

West and North Planning and Highways Committee

Wednesday 2 January 2013 at 2.00 pm

**To be held at the Town Hall
Pinstone Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Roy Munn, Denise Reaney, Garry Weatherall and Joyce Wright

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

The areas covered by this Board include Chapeltown, Crookes, Fulwood, Grenoside, Grimesthorpe, High Green, Hillsborough, Lodge Moor, Loxley, Oughtibridge, Parson Cross, Ranmoor, Stannington, Stocksbridge, Walkley and Worrall.

The Committee is responsible for planning applications, Tree Preservation Areas, enforcement action and some highway, footpath, road safety and traffic management issues

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email martyn.riley@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**WEST AND NORTH PLANNING AND HIGHWAYS COMMITTEE AGENDA
2 JANUARY 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence from Members of the Committee**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting**
Minutes of the meeting of the Committee held on 4th December, 2012.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee.
- 7. Bridleway Creation Order: Blackburn Valley**
Report of the Director of Development Services.
- 8. Applications Under Various Acts/Regulations**
Report of the Director of Development Services.
- 9. Record of Planning Appeal Submissions and Decisions**
Report of the Director of Development Services.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life.

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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West and North Planning and Highways Committee

Meeting held 4 December 2012

PRESENT: Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Roy Munn, Garry Weatherall, Joyce Wright and Joe Otten (Substitute Member)

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1. EXCLUSION OF PUBLIC AND PRESS

1.1 No items were identified where resolutions may be moved to exclude the public and press.

2. APOLOGIES FOR ABSENCE FROM MEMBERS OF THE COMMITTEE

2.2 An apology for absence was received from Councillor Denise Reaney and Councillor Joe Otten attended the meeting as the duly appointed substitute.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 13th November, 2012 were approved as a correct record, subject to the substitution of the word "Tuesday" for the word "Monday" under Item 11.1 (Date of Next Meeting).

5. SHEFFIELD CONSERVATION ADVISORY GROUP

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 23rd October, 2012.

6. SITE VISIT

6.1 RESOLVED: That a site visit be arranged for the morning of Tuesday 2nd January 2013 at 10.00 am, in connection with any planning applications requiring a site visit by Members prior to the next meeting of the Committee.

7. OBJECTION TO TREE PRESERVATION ORDER 808/388: LAND BETWEEN 2A PENISTONE ROAD AND 51 ROJEAN ROAD

7.1 The Director of Development Services submitted a report outlining his response to an objection received to Tree Preservation Order No. 808/388 on land between 2a Penistone Road and 51 Rojean Road.

7.2 The report explained that the trees were located on land which was allocated as open space in the Unitary Development Plan. The land had been maintained by

the City Council until it became known in late 2011 that it was privately registered. Accordingly, the Order had been served to protect the visual amenity of the site and avoid the potential of trees being removed.

7.3 The objections to the Order were outlined and details of the responses were provided by the Director of Development Services to each of the points made by the objector.

7.4 **RESOLVED:** That (a) following consideration of the objection now reported, Tree Preservation Order No. 808/388 be confirmed as advertised; and

(b) officers be requested to investigate how maintenance of the land subject to the Order would be carried out and that the outcome be reported to a future meeting of this Committee.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8.1 **RESOLVED:** That the application now submitted for permission to erect a dwellinghouse with an integral garage and associated landscaping on land between 30 and 32 Chorley Drive (Case No. 12/02429/FUL), under the Town and Country Planning Act 1990 and the Regulations made thereunder, be granted, conditionally, subject to (a) the advertising of a Footpath Diversion Order and with regard to this matter (i) no objections be raised to the proposed diversion of the Adopted Public Footpath linking Chorley Drive with Slayleigh Lane, as detailed in the report now submitted and shown on the plan now exhibited, subject to satisfactory arrangements being made with the Statutory Undertakers with regard to their mains and services that may be affected, (ii) authority be given for the Director of Legal Services to take all necessary action on the matter to divert the footpath using the powers contained within Section 257 of the Town and Country Planning Act 1990 and (iii) in the event of no objections being received, or all objections received being resolved, authority be given for the Order to be made as an unopposed Order, (b) Condition 3 being amended to require the applicant to construct the diverted footpath as approved by the Local Planning Authority, prior to the substantial completion of the dwellinghouse and (c) the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose.

9. ENFORCEMENT OF PLANNING CONTROL: REAR OF 7 SOUTHEY HILL

9.1 The Director of Development Services submitted a report on his investigation into complaints received concerning a breach of planning control, related to the unauthorised use of an outbuilding as a vehicle repair garage at the rear of 7 Southey Hill. The report stated that, whilst the occupier stated the property was only repairing cars for his own personal use, it had been established that vehicle parts were being advertised for sale. To ascertain more details in respect of this matter, a Planning Contravention Notice was served on 21 September 2012 to the occupier of the building and on 27 September 2012 to the owner of the property, although a response had not been received.

9.2 It was considered that the use of the building as a vehicle repair garage was an inappropriate use in a Housing Area. In particular, the use of tools, power equipment, movement of vehicles and other associated activities in close proximity to residential properties could be a source of excessive noise and disturbance to the living conditions of the neighbouring residents. The location of the building also allowed for the possibility of vehicles being repaired outside, further increasing the problems of noise and disturbance to local residents and that the parking of vehicles on the access drive and on the road could be detrimental to highway and pedestrian safety.

9.3 **RESOLVED:** That authority be given to the Head of Development Services or Head of Planning to:-

(a) institute legal proceedings under section 171D of the Town and Country Planning Act, 1990 against the recipients of the Planning Contravention Notice served on the property occupier on the 21 September 2012 and on the property owners on the 27 September 2012 at 7 Southey Hill for failing to reply to the Notice; and

(b) take all appropriate steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the cessation of the unauthorised use of the property as a vehicle repair garage and require the removal of all vehicles, tools and equipment in connection with the unauthorised use from the property at 7 Southey Hill.

10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

10.1 The Committee received and noted a report of the Director of Development Services detailing the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

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SHEFFIELD CITY COUNCIL West & North Planning & Highways Committee

Report of: Director of Development Services

Date: 2 January 2013

Subject: BRIDLEWAY CREATION ORDER FOR
BLACKBURN VALLEY

Author of Report: Dick Skelton

Summary: This report follows on from a report to Members of this Committee on 8th May 2012. In respect of the Blackburn Valley, that report outlined the need for a Bridleway Creation Order to enable the continuation of the Blackburn Valley multi-user route for cyclists, pedestrians, horse riders and the disabled. This report outlines the objections and letters of support received whilst advertising the Order.

Reasons for Recommendations:

To respond to letters of objection and support for the Bridleway Creation Order and to enable its amendment and submission to the Secretary of State.

Recommendations:

Authorise the Director of Legal Services to submit the 'City of Sheffield Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order 2012' to the Secretary of State for amendment and confirmation.

Authorise the Director of Legal Services, in conjunction with the Head of Transport Traffic and Parking Services, to take all necessary action on the matter to enable confirmation of the 'City of Sheffield Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order 2012' and implementation of the Blackburn Valley Bridleway.

Background Papers:

Category of Report: OPEN

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BRIDLEWAY CREATION ORDER FOR BLACKBURN VALLEY

1.0 PURPOSE OF THE REPORT

- 1.1 To seek authority to submit the 'City of Sheffield Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order 2012' ('the Order') to the Secretary of State for confirmation.

2.0 SUMMARY

- 2.1 This report follows on from a report to Members of this Committee on 8th May 2012. In respect of the Blackburn Valley, that report outlined the need for a Bridleway Creation Order to enable the continuation of the Blackburn Valley multi-user route for cyclists, pedestrians, horse riders and the disabled. This report outlines the objections and letters of support received whilst advertising the Order.

3.0 BACKGROUND

- 3.1 The background to the making of the Order is set out in the Report to North & West Area Planning & Highways Committee 8th May 2012. The body of that report is included as Appendix A.

- 3.2 On 8th May 2012 the North & West Area Planning & Highways Committee:

- (a) approved the making of the above Order, subject to satisfactory arrangements being made with Statutory Undertakers with regards to their mains and services that might be affected;
- (b) authorised the Director of Legal Services to take all necessary action on the matter under the powers contained within Section 26 of the Highways Act 1980;
- (c) authorised the Order to be confirmed (as an unopposed order) subject to: (i) no objections being received and (ii) in the event of objections being received, they are resolved; and
- (d) authorised the Order to be referred to the Secretary of State for determination if the landowner was the only objector.

- 3.3 The Order was made on 20th September 2012. Notice of the making of the Order was advertised in The Star newspaper on 24th

September 2012. Notices were displaying on the land and sent to the land owner, statutory undertakers and consultees on 25th September 2012, in accordance with the Public Path Orders Regulations 1993. Notices advised of the right to make objections to the making of the Order. The final date for objections was 29th October 2012.

3.4 The Council has received both objections and letters in support of the Order. These are appended to this report in Appendix B. There are two objections; one from the land owner, MHH Contracting Limited and the other from Mr Alan Kind. There are five letters in support of the Order; one from Mr Terry Howard, Chair of Ramblers; one from Mr Andrew Wild; one from Mr John Harker on behalf of the Peak & Northern Footpaths Society; one from Mr David Woodhead on behalf of the Sheffield Group Ramblers Association; and one from Simon Geller, CTC Right to Ride Rep.

4.0 NEED FOR FURTHER AUTHORISATION

4.1 Given that there are two outstanding objections to the Order, the Council cannot itself confirm the Order. If the Scheme is to be implemented, the Council must refer the Order to the Secretary of State for determination and confirmation. However authority from the North & West Area Planning & Highways Committee of 8th May 2012 only authorises Legal Services to submit the Order to the Secretary of State if the land owner is the only outstanding objector. The land owner is not the only objector.

4.2 The proposed path will form an important part of the Trans-Pennine Trail and the National Cycle Network and the land owners objections are essentially as outlined in the 8th May 2012 report. Basically, the owners are willing to offer a narrow two metre wide strip of land for the route. This is wholly inadequate for the purpose of a strategic, long-distance multi-user route. It would also be unsafe, unattractive and would undermine the significant public investment that has gone into the rest of the route. The owners have also raised the issue of site security and safety. This is something that the Council would take on board, in an appropriate manner and is something that we can discuss with the owners prior to a decision on the Order.

4.3 The second objector, Mr Kind, is not a land owner. He objects to the Order on the grounds that the proposed limitation or condition of private vehicular rights contained in Part 2 of the Order is not a valid limitation or condition. [Part 2 of the Order states that the public rights created by virtue of the Order will be subject to existing rights from adjoining land owners and their successors in title to cross the bridleway by vehicle for access purposes. Mr Kind asserts that the limitation or condition is unnecessary and invalid because any easements that exist over the proposed bridleway will exist regardless of the Order. It is correct that it only a criminal offence to drive a mechanically propelled vehicle on a bridleway *without lawful*

authority. Lawful authority can include easements of adjoining land owners.]

4.4 Legal Services are willing to negotiate alternative wording or remove Part 2 of the Order. However the Council has already made and sealed the Order and has no legal power to amend the wording of the condition contained within it. The Secretary of State is the only body that has power to amend the Council's order and to confirm it. The Council will submit revised wording for the Secretary of State to consider.

5.0 RELEVANT IMPLICATIONS

5.1 The Director of Legal Services has been consulted and has advised that it would be appropriate to submit the Order to the Secretary of State for confirmation.

5.2 The Secretary of State will decide on one of three methods of dealing with the objections to the Order: (i) a public local inquiry (ii) a hearing; or (iii) written representations.

5.3 The highway, equal opportunities and financial implications are as set out in the Report to North & West Area Planning & Highways Committee 8th May 2012. If authorisation is not given as detailed in this report, the Order cannot be amended or confirmed and consequently the Bridleway will not be able to be created.

5.4 If authority is given for the Order to be submitted to the Secretary of State for confirmation, the cost of a public local inquiry, a hearing or making written representations procedure will have to be met. The cost will include officer time and the cost of advertising notice of a hearing or public local inquiry should the Secretary of State decide to hold one. These costs will be met by identified scheme budgets.

10.0 REASONS FOR RECOMMENDATIONS

10.1 To respond to letters of objection and support for the Bridleway Creation Order and to enable its amendment and submission to the Secretary of State.

11.0 RECOMMENDATIONS.

11.1 Authorise the Director of Legal Services to submit the 'City of Sheffield Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order 2012' to the Secretary of State for amendment and confirmation.

- 11.2 Authorise the Director of Legal Services, in conjunction with the Head of Transport Traffic and Parking Services, to take all necessary action on the matter to enable confirmation of the 'City of Sheffield Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order 2012' and implementation of the Blackburn Valley Bridleway.

John Bann
Head of Transport, Traffic & Parking Services

2 January 2012

APPENDIX A

8th May 2012

PROPOSED 'BRIDLEWAY CREATION ORDERS' FOR BLACKBURN
VALLEY PHASE1 AND BEELEY WOOD.

- 1.0 PURPOSE OF THE REPORT
 - 1.1 To seek authority to make: -
 - A) The Order required to create a section of public bridleway for Blackburn Valley Phase1 and to implement this bridleway if and when the Order is confirmed;
 - B) The Order required to create a section of public bridleway in Beeley Wood and to implement this bridleway if and when the Order is confirmed.
- 2.0 BACKGROUND
 - 2.1 New bridleway routes for walkers, cyclists, disabled people and horse riders are planned in the Blackburn Valley in north-east Sheffield and in Beeley Wood in the Upper Don Valley in north-west Sheffield as part of the Sheffield Cycle Action Plan, strategic cycle route development in the Sheffield Core Strategy and the Rights of Way Improvement Plan.
 - 2.2 Core Strategy policy (CS55) states that "Improvement and development of the cycle network will be given priority on strategic links, mainly to key employment locations...through the Upper and Lower Don Valley...through the Blackburn Valley, extending through Smithy Wood and Hesley Wood to Chapeltown". The alignments of the two routes also appear in the emerging Sheffield Development Plan Proposal Maps to protect their alignments.
 - 2.3 The new bridleway routes will ultimately provide connections between the outlying settlements of Chapeltown and Oughtibridge and the main Sheffield urban area at Meadowhall and Wadsley Bridge respectively. Plans showing Blackburn Valley Phase1 and Beeley Wood Track are at Appendices A and C, respectively.
- 3.0 NEED FOR THE PROJECTS
 - 3.1 The planned strategic greenway network for the city aims to provide greater access to opportunities – especially employment – and to

reduce carbon emissions, whilst increasing leisure opportunities for health and well being. In doing so there are also benefits of reducing congestion and air pollution.

- 3.2 In the case of the two alignments in this report, accommodating pedestrians and cyclists on the existing road routes would be prohibitively expensive and not address the safety problems at road junctions, as well as not inspiring leisure use.
- 3.3 The schemes will provide safe alternatives to the dangerous and unappealing road corridors that pedestrians, cyclists and disabled people currently face for their everyday journeys in these areas.
- 3.4 Both bridleways also connect to longer distance routes through the Lower and Upper Don Valleys which comprise sections of the Trans Pennine Trail network.
- 3.5 Members of the public and campaign groups have made longstanding requests to resolve the difficulties and danger faced by people on foot and bicycle in using Chapeltown Road, The Common (A6135) and Ecclesfield Road (B6082) between Chapeltown and Meadowhall, and Middlewood Road (A6102) between Oughtibridge and Middlewood.

Blackburn Valley

- 3.6 Blackburn Valley – the disused railway line between Meadowhall and Chapeltown – has been allocated as a proposed strategic cycle/footpath in the Unitary Development Plan published in the 1990s. This was to ensure there was a safe off-road alternative route for pedestrians, cyclists and horse riders to the busy ‘A’ and ‘B’ roads that link these two localities and to form part of long-distance, cross-boundary routes. The designation also recognised the multi-functional nature of the proposed route encompassing both leisure and utility journeys. Without this route in place, cyclists and horse riders will have no choice but to use A6135, Ecclesfield Common, Chapeltown Road and Ecclesfield Road to get between Butterthwaite Lane (where the route currently terminates) and Chapeltown.
- 3.7 In the past five years there have been two serious and three slight injury accidents involving cyclists on the sections of main roads this route would relieve. The main road route (for example, The Common) typically has 5000 – 8000 vehicles each way in a weekday 7am – 7 pm period, with 18 – 25 cyclists using the road in a similar period in 2008. In several surveys, fear of traffic and unwillingness to cycle on busy main roads are the most frequently-cited reasons for people not cycling or not cycling more. The proposed route would overcome this barrier and would provide mobility for cyclists who have only Level 1 Bikeability, whereas the A6135 requires Level 3 Bikeability. There are many people who will be able to use the off-

road route who cannot use the on-road route, especially children and families.

- 3.8 Part of Blackburn Valley Phase 1 between Deep Lane and Butterthwaite Lane was constructed recently and is open to the public. This in itself follows on from previous route development between Meadowhall Interchange and Deep Lane.

Beeley Wood

- 3.9 The riverside track through Beeley Wood between Beeley Wood Lane and Oughtibridge – provides a safe, off-road alternative to the busy Middlewood Road (A6102). Middlewood Road (A6102) between Oughtibridge and Middlewood has a relatively narrow carriageway and one narrow footway (approx 1.5m wide). The existing footway on Middlewood Road is inadequate for wheelchair or mobility scooter users, or people with other mobility or sensory impairments, due to narrow widths and lack of safe crossings.
- 3.10 The road has a number of bends, carries frequent HGVs and the speed limit is 50mph for much of the rural stretch between the two settlements. These conditions make the road intimidating and dangerous for cyclists and also oppressive for pedestrians – particularly those with pushchairs or buggies – and disabled people using wheelchairs and scooters. Attracting more walking and cycling along the road for utility or leisure journeys is unforeseeable, even with safety measures.
- 3.11 Cyclists are in competition on a narrow carriageway with fast moving traffic including lorries. It can therefore be difficult for motor vehicles to safely overtake cyclists. In five years, there have been three serious and three slight accidents involving cyclists on the relevant section of A6102. The main road route typically has over 5000 vehicles each way in a weekday 7am – 7 pm period, with 9 – 16 cyclists using the road in a similar period. However, when Middlewood Road was closed to motor vehicles following the collapse of the embankment after the flood in 2007, up to 34 cyclists in one direction were recorded using the road, demonstrating a degree of suppressed demand for cycling along the corridor.
- 3.12 Use of the road can also present problems to horse riders as, whilst horses tend to be more noticeable to drivers than cyclists, the speed differential with motor traffic and the difficulty in passing are even greater on a busy, narrow road such as Middlewood Road.
- 3.13 At peak-times, road traffic volumes contribute to congestion at Middlewood and Meadowhall. The volume of traffic and level of congestion, as well as air pollution, are likely to increase in the future if safe and attractive provision for alternative travel means are not

provided. In both cases, new bridleway routes will allow, and attract, people to walk and cycle as an alternative to using a car.

4.0 NEED FOR BRIDLEWAY CREATION ORDERS

- 4.1 In the majority of cases where a new footpath or bridleway is required, the Council will use the powers contained in Section 25 of the Highways Act – and these have been made with landowners where possible – to create the footpath or bridleway by agreement with the landowner (or landowners) that the route affects. Alternatively, the Council will enter into an ‘adoption agreement’ with the landowner, or purchase the required strip of land – again, both methods by agreement with the landowner.

