

2022/0907

Mrs Jackie Creek

Form new river banking retaining wall to replace existing failed banking retaining wall (Part Retrospective)

Starling House, Birks Lane, Millhouse Green, Sheffield, S36 9NB

Site Description

Starling House is a large detached house located to the south of Millhouse Green, accessed from Birks Lane. The house is set well back from the road with a long private drive to the front and generous gardens to the side and rear. There are a number of mature trees in the grounds and along the drive.

The River Don runs along the southern boundary of the site, beyond which is open farmland. There is a PROW and former mill race along the northern boundary and the wider settlement of Millhouse Green extends northwards to the A628 and beyond.

To the south east is Starling Bridge, a Grade II Listed Bridge over the River Don.

Works have occurred to the river bank and a retaining wall has been partially built to replace an existing retaining wall.

Previous Planning History

77/0596 – Extension to Dwelling – Starling House, Birks Lane, Millhouse Green – predates records

81/0851 - Extension to Dwelling – Starling House, Birks Lane, Millhouse Green - Approved

2020/0516 - Outline application for 2 dwellings with access considered at this stage – Refused

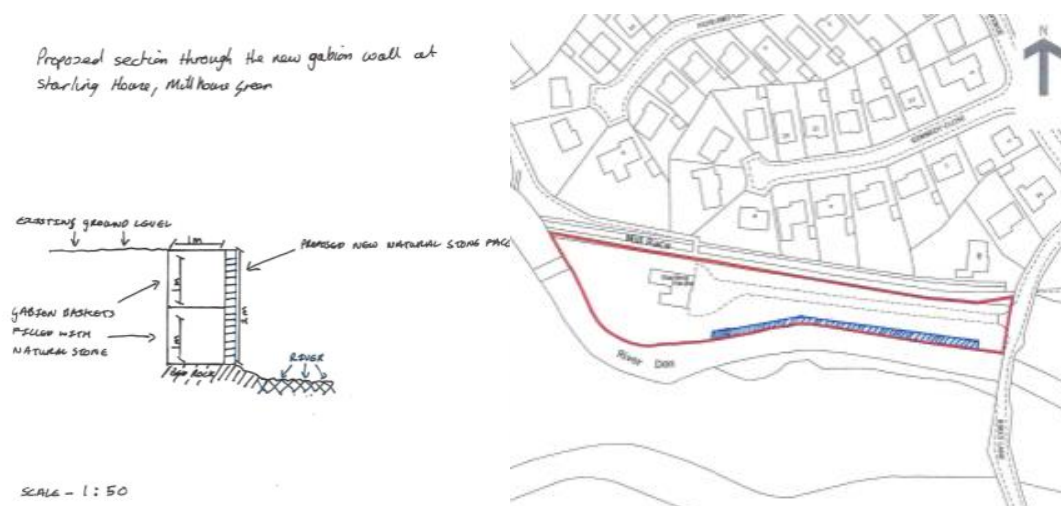
2021/0994 - Outline application for one detached dwelling with access, layout and scale considered at this stage – Withdrawn

Proposed Development

This application proposes the formation of a new river banking retaining wall to replace existing failed banking retaining wall. The application is part retrospective. The existing breeze block wall was installed in approximately 2011.

The agent states that ‘this was a repair to the then existing stone banking wall which had also failed. The cause of the walls failing over a relatively short period of time is due to a lack of drainage to the rear of the wall. The proposal is to excavate an area behind the proposed new wall’s location and install gabion baskets which will provide drainage to the back of the new wall and so allow surface water to drain through and pass into the water course as previously it did. The new wall will also have drainage points incorporated at its base to allow the water to pass into the water course as it does now.’ The new stone wall will be located in the same area as the failed breeze block wall, and the finished ground level at the top of the new wall will be the same level as previously. There will be no alteration to the profile of the land as a result of these works.’

The applicant has submitted an amended Flood Risk Assessment, a Tree Survey, a Construction Environment Management Plan including Ecological Mitigation, Enhancement and Management Plan, an Ecological Appraisal and a Design and Access and Heritage Statement in support of this application.



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 shown as Urban Fabric on the Local Plan Proposals Map

Relevant policies are:

SD1 'Sustainable Development'

GD1 'General Development'

T4 'New development and Transport Safety'

D1 'High quality design and place making'

HE2 'Heritage Statements and general application procedures'

HE3 'Developments affecting Historic Buildings'

GS1 'Green Space'

GS2' Greenways and Public Rights of Way'

BIO1 'Biodiversity and Geodiversity'

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

Poll 1 'Pollution Control and Protection'

Penistone Neighbourhood Plan

The Neighbourhood Plan (NP) for Penistone includes Millhouse Green and was adopted in January 2019. The NP set a vision for the area and 10 key objectives which set out how the vision will be realised.

Objective 6: To protect valued green spaces in the town and villages from loss through Development is particularly relevant to this application.

The land to the east of Birks Lane in Millhouse Green identified as a greenspace under NP Policy BE4 where there is a presumption against all development except in very special circumstances.

