zone 3 and the river the Environment Agency have been consulted on the application. They have reviewed the information submitted and consider that the information is appropriate to the scale and nature of the development and that they have no objection to the proposed development. However they have recommended that flood protection measures are incorporated into the development. This can be secured through a suitably worded condition in accordance with Local Plan Policy CC3.

The Environment Agency have not objected to the existing and proposed gabion baskets and wall built to the boundary with the River Don. The applicant had applied for a permit to the Environment Agency in July 2013 for the proposed wall to the rear of Thurlea, however it was only granted for a maximum of 3 years only. The regulations changed after April 2016 with the introduction of Environmental Permitting Regulations (EPR) for Flood Risk Activities, therefore any development within 8 metres of a watercourse would require a new permit to carry out works. The applicant has been made aware of the requirement for a permit for the works but this would be separate to the planning process.

The applicant has stated that proposed and existing gabion walls provide a solution to stabilise and provide a safe level garden/terrace area to Thurlea and the proposed dwelling. It is acknowledged from the objections that there are concerns regarding stability and structural safety, particularly with the gabion wall, but unfortunately these are not matters that can be considered for a planning application as they will be dealt with under separate legislation such as building regulations. The Building regulations section have been informed of the planning application and have commented that a building regulations application would be needed for the dwelling and the gabion wall. The applicant has been informed of this and and it would be their responsibility to ensure that all necessary permissions are in place.

Highway Safety

The Highways Officer has been consulted and has no objection to the proposed dwelling subject to conditions. The proposals include adequate off-street parking provision for both the existing dwelling 'Thurlea' and the proposed new dwelling. The new access for the proposed dwelling and the amended access for 'Thurlea' will operate no differently than many similar accesses along Old Mill Lane.

The only issue that needs to be addressed from a highways point of view is the length of the amended parking area for 'Thurlea'. The submitted plans appear to indicate that the replacement garage is to have an 'up and over' type door and as such the length of the parking area between the garage door and the site boundary needs to be a minimum of 6m in length rather than the 5.6m currently proposed. A length of 5.5m is acceptable if the garage is to have a roller shutter type door. The applicant has agreed to a roller shutter door to the garage and this can be secured by condition.

Impact upon Biodiversity

During the processing of the application, a Preliminary Ecological Appraisal, Rev: 220850/2, and a Precautionary Working Method Statement have been submitted. The Ecology report states that no badger setts, or field signs, were identified within the survey area. No other holts, water vole burrows or field signs for either species were found within the survey area, therefore, the works will not have an impact on these species. The works will not impact the bed of the river and will therefore, not impact on white clawed crayfish. The garage was assessed to provide low potential for roosting bats with features that may be used by a very small number of opportunistic bats but that cannot support a more substantial roost. The subsequent bat dusk emergence survey did not identify any bats to emerge from the building therefore there will be no impact on roosting bats during the proposed works. The survey area provides high potential for foraging and commuting bats. This potential is largely provided by the River Don and therefore, will not be fragmented by the works, which will have no impact on foraging and commuting bats providing a sensitive lighting plan is in place.

These documents have been assessed by the Ecology Officer who has no objections to the scheme subject to the mitigation measures and enhancements outlined within the reports being complied with and implemented in accordance with Local Plan Policy BIO1.

Other Matters

Concerns have been raised by objectors with regard to the reports submitted with the application. In terms of validation requirements, a Tree Survey was not required as there are no trees of significance on the site. Concerns have been raised with regard to the accuracy of the plans, the plans submitted are to scale and appear to be in accordance with OS plans and the existing gabion wall seen on site. In terms of ownership, the applicant has signed Certificate A which states that the applicant is the sole owner of the land to which the application relates and there are no agricultural tenants.

Concerns have been raised with regard to the stability and safety of the proposed and existing gabion wall. The applicant has been made aware of the requirement for an Environment Agency permit for the works which is separate to any planning permission. The Council's Building Regulations have also confirmed that Building Regulation applications would be required for the proposed dwelling and existing/proposed gabion wall. The applicant has been informed of this matter and the agent has confirmed that applications to the relevant bodies will be prepared and submitted, should planning permission be granted for this development.

It is the applicant's responsibility to ensure that all necessary separate permissions and permits are in place.

Recommendation

Approve subject to conditions.