Blackburn Valley

- 4.2 Two landowners are affected by the proposed Blackburn Valley Phase 1 route. Railway Paths Limited has been consulted and is fully supportive of the route. They have entered into a lease arrangement with Sheffield City Council which has enabled the route to be built to the North and to the South of the piece of land which is the subject of this proposed order. The single owner of the section of land between Butterthwaite Lane Bridge and Loicher Lane Bridge and subject of this order proposal bought the piece of land in 1996 with a covenant that allows the construction of a public footpath/ cycle track on that land between Loicher Lane and Butterthwaite Lane.
- 4.3 Consultation has taken place with the landowner who has agreed to the path being constructed but has stipulated that the path can only be 1.5 metres in width. This width is wholly inadequate for the purpose of a strategic, long-distance multi-user route and would be unsafe, unattractive and would undermine the significant public investment that has gone into the rest of the route. The proposed path will form an important part of the Trans-Pennine Trail and the National Cycle Network.
- 4.4 The aim is to provide a consistent standard of provision for these major regional and national multi-user routes that serve the dual purpose of leisure routes and providing local access for pedestrians and cyclists. The route up to Butterthwaite Lane from Meadowhall Interchange is 6 metres wide, comprising a 3 metre-wide tarmac track, a 2 metre-wide horse track and a 1 metre-wide verge (to enable maintenance). The route to the north of Loicher Lane has been built to the same standard as far as the Smithey Wood site. The intention has always been to maintain this standard for the entire route between Meadowhall and Smithey Wood. At Smithey Wood the proposed route joins an interim bridleway pending completion of the Smithey Wood Development.

- 4.5 Officers propose to make the bridleway section between Butterthwaite Lane and Loicher Lane by Bridleway Creation Order to a 5.5 metre width, comprising a 3 metre-wide foot/cycle track, a 2 metre-wide horse track and a 0.5 metre-wide verge. This arrangement is shown on the plan included in Appendix B.

Beeley Wood

- 4.6 There is an existing footpath running the length of Beeley Wood from Beeley Wood Lane to Oughtibridge, which was enhanced in 2009 with a stone surface and removal of ditches and swampy areas on the footpath itself. At this time a more uniform width of a 3 metre path and 2 metre verge (where physically possible) was installed.
- 4.7 There are six separate land plots along the alignment of the Beeley Wood track. Officers have been in discussions with three landowners about the proposal to upgrade the existing footpath to a bridleway status. These three landowners are supportive of the proposed bridleway across their land and have offered to complete bridleway agreements with the Council, which would comprise of an Agreement to Create a Bridleway under Section 25 of the Highways Act 1980.
- 4.8 There are two plots of land along the course of the route where the landowner is unknown despite searches and notices on site to attempt to establish the landownership. However, no landowner has contacted the Council in response to these notices. Therefore an Order is required to create the bridleway along these sections of the route.
- 4.9 One remaining landowner has not yet responded to letters sent to both the address registered at the Land Registry and another address known to officers. Therefore, it is anticipated that no agreement for the bridleway upgrade is likely to be gained with this landowner.
- 4.10 To progress the scheme, officers consider that it is appropriate to make a Bridleway Creation Order for the section of the Beeley Wood track covering the two unknown land plots together with the land plot where it is considered that it is unlikely an agreement from the landowner will be reached. It is also proposed that the order will include a section of the path in one of the land plots (owned by Oughtibridge Sports Ground) where the landowner is supportive of the scheme because this section falls between the two plots of land with unknown landownership. This landowner will be notified of this course of action ahead of the formal making of the Order.
- 4.11 In Beeley Wood, the proposed bridleway would cover the same width as the existing footpath, which is a 3 metre path and 2 metre verge where width allows.

- 4.12 The creation of public bridleways by order falls under Section 26 of the Highways Act 1980. Compulsory Purchase powers are inappropriate where alternative procedures exist.
- 4.13 Plans of the route sections to be covered by the proposed bridleway Orders are included in Appendix A for Blackburn Valley and Appendix C for Beeley Wood.
- 4.14 The schemes have been designed to minimise the impact on the landowners whilst complying with appropriate guidance on public bridleway creation.
- 5.0 CONSULTATION
- 5.1 All affected landowners have been consulted, where known. Section 4 of this report describes the outcome of negotiations with all landowners affected by the two schemes.
- 5.2 A petition of around 450 signatures of Oughtibridge residents and members of cycle campaign groups was received in September 2010, requesting that the footpath in Beeley Wood be upgraded to a bridleway for use by cyclists, wheelchair users and horse riders.
- 5.3 Searches of Statutory Undertakers affected by the schemes have been carried out. Consultations with the relevant Statutory Undertakers will be carried out during detailed design of the routes.
- 5.4 Any further developments in respect of identification of or negotiations with landowners will be reported to the Committee at its meeting.
- 6.0 LEGAL IMPLICATIONS
- 6.1 The Director of Legal Services has been consulted and has advised that it would be appropriate to process the Bridleway Creation Order using the powers contained within Section 26 of the Highways Act 1980, on the basis that the bridleway will add to the convenience or enjoyment of a substantial section of the public and that Members have fully considered the effect the creation will have on the rights of persons interested in the land (account being taken of the provisions as to compensation contained within Section 28 of the Highways Act 1980).
- 7.0 HIGHWAYS IMPLICATIONS
- 7.1 The two proposed Orders will add around 1 km of public bridleway to the public path network and enable over 2km of public path in total within the two schemes. The Orders will also enable connection of longer-distance routes in both cases.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 Equal Opportunities Implications have been addressed in an Equality Impact Assessment for this type of multi-user path. This assessment indicates that the project will:

- Enable people with mobility and sensory disabilities to travel independently, and link into the city's major bus and tram hubs;
- Promote social inclusion and strengthen community relationships;
- Require specific consideration at detail design stage on the interaction between various users, the needs of disabled people, and vulnerable people.

9.0 ENVIRONMENTAL IMPLICATIONS

9.1 There are no adverse environmental or ecological impacts of implementing the two bridleways.

9.2 The new routes will allow local people to walk and cycle between the main urban area (and hence existing connections to the City Centre) from Chapeltown and Oughtibridge, therefore improving travel choice and contributing to the reduction of motor traffic and the associated impacts of congestion and air pollution.

10.0 FINANCIAL IMPLICATIONS

10.1 Blackburn Valley Phase1 and Beeley Wood Track are funded through approved allocations from the South Yorkshire Local Transport Plan and Local Sustainable Transport Fund.

10.2 Nominal costs will be incurred in processing the Bridleway Creation Orders, which will be met by the schemes' capital budgets.

10.3 Should the Bridleway Creation Orders be confirmed, the affected landowners may be entitled to make a claim for compensation (under Section 28 of the Highways Act 1980) for loss of use of the land taken by the bridleway. At present, officers do not anticipate that there will be any significant valid claim for either bridleway, as the alignments fall along an existing footpath in one case and a land covenant for a public path in the other.

10.4 Both routes are off road and it is expected there will be low maintenance costs as only very occasional motor vehicle (landowners / maintenance) use is expected. The central South Yorkshire ITA cash grant will be claimed from the South Yorkshire Integrated Transport Authority as expenditure is incurred throughout the year. Discussions are still ongoing internally and with South Yorkshire partners about how commuted sums required through the 'Streets Ahead' project to maintain the new transport infrastructure constructed in 2012-13 will be funded.

11.0 RECOMMENDATIONS

- 11.1 To approve the proposed Creation Orders, under Section 26 of the Highways Act, of new bridleway for the alignments shown on the plans in Appendices A, B and C, subject to satisfactory arrangements being made with Statutory Undertakers with regards to their mains and services that may be affected.
- 11.2 To authorise the Director of Legal Services to take all necessary action on the matter under the powers contained within Section 26 of the Highways Act 1980.
- 11.3 To authorise the Orders to be confirmed (as unopposed orders) subject to:
- a) No objections being received,
 - b) In the event of objections being received, they are resolved.
- 11.4 To authorise the Order(s) to be referred to the Secretary of State for determination if the landowner(s) are the only objector(s).

John Bann

Head of Transport and Highways
8th May 2012

APPENDIX B
LETTERS OF OBJECTION AND SUPPORT

PARTNERS:
Ross Ward BA
John Cutler LLB
Jonathan Sibley MA (OXF)
Paul Lemph LLB
Robert Moore LLB
Vincent Green BA
Monique Hearnscore LLB

Ronald King LLB
Ciana Smart LLB
Rob Cooke LLB
David Rodrigues MA (OXF)
Mark Conterberg BA LLB
Channah Patten MA (OXF) (TAB)
Deborah Thompson LLB (BC)
Simon Gault LLB

John Hawkins BA
Lillian Rowden BA
Paul Clarke LLB
Lucy Rodgers LLB LLB (HONS)
Neil C Rye LLB (HONS)
ASSOCIATES:
Jennifer Anagnostou LLB (HONS)
James Drydale BA (HONS)

Paul Focad LLB
Hannah Mortague LLB (HONS)
Nichola Cliff-Jones LLB
Peter Crawford LLB
Fay Bursing LLB
Sally Hoshell LLB (HONS)
CHIEF EXECUTIVE:
Anthony Long

Our Ref: RNC/DWh/123538-1-0

Your Ref: JB/061633

Business Legal Services

20 Arundel Gate
Sheffield S1 2PP

Tel: 0114 218 4000
Fax: 0114 218 4227
DX: 10549 SHEFFIELD 1

www.tayloremmet.co.uk

rob.cooke@tayloremmet.co.uk

Direct Dial: 0114 218 4059

Ms Joanne Biott
Sheffield City Council
Legal Services
DX 10580
Sheffield

BY DX, HAND DELIVERY AND EMAIL –
Joanne.Biott@sheffield.gov.uk

29 October 2012

2102 2012

Dear Sir/Madam

RE: Public Path Creation Order - Highways Act 1980
Sheffield City Council - Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway
Creation Order 2012

We act for and on behalf of MHH Contracting Limited. We are in receipt of the Notice of making an Order dated 25 September 2012. This stated that any representations or objections to the Order are to be sent to Sheffield City Council no later than 29 October 2012.

We enclose by way of service Notice of Objection of MHH Contracting Limited. Please acknowledge safe receipt.

Please make sure that all future communication is directed through us. We require confirmation that your Public Path Creation Order will now be referred to the Secretary of State and directions will be given for the public enquiry.

We look forward to hearing from you.

Yours faithfully

T+E

Taylor & Emmet LLP

Enclosures

Public Path Creation Order

Highways Act 1980

Sheffield City Council

City of Sheffield

Blackburn Valley

(Butterthwaite Lane to Loicher Lane)
Public Bridleway Creation Order 2012

To: Sheffield City Council
Town Hall
Sheffield
S1 2HH

Notice of Objection of MHH Contracting Limited

MHH Contracting Limited is the freehold owner of the freehold land to the east of Loicher Lane, Ecclesfield Sheffield under Land Registry title number SYK360869. This is a notice of objection to the Public Bridleway Creation Order 2012 dated 20 September 2012. MHH Contracting Limited note that the Order has been made under section 26 of the Highways Act 1980.

MHH do not object to the making of a Public Footpath Order. MHH have never objected to the creation of a public footpath on the disused railway line passing through MHH Contracting Limited's property. MHH Contracting Limited do however object to the width of the sought footpath. Pursuant to the Public Path Creation Order Sheffield City Council propose to create a public bridleway having a total width of 5.5 metres. It is intended the bridleway is split between a 3 metre wide surface track for pedestrians and cyclists and a 2 metre softer track for horses. The bridleway is to be accompanied by a 0.5 metre wide verge on the north east side of the surfaced track.

MHH Contracting Limited submit that a width of 5.5 metres is excessive, unnecessary and fails to take into account the interest of MHH Contracting Limited as the freehold owners of the land.

In making the Public Footpath Order the authority must determine that there is a need for a new path and the authority must be satisfied that it is expedient to create it having regard to:-

1. The extent to which it would add to the convenience or enjoyment of a substantial section of the public or of local residents;
2. The effect that the creation would have on the rights of those with an interest in the land, taking into account the provisions for compensation.

MHH Contracting Limited do not believe that Sheffield City Council have demonstrated that the creation of a public bridleway with a total width of 5.5 metres would substantially convenience a substantial section of the public or of local residents. As stated, MHH Contracting Limited do not object to the creation of a public footpath. MHH Contracting Limited will agree and consent to the creation of a public footpath following the Western Boundary with a total width of 2 metres including soft verges. MHH Contracting Limited do not accept that the footpath should be any greater than a standard rural footpath crossing private land. MHH Contracting Limited do not believe that there is sufficient need, convenience or enjoyment to a substantial section of the public or of local residents for the public footpath to be of a greater width than 2 metres. Sheffield City Council have not demonstrated a sufficient convenience or enjoyment to a substantial section of the public or of local residents.

MHH Contracting Limited have seen the report of Mr John Bann, Head of Transport and Highways dated 8 May 2012. This report concentrates on the need for a public footpath/bridleway but does not provide any documentation, information or analysis as to the number of local residents or an analysis of a section of the public who would benefit from the public footpath/bridleway. It is submitted by MHH Contracting Limited that the creation of a public footpath/bridleway would result in very little usage as a bridleway. The majority use would be as a public footpath or cycleway. In those circumstances there is simply no demonstrated need by Sheffield City Council that a public footpath/bridleway with a total width of 5.5 metres would be for the convenience or enjoyment of a substantial section of the public or of local residents.

No assessment has been carried out of the need for a bridleway or the anticipated use of a bridleway. It is submitted that it is highly unlikely that equestrians would want to utilise a bridleway through a scrapyard. The local area is a partially industrial area where equestrian use is minimal. It is submitted that to the east of the proposed footpath, the existing footpath leads to the Meadowhall area of Sheffield, where there is zero equestrian use.

It is submitted that Sheffield City Council have failed to establish or demonstrate that the proposed public footpath/bridleway would act as a convenience or enjoyment of a substantial section of the public or of local residents.

Further, MHH Contracting Limited have offered to remove the bridge and paraposts, at their own expense, located at Loicher Lane to improve the visibility for pedestrians joining the footpath at this point, where the footpath crosses Loicher Lane. This is a point where the existing bridge is situated on a bend in the road and restricts visibility and lines of view for pedestrians. This offer has been rejected by Sheffield City Council without reason or explanation.

The second issue of consideration is of security. As a result of the lawful use certificate which MHH Contracting Limited have for use of the land, MHH Contracting Limited have the ability to store, break, dismantle steel and scrap metals for industrial clearance and for recycling. As a result, at any time, the site can contain expensive and/or dangerous materials and security of the site is of paramount importance to MHH Contracting Limited. It is noted that the Public Path Creation Order dated 20 September 2012 and the prior report of John Bann dated 8 May 2012 contains no reference to the safety of the site.

For the reasons set out above, MHH Contracting Limited oppose the Public Path Creation Order dated the 20th day of September 2012 but would consent to an alternative Public Path Creation Order of not exceeding a total of 2 metres in width, along the Western boundary of the site after adequate consideration has been given to the security of the land.

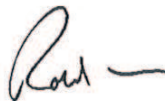
Dated this 2^a day of ~~October~~ 2012

Full Name: ROBERT W. MOORS

Position or office held:

(if signing on behalf of firm or company)

Signed:



from Alan Kind

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Director of Legal Services
Sheffield City Council
Legal Services
Town Hall
Sheffield
S1 2HH

30 September 2012

- 5 OCT 2012

Dear Sir:

Re: Blackburn Valley (Butterthwaite Lane to Loicher Lane) public bridleway creation order 2012.

Reference your order of 20 September 2012. I object to this order on the ground that the proposed 'limitation or condition' of private vehicular rights is not a valid limitation or condition. These rights may be exercised if they exist, and any public rights are subject to that exercise. That is no fetter on the public right.

Yours faithfully,



Alan Kind

16 OCT 2012

[REDACTED]
[REDACTED]
[REDACTED]

Your ref. JB/061633 Public Path Creation Order – Highways Act 1980

Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order.

Dear Sir/Madam,

I fully support this Creation Order as it will create a perfect link in the public rights of way network in this area.

Yours faithfully, Terry Howard. (Chair of Ramblers)

Andrew Wild
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

City Solicitor,
Sheffield City Council,
Town Hall,
Sheffield,
S1 2HH

CITY OF SHEFFIELD
BLACKBURN VALLEY
(BUTTERTHWAITE LANE TO LOICHER LANE)
PUBLIC BRIDLEWAY CREATION ORDER 2012

Dear Sir or Madam,

I am writing in support of the above order to create a bridleway along the disused railway alignment between Butterthwaite Lane and Loicher Lane. At the moment, the only way to cycle to Chapelton and beyond from where I live at Wincobank is to use the main road through Ecclesfield (A635) or, more circuitously, take the A629 past Thorpe Hesley and across J35 on the M1. Neither of these routes is particularly convenient or safe to cycle on. This is a major barrier, not only for me but for many others.

The proposed Bridleway route would make it possible for people from Wincobank and Brightside to access jobs at Smithy Wood, Thorncliffe and J35A business parks, as well as giving people from Chapelton and Ecclesfield access to Meadowhall and its interchange (from where you can reach the whole sub-region by bus, tram or train).

The existing route to Butterthwaite Lane from Meadowhall Interchange has been built to a very good standard and the continuation of this route to Chapelton would be a major benefit for us in the North of the City. I do hope this Order is confirmed and the route continued.

Yours faithfully



Andrew Wild

11 OCT 2012

Biott Joanne (CEX)

From: John Harker [REDACTED]
Sent: 25 October 2012 12:06
To: Biott Joanne (CEX)
Subject: HIGHWAYS ACT 1980 SECTION 26 PUBLIC PATH CREATION ORDER 2012
Follow Up Flag: Follow up
Flag Status: Red

Your ref:- JB/061633

Dear Joanne,

Please accept this email as this Society's support for this creation order.

We consider that there is clear & demonstrable public benefit in a public bridleway between Loicher Lane & Butterthwaite Lane to complete a section of the Trans Pennine Trail and encourage safe off-road commuting and recreational activity.

We would be happy to support the Order Making Authority at any public inquiry should the need arise.

Yours sincerely,

John Harker
Area Officer(Sheffield)
Peak & Northern Footpaths Society

Biott Joanne (CEX)

From: stoyne [REDACTED]
Sent: 04 October 2012 10:26
To: Biott Joanne (CEX)
Subject: your reference JB/061633

Follow Up Flag: Follow up
Flag Status: Completed

Re-Blackburn valley (Butterthwaite Lane to Loicher Lane) Public
Bridleway Creation Order 2012.

I write on behalf of the Ramblers Association Sheffield Group to support
the above order, as this will create a vital link in the network of
tracks connecting the city centre via Meadowhall with Chapeltown and
beyond to the Timberland trail and other parts of the Trans Pennine
Trail.

Yours faithfully
David Woodhead
Footpath Secretary
Sheffield Group R.A.

Biott Joanne (CEX)

From: Simon Geller [REDACTED]
Sent: 28 September 2012 00:41
To: Biott Joanne (CEX)
Subject: Ref: JB/061R633
Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Bird,

Thank you for letter dated 25th September.