The River Don in its entirety is identified as a Local Green Infrastructure Corridor under NP Policy CG1 which states:

The identified local green infrastructure corridors linking the principal settlements of the parish will be maintained in order to promote and maintain links between communities and to surrounding countryside. Identified corridors, as shown in detail in appendix 6 which is entitled Penistone Local Green Infrastructure Corridors, will be protected from development which would restrict their operation as multifunctional wildlife, amenity and/or recreational resources

Supplementary Planning Documents:

Trees and Hedgerows
Biodiversity and Geodiversity

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

Conservation – No objections raised

EA – No objection to the proposed gabion wall, subject to a condition requiring the floor levels as set out in the FRA

Ecology – No objection subject to the proposal being carried out in accordance with the EMEMP.

Drainage – Details to be checked by Building Control

PROW – No objections

Highways – No objections

Trees – No objections raised

YW – Suggested condition

Representations

The proposed was advertised through neighbour notification letters and a site notice. The following comments have been received as a result:-

1 comment which states:-

'I would hope the Environment Agency has been notified of this request, and have given their approval first before any work goes ahead. We do not oppose the construction of a new river bank retaining wall. However we do have concerns about what may happen to the River Don Ecosystem, including the opposing bank and what care will be taken to protect this, during and after any construction has taken place.'

Assessment

Principle of development/Flood Risk

The site is allocated as Urban Fabric. The Local Plan confirms that development proposals will be assessed against all relevant policies in the Local Plan. Policy GD1 is the starting point for making decisions on all proposals and states that development will be approved if (amongst others):

- there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- it is compatible with neighbouring land and will not significantly prejudice the current or future uses of the neighbouring land;
- any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- appropriate landscaped boundaries are provided where sites are adjacent to open countryside
- existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

The site is also set within Flood Zone 2. Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. In the case of this proposed development, the site is located in Flood Zone 2, therefore a FRA is required to be submitted with the application.

The proposed replacement gabion wall is required to replace existing failed banking retaining wall at the site, adjacent to the River Don. The application is part retrospective. The Environment Agency (EA) have been consulted and have no objection to the use of gabions at this site. The EA have considered the submitted FRA and have not objected to the proposal on flood risk grounds. The EA have recommended that the wall shall be built in the same location as the previously collapsed wall, so as to not reduce the channel capacity and the wall shall be built no higher than the previous wall/ground level prior to any collapse. This should be conditioned as part of any planning approval.

Heritage/Visual Amenity

The proposed wall is required to ensure that the river bank is retained and will prevent any collapse. The materials proposed are acceptable and should not cause any significant impact upon visual amenity. The site is located close to Starling Bridge which passes over the River Don. The bridge is a Grade II Listed Bridge. The proposed works are a suitable distance away from the Listed Bridge and as such should not cause any significant impact upon the land around the bridge or its foundations. No objections have been raised by the Council's Conservation Officer. The proposal is therefore considered to be acceptable when measured against Local Plan Policy HE3 by virtue of its limited impact upon the setting of the Listed Bridge.

Highway Safety

The proposals comprise the construction of approx. 100m of retaining wall between the River Don and the driveway of Starling House. There is ample room within the site for construction vehicles to manoeuvre and for the storage of machinery and materials during the construction process. Based on the submitted information the proposed new wall will end around 10m away from the public highway. The proposals are therefore considered acceptable from a highways perspective in accordance with Local Plan Policy T4.

PROW

A public footpath runs to the north of the access to this property. Provided that safe public access is available on the footpath at all times, PROW has no comments or objections to this proposal.

Ecology and Trees

The application site bounds the River Don and therefore an Ecology Report and a Construction Environment Management Plan including Ecological Mitigation, Enhancement and Management Plan have been submitted with the application. The Ecology Officer has no objection to the proposal subject to the mitigation and enhancement measures (such as landscaping, bird nesting boxes and bat boxes) specified within the above documents are conditioned.

In terms of Trees, the Council's Tree Officer has not raised any objections. The proposed works should not cause any significant impact to the existing trees as it appears that the

majority of the trees close to the retaining wall/river bank have previously been removed. The landscaping proposals set within the Ecological Mitigation, Enhancement and Management Plan include an additional four trees to be planted along the access driveway, as well as shrub planting.

The following trees will be planted along the access drive:

- 2 x Alder *Alnus glutinosa*
- 2 x Pedunculate oak *Quercus robur*

Shrub planting will also be carried out along the access driveway. This will include a mixture of the following:

- hawthorn *Crataegus monogyna*
- Guelder rose *Viburnum opulus*
- Dog rose *Rosa canina*
- Holly *Ilex aquifolium*

The proposal is therefore acceptable in terms of Biodiversity and Tree Impact subject to the details within the Ecology Report and the Construction Environment Management Plan including Ecological Mitigation, Enhancement and Management Plan, being conditioned in accordance with Local Plan Policy BIO1.

Recommendation

Approve with conditions