We SUPPORT the making of this order, which we regard as essential for the creation of a sustainable transport link between Chapeltown, Meadowhall and Sheffield, giving access to employment and leisure opportunities for the communities along this corridor

--

Simon Geller
CTC Right to Ride Rep.
Sheffield

--

Simon



**SHEFFIELD CITY COUNCIL
West & North Planning &
Highways Committee**

Report of: Director of Development Services

Date: 02/01/2013

Subject: Applications under various acts/regulations

Author of Report: John Williamson 2734218

Summary:

Reasons for Recommendations

(Reports should include a statement of the reasons for the decisions proposed)

Recommendations:

Background Papers:

Category of Report: OPEN

| Application No. | Location | Page No. |
|-------------------------------------|---|----------|
| 12/03562/FUL | 284 Stannington Road Sheffield S6 5FR | 39 |
| 12/03117/FUL | Rear Of 12-22 And 12A-22A Holme Lane Sheffield S6 4JQ | 45 |
| 12/01465/FUL (Formerly PP-01980737) | 64 Cinder Hill Lane Sheffield S35 8NG | 56 |
| 12/01238/FUL (Formerly PP-01943434) | 393 Club Games Court Hammerton Road Sheffield | 66 |

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To The NORTH & WEST Planning And Highways Committee
Date Of Meeting: 02/01/2013

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.

| | |
|------------------|--|
| Case Number | 12/03562/FUL |
| Application Type | Full Planning Application |
| Proposal | Erection of porch with associated accessible steps to front of dwellinghouse |
| Location | 284 Stannington Road Sheffield S6 5FR |
| Date Received | 13/11/2012 |
| Team | NORTH & WEST |
| Applicant/Agent | Mr R Bishop |
| Recommendation | Grant Conditionally |

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

In order to comply with the requirements of the Town and Country Planning Act.

- 2 The development must be carried out in complete accordance with the following approved documents:

Drawings numbers 1, 2 and 3

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The proposed facing materials shall match the facing materials to the existing building.

In the interests of the visual amenities of the locality.

- 4 The proposed roofing materials shall match the roofing materials to the existing building.

In the interests of the visual amenities of the locality.

Attention is drawn to the following justifications:

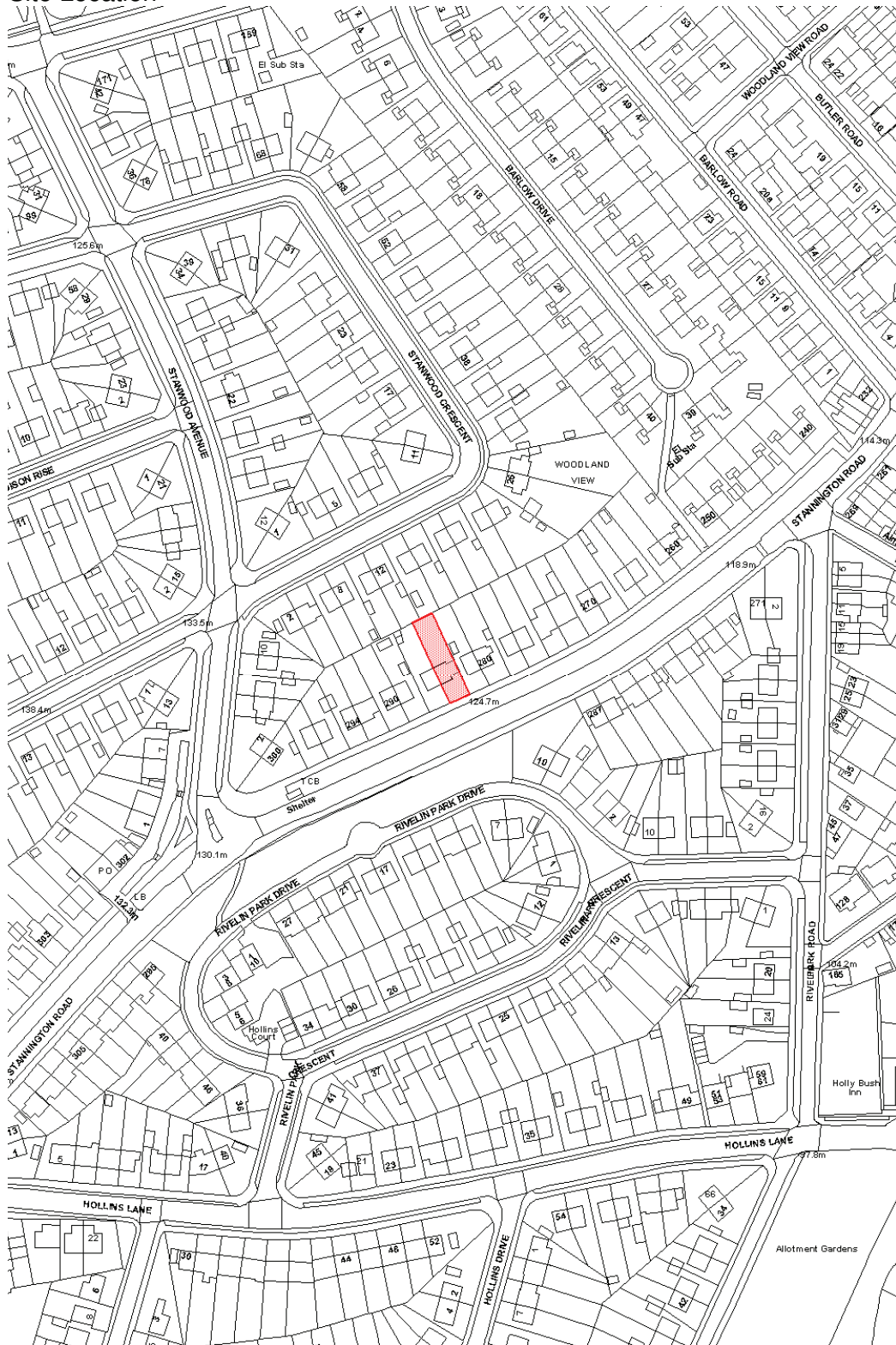
1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

H14 - Conditions on Development in Housing Areas and SPG - Designing House Extensions

The proposal is deemed to be acceptable in terms of scale, siting, design and materials and complies with Policy H14 of the Unitary Development Plan and Supplementary Planning Guidance on Designing House Extensions

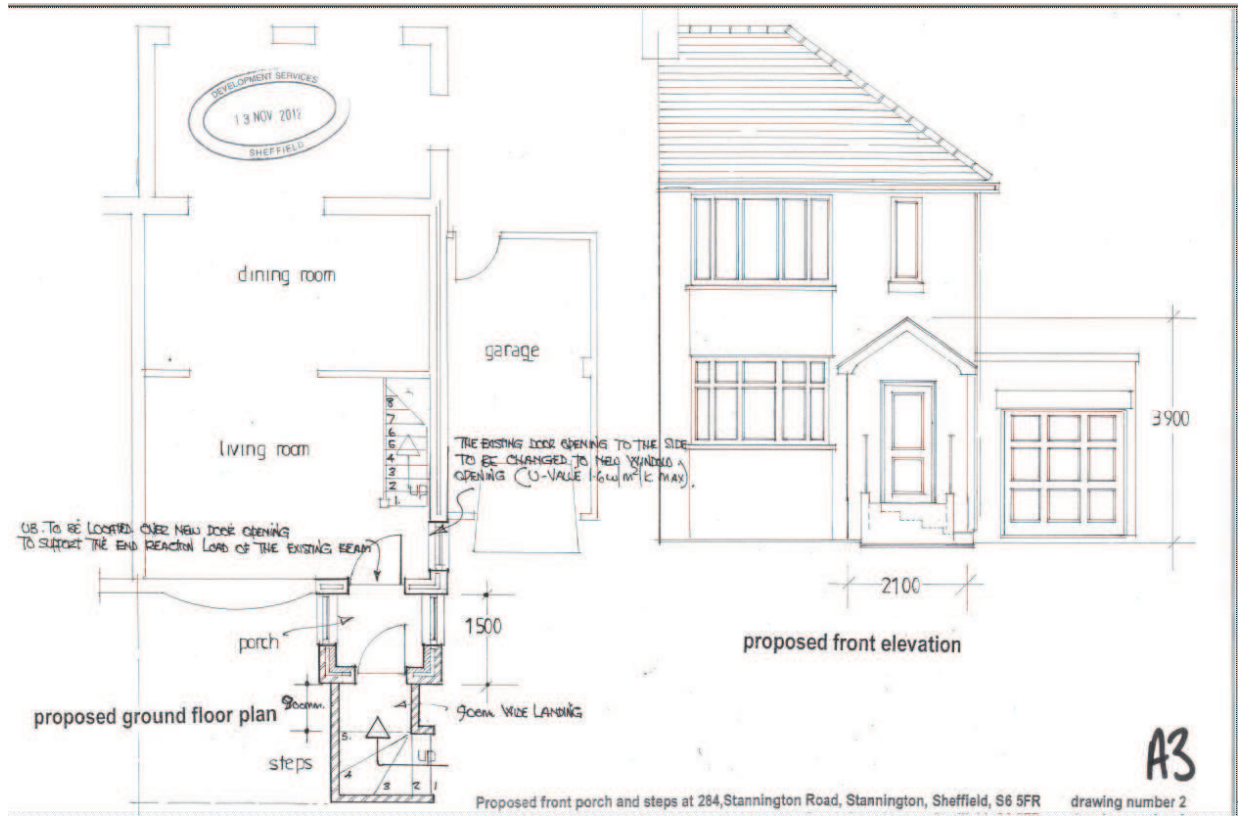
This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Site Location



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LOCATION AND PROPOSAL

The application relates to a two-storey semi-detached dwellinghouse characterised by bay windows and a hipped roof. The immediate street scene is predominantly residential and contains semi-detached dwellings similar in style and age to the application property.

Planning permission is sought for the construction of a porch to the front of the dwellinghouse.

RELEVANT PLANNING HISTORY

78/01081/FUL – extension to form kitchen – granted

SUMMARY OF REPRESENTATIONS

No letters of representation have been received

PLANNING ASSESSMENT

Policy

The application will be assessed having regard to Unitary Development Plan Policy H14 “Conditions on Development in Housing Areas” and Policy BE5 “Building

Design and Siting". Supplementary Planning Guidance on Designing House Extensions is also relevant and expands upon the principles of Policy H14.

Design

Policies H14 (a) and BE5 (c) require extensions to be well designed and respect the scale, form and detail of the original building and surrounding area.

The proposed porch is sited to the front of the house and has been sensitively designed to reflect the character of the original house through the use of matching facing and roofing materials and the construction of a pitched roof. The development is of modest proportions and as such will not form an overly prominent feature. As internal floor levels are higher than external ground levels steps are proposed up to the front door, again these are well designed and will not detract from the appearance of the original house.

There are other examples of porches in the locality including one on the adjoining property No. 286 and therefore such a feature will not be out of keeping in the street scene.

The existing door in the side elevation of the dwellinghouse will be replaced with a window.

Amenity

Policy H14 (c) requires that the proposal does not have an adverse impact upon the amenities of neighbouring residents.

The modest scale of the porch will ensure that it is not overbearing or overshadowing to neighbouring properties. Windows are proposed for both side elevations, however owing to adequate separation to boundaries and the typically transient nature of usage of a porch it is considered that there will not be a loss of privacy.

Highways

Part (d) of Policy H14 seeks to ensure that safe access to the highway network and off-street parking is provided.

No alterations are proposed to the existing access arrangements and sufficient off-street parking provision will be retained.

SUMMARY AND RECOMMENDATION

The proposal is deemed to be acceptable in terms of scale, siting, design and materials and complies with Policy H14 of the Unitary Development Plan and Supplementary Planning Guidance on Designing House Extensions. As such the scheme is recommended for approval.

| | |
|------------------|--|
| Case Number | 12/03117/FUL |
| Application Type | Full Planning Application |
| Proposal | Erection of 4 flats in a two-storey block and provision of associated carparking accommodation and landscaping works (amendments received on 07.12.12) |
| Location | Rear Of 12-22 And 12A-22A Holme Lane Sheffield S6 4JQ |
| Date Received | 03/10/2012 |
| Team | NORTH & WEST |
| Applicant/Agent | Chris Gothard Associates |
| Recommendation | Refuse |

For the following reason(s):

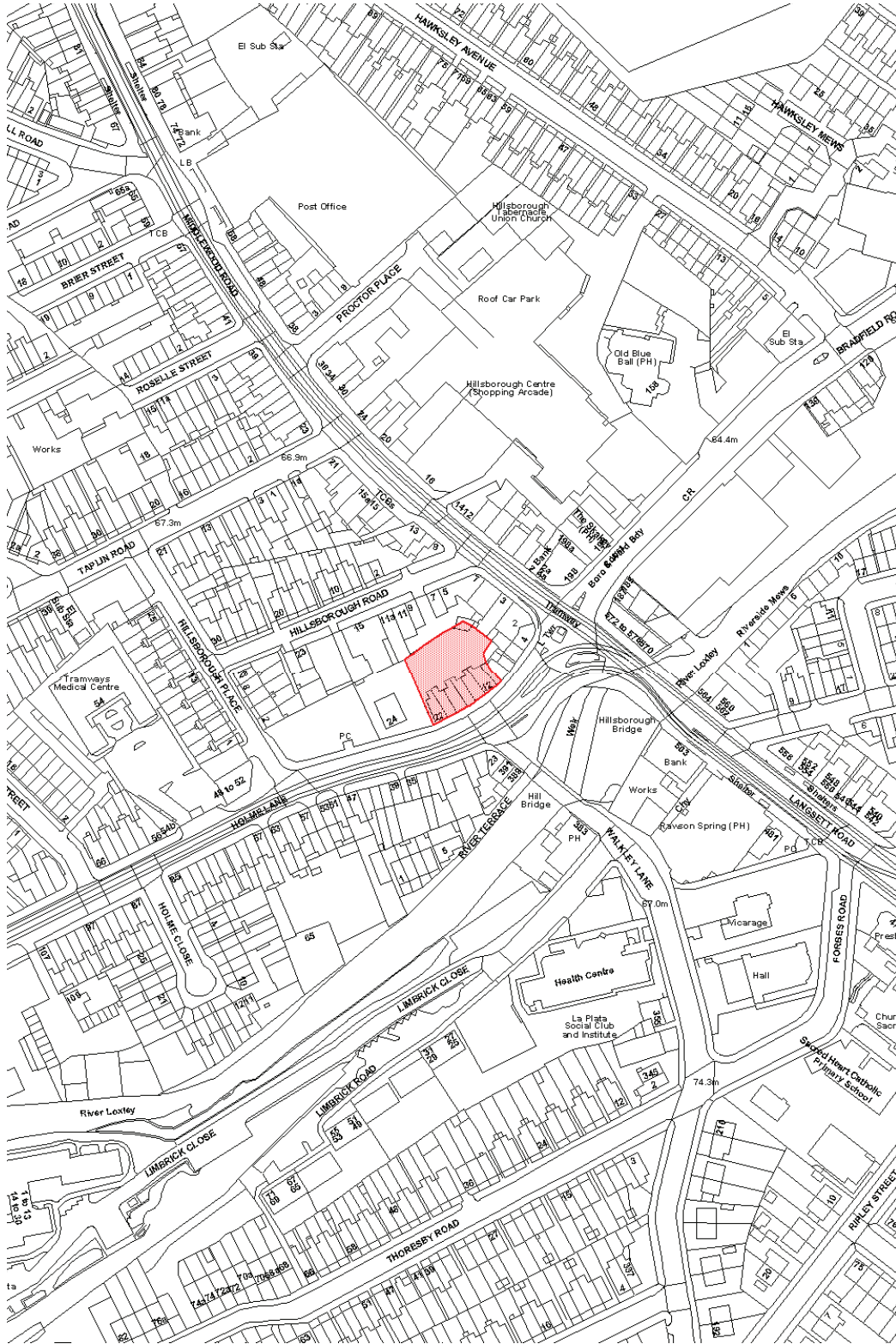
- 1 The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living conditions for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policy H5 and S10 of the Adopted Unitary Development Plan and Policy CS26 of the Sheffield Development Framework Core Strategy.

The Local Planning Authority consider that proposed development will provide an insufficient amount of private amenity space for the occupants of the existing flats and the proposed flats, which is contrary to Policy S10 of the Adopted Unitary Development Plan.

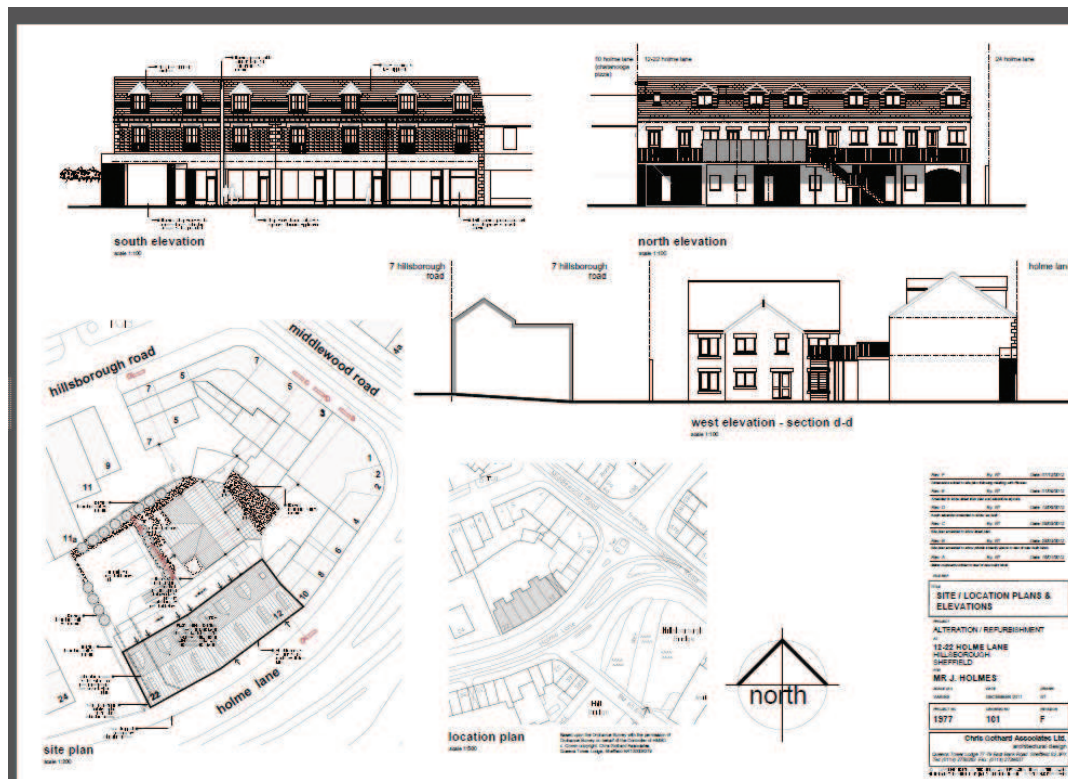
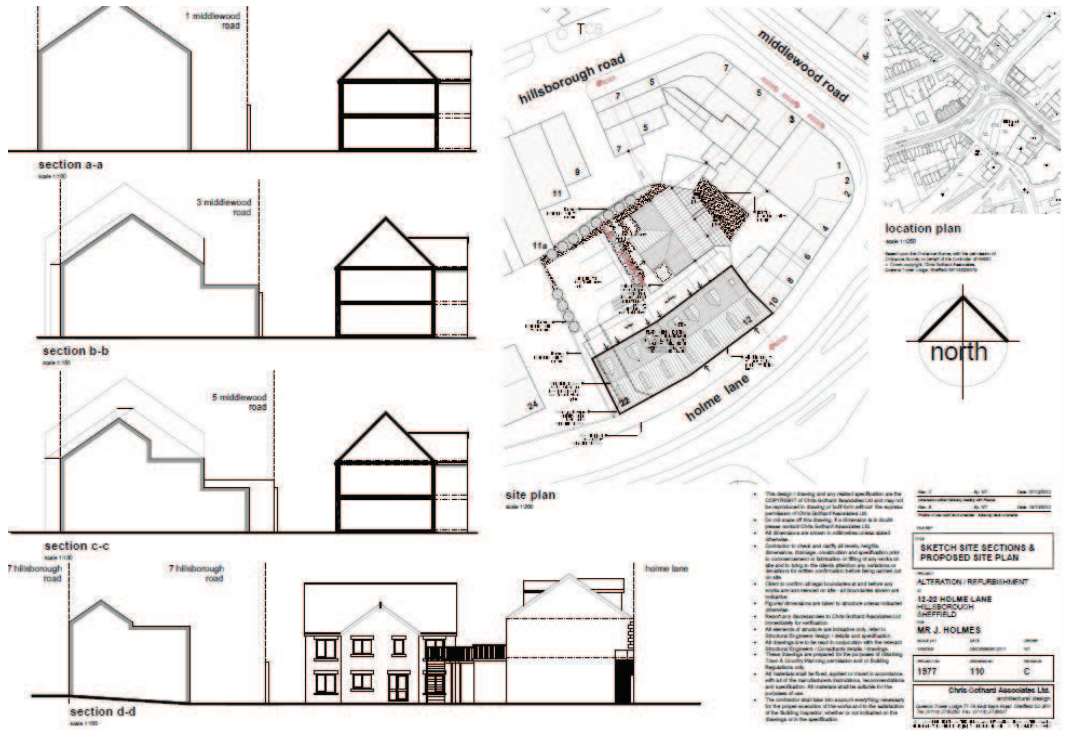
Attention is drawn to the following directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

Site Location



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INTRODUCTION

Councillors may recall that the current application is a further submission of two recently refused applications, indicate below-

1- ref: 11/03989/FUL - Erection of 7 x 1bedroom flats refused on 13.04.2012, the reasons for refusal are highlighted below:-

'The Local Planning Authority considers that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living condition for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policies H5 and S10 of the Unitary Development Plan and Policy CS26 of the Core Strategy.'

2 -ref: 12/01546/FUL - Erection of 6 flats in a three storey block with rooms in roofspace and associated works to form vehicular access (Re-submission of 11/03989/FUL), the reasons for refusal are highlighted below:-

'The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living conditions for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policy H5 and S10 of the Adopted Unitary Development Plan and Policy CS26 of the Sheffield Development Framework Core Strategy.'

The current application indicates 4-one bedroom units over 2 storeys. The proposed housing block has been relocated further into the site. No other alterations to dimensions, floor layouts, or to the external layouts have been shown.

Both the applicant and the agent are aware of the concerns regarding any form of development within the site in question. Due to the site restrictions it would be difficult to achieve good living standards for the future occupiers of the property. Nevertheless the applicant has decided to submit the current application.

As there has been no significant change, the site or n policy terms since the previous application, the assessment below will reflect much of the previously written report.

LOCATION AND PROPOSAL

The site is located within the Hillsborough district of Sheffield, situated to the rear of 12-22 and 12A-22A Holme Lane, which forms a small site, previously approved for car parking and amenity space for the occupiers of 12-22 and 12A-22A Holme Lane. No.12-22 and 12A-22A Holme Lane is a block of shop units at ground floor with living accommodation at first floor (planning permission granted ref: 06/02608/FUL).

The site is also located in the Hillsborough District shopping area as defined in the adopted Sheffield Unitary Development.

The application site is currently undeveloped land which forms part of the rear area to No.12-22 and 12A-22A Holme Lane and also backs onto the rear of other building/properties, situated on Langsett Road and Hillsborough Road, these are mainly commercial properties with first floor accommodation used for residential, storage or commercial purposes. No.24 Holme Lane is the only residential property which abuts the site in question and is located to the western side of the site; there is a 3m high brick wall with an additional 1.8m fence on top of the wall, which separates the site in question from No.24. The site is fairly level. Access into the site was originally gained from the north side of the site adjoining No.12 Holme Lane, however the applicant has removed a unit to the south side of the site namely No.22 Holme Lane to provide a wider access to the rear and to the site in question.

The current application proposes the construction of 4 one-bedroom residential units, in a 2-storey block. Plans submitted show a kitchen and living room with bedroom, bathroom and a storage area per unit. There is one main window serving the lounge/kitchen/dining area which will face the external communal grounds, bedroom windows/patio doors and bathroom windows to the ground, first, and second floors will face the rear. A central-external stairway is also shown to the front of the building facing south. 4 off-street parking bays are also shown; together with a new vehicular and pedestrian access from the south side abutting the boundary shared with No.24 Holme Lane (this entails removal of one of the shop units, namely No.22 Holme Lane, which has already been completed as mentioned above). It is proposed that the flats will be constructed in brick with artstone heads and cills and natural slate for the roof, with the UPVC windows and doors and tarmac for the car parking areas have also been shown. Plans show the proposed block of flats located further within the site from the eastern boundary by approx. 3m. The rear elevation of the proposed block of flats will be in line with the side elevation, which faces east, of No.12-22 Holme Lane.

RELEVANT PLANNING HISTORY

11/03989/FUL - Erection of 7 x 1 bedroom flats in a three-storey block with rooms in roofspace and associated works to form vehicular access. The application was refused on 13.04.12.

12/01546/FUL- Erection of 6 flats in a three storey block with rooms in roofspace and associated works to form vehicular access (re submission of 11/03989/FUL). The application was refused at area board on the 11.09.12.

SUMMARY OF REPRESENTATIONS

2 letters received in support of the application, which suggest that the proposed flats will benefit the area, especially in its location and provide employment opportunity.

PLANNING ASSESSMENT

Policy Issues

Policy S7 (Development in District and Local Shopping Areas) identifies housing as an acceptable use. However this is subject to the provisions of Policy S10 (Conditions on Development in Shopping Areas) which identifies six different criteria which development must comply with, these include not prejudice the preferred use of land within the policy area, should not cause residents of any housing to suffer from unacceptable living conditions, provide where appropriate an environmental buffer, be well designed in a scale and nature appropriate to the site and comply with the policies of the built and green environment.

Policy H5 (Flats, Bed-sitters and Shared Housing) allows the creation of flats, bedsitters and multiple sharing of houses if, amongst other things, a concentration of such uses would not cause serious nuisance to existing residents, living conditions would be satisfactory of occupants of the accommodation and their immediate neighbours and there would be appropriate off street car parking for the needs of the people living there.

Policy BE5 (Building Design and Siting) and CS74 of the Core Strategy (design and siting principles) advises that good design and the use of good quality materials will be expected in all new buildings. It also states that new developments should complement the scale, form and architectural style of surrounding buildings and should be of a human scale wherever possible.

Policy is CS26 of the Core Strategy requires a density range in such locations and in particular this location being-within a District Centre, of a range of 50 – 80 dwellings per hectare which is generally acceptable.

Impact on future occupiers of the proposed flats

The potential overlooking from neighbours of the adjoining flats namely No.12-22 and No.12A-22A Holme Lane is of concern. The main concern lies with the proposed configuration and the impact on the living conditions of the future occupiers of the proposed units, in particular the potential loss of privacy from those using the existing adjacent rear first floor external walkway and stairs at No.12-22 and No.12A-22A Holme Lane, having full view into the proposed units and in particularly into the main living spaces-lounge/dining/kitchen.

The distance between the stairs and the proposed flats is approx. 4.2m; the proposed flats will abut the side of the existing external walkway. The agent has suggested that obscure glazing to the windows in the rear elevation of No.12-22 and No.12A-22A Holme Lane will be provided and also shown part of the walkway screened alongside the relocation of the external stairs. This is considered unacceptable for the occupiers of No.12-22 and No.12A-22A Holme Lane, as it would create an undesirable and an overbearing outlook from the rear windows of flats and shops at No.12-22 & 12A -22A Holme Lane and for the future occupiers of the flats. New obscure glazings seem impractical and not design friendly with the rear elevation of No.12-22A Holme Lane looking onto a screened walkway and a

brick side wall. The over looking when using the stairs has not been addressed, which leaves the problem of severe over looking into residential accommodation

Plans have been received, showing the correct distances from the proposed flats to No.12-22 and No.12A-22 A Holme Lane. Assessing the floor and site plans submitted, it is clear that there will be a significantly low level of light entering into the proposed flats, in particular into the lounge/dining/kitchen area of the proposed flats closest to No.12-22 and No.12A-22A Holme Lane. Furthermore there are concerns with natural light entering into the proposed lounge/kitchen windows which also has not been addressed. It is considered that one window to serve both rooms is inadequate; albeit a secondary small window in the kitchen which will face the internal walls of the proposed staircase, creating a dark and dingy outlook for the future occupiers of the proposed units. In addition, a distance of approx. 4m to No.12-22 and No.12A-22A Holme Lane from the side elevation of the proposed building and with the existing walkway which will abut the side elevation of the proposed block of flats, (both short of the standard distance requirement of 12m in accordance to SPG guideline 5) is considered unacceptable as this will cause potential loss of valuable light into 2 rooms with only one window each to 2 of the proposed flats and in particular to the lounge/dining/kitchen window, shown on plans and the raises concern with the overbearing element that the existing building namely No.12-22 and No.12A-22A Holme Lane will have on the proposed flats. Furthermore, the concern of natural light entering into the proposed lounge/kitchen windows has also not been addressed. No.12-22 and No.12A-22A Holme Lane will fall within the 45 degree angle rule and as such will cause severe loss of light and over bearing impact into the main living areas of the proposed flats. The stairs will form an obtrusive feature when viewed from the proposed flats closest to No12 and No22 Holme Lane.

The original concern regarding the outlook from the proposed rear bedroom windows/patio doors, onto a large brick wall which measures approx. 3.5m in height has not been addressed in the current application, a fundamental concern which formed the basis of the original refusal on the previous applications. Although the proposed block of flats has been moved further into the site the proposed distances nevertheless between the rear wall and the openings of the proposed flats and the proposed/existing brick wall ranges from approx. 1m to 6m (short of the standard distance requirement of 12m in accordance to SPG guideline 5), which is considered unacceptable as it will create an unattractive living environment and is undesirable living conditions for the future occupiers of the proposed flats and especially the ground flats of the proposed building.

As mentioned above there is a high brick wall that separates the proposed building with the properties located to the rear, however the distances between the properties to the rear of the proposed flats, namely No.'s 1-5 Middlewood Road, are indicated as follows;- From the proposed building to No.1 Middlewood Road there is a distance of approx. 11.4m, from the proposed building and No.3 Middlewood Road there is a distance of approx. 6m to the ground floor and 10m to the first floor and between the proposed building and No.5 Middlewood Road there is a distance of approx. 6.6m to the ground floor, and 10.m to the first floor, again short of the standard distance requirement of 21m in accordance to SPG guideline 6, which relates to distances between facing windows.

The properties located on the west side of the proposed building namely No.'s 5-7 Hillsborough Road are located approx. 8.8m from the side wall of the proposed building, again short of the standard distance requirement of 12m in accordance to SPG guideline 5.

It is worth to note that although the agent has shown a small private gardens/patio area to the ground floor flats, this does not address the original concern with the potential outlook from the bedroom windows which will look out onto the existing large brick wall and onto the rear properties, located on Middlewood Road.

Photos have been submitted previously, showing the rear of the properties facing the site in question, which illustrate some use of the first floor of buildings located on Middlewood Road, Hillsborough Road and Holme Lane, the site situation has not changed in the last few months. From these photos and a recent site visit there are still reservations regarding the close proximity to these existing buildings and in particular to No.'s 5 and 7 Hillsborough Road, No.'s 1-7 Middlewood Road and No.'s 2-10 Holme Lane. Most of the first floor rooms of these named properties do not seem to be currently residential, but seem to be either vacant or used for storage in connection to the ground floor use, however with the proposed flats, the potential conversion of these to residential would be jeopardised by the proposed flats as the distance between these are inadequate to provide sufficient outlook for the occupiers of the proposed flats.

From the submitted site plan, it measures an approx. range of 6m to 11m from the proposed development to the rear of the neighbouring properties indicated above, which again is short of the standard distance requirement of 12m in accordance to SPG guideline 5 and short of the standard distance requirement of 21m in accordance to SPG guideline 6.

As a result of the size of the building and the size and shape of the plot means that there are some real challenges in terms of making it an attractive and liveable environment. As such the revised scheme is still considered to be contrary to the objectives outlined in policy H5 and S10 of the Sheffield UDP.

Overdevelopment of the site

Although the agent has reduced the number of units to 4 from 6, it is still considered that it does not overcome the initial concern of overdevelopment of the site.

In general and in accordance with Policy CS26 of the Core Strategy which requires a density range in such locations and in particular this location being within a District Centre, a range of 50 – 80 dwellings per hectare is generally acceptable. The red line boundary shown on the submitted plans indicates the existing density of the 6 flats; No.12-22 & 12A-22 A Holme Lane to fall under 75 dwellings per hectare. Adding 4 flats to the site would result in 111 dwellings per hectare.

However small sites such as this will often throw up high densities and the policy states that densities outside the range will be allowed where they achieve good design, reflect the character of an area or protect a sensitive area. However, in this case the overall development and the impact on the living conditions of the existing occupiers of neighbouring properties and futures occupiers of the flats would outweigh the above.

Although the site is considered a Brownfield site and where residential development would be acceptable in principle, in this particular case, it is considered that the site constraints are such as to restrict the scope of a residential development. As such the proposed development is considered to be an overdevelopment of the site. Therefore the revised scheme is still considered to be contrary to the objectives outlined in policy S10 of the Sheffield UDP and Policy CS26 of the Core Strategy.

Views from surrounding area

Although the height of the proposed flats is below the height of .12-22 & 12A-22 A Holme Lane, it is still considered that as a general principle the 'backland' development should be subservient to the main block, especially on such a tight site as this, as such in this instance, it is still considered that the proposed development, when viewed from the surrounding areas creates an oppressive view of an overdeveloped land, which should entail open green space used as private amenity for the residents of No.12-22 Holme Lane and No.12-22 A Holme Lane which is the preferred use of the land.

The proposal is considered unacceptable as the proposed development will not be subservient to the main block and as such, is considered contrary to Policy S10 of the Sheffield UDP.

Amenity space

Provision of amenity space has been shown in front of the proposed block of flats; this is presumed to be a shared communal area for the occupants of the proposed flats and the occupants of the existing flats at No.12-22 Holme Lane and No.12-22 A Holme. This is considered to be of an insufficient size and unusable amenity space for residential blocks, the existing 6 flats and the proposed 4 flats. The site was originally approved for a communal amenity space for the residents of 12-22 Holme Lane and 12-22 A Holme Lane, which is the preferred use of the land.

Highways issues

The building has an established vehicle access off Holme Lane at the northern end of the site. However a new access to the southern side adjoining neighbouring property No.24 Holme Lane and by removal of a shop unit, No.22 Holme Lane, has been shown. 4 off-street parking has been shown. The parking indicated is considered acceptable, however the removal of the shop unit raises concerns, as it will detract from the original established row of shops along the frontage.

Open Space

Policy H16 requires developers to make contribution to provision or improvement of recreation space in the catchment area. As the proposal indicates less than 6 separate residential units 4 in total, the developer will not need to enter into an agreement for a financial contribution.

SUMMARY AND RECOMMENDATION

This application proposes the construction of 4 one-bedroom residential units, in a 2-storey block, and is shown to be located to the rear of No.12-22 and No.12A-22A Holme Lane, 4 off-street parking and a communal amenity space is shown.

The site lies within an area designated for Shopping within the Unitary Development Plan and as such the principle of a residential development is in accordance with current local planning policy.

The site in question benefits from planning consent for the provision of amenity space, alongside 2 off-street parking bays and 3 off-street motor cycle bays for the residents of No.12-22 Holme Lane and No.12-22 A Holme Lane, as part of the 06/02608/FUL application. By developing this land with further residential units, it will compromise the original open space area that was granted permission.

The agent/applicant have not addressed the original reasons for refusal on the previous/recent planning application refs; 11/03989/FUL and 12/01546/FUL, both refused on the grounds of;

11/03989/FUL - 'The Local Planning Authority considers that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living condition for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policies H5 and S10 of the Unitary Development Plan and Policy CS26 of the Core Strategy.'

12/01546/FUL - 'The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in an unsatisfactory environment and living conditions for future occupiers of the proposed flats and occupiers of the adjoining residential properties. This would be contrary to Policy H5 and S10 of the Adopted Unitary Development Plan and Policy CS26 of the Sheffield Development Framework Core Strategy.'

The main concern lay with the outlook from the bedroom windows onto a large 3.5m high flank boundary wall with only approx.1m to 6m distance between the proposed openings and the large flank wall, short of the standard distance requirement of 21m in accordance to SPG guideline 6, this has not been addressed in the current application and the situation remains the same. Also the

distances from the proposed openings in the rear elevation and the rear elevations of adjoining neighbouring properties raise concerns, as these ranges from approx. 6m to 11m, short of the standard distance requirement of 21m in accordance to SPG guideline 6, and also to the properties located to the side of the proposed building on Hillsborough Road, which are also approx. 8m from the building, and to No.12-22 and No.12A-22A Holme Lane which are approx. 4m away, again short of the 12m requirement as stipulated within the SPG guideline 5, again this has not been addressed in the current application. Furthermore the concern of natural light entering into the proposed lounge/kitchen windows has also not been addressed. It is considered that one window to serve both rooms is inadequate; albeit a secondary small window in the kitchen which will face the internal walls of the proposed staircase, creating a dark and dingy outlook for the future occupiers of the proposed units.

The site is considered to entail many difficult constraints which restrict a practical and good quality scheme; many possibilities have been exhausted previously, in trying to achieve a scheme that will overcome the issues raised above in the assessment part of the report. It is considered that the site should be developed in accordance to the original approval ref; 06/02608/FUL –(Conversion, alterations and extensions of 5 A1/A3 units to form 1 A3 unit with new shop front, alterations to form 6 flats and 1 office above and 6 front dormer windows, alterations to existing external extraction flue, erection of rear pedestrian access and patio area and associated parking), which illustrated the provision of amenity space, alongside 2 off-street parking bays and 3 off-street motor cycle bays for the residents of No.12-22 Holme Lane and No.12-22 A Holme Lane, within the site in question. This will not only improve the existing derelict site, but also provide adequate outlook and amenity space for the occupiers of No.12-22 Holme Lane and No.12-22 A Holme Lane and the outlook for the occupiers of the surrounding neighbouring properties, alongside grant the wishes of the local residents of improving the area within the Hillsborough district, which seems to be the main concern for those who have made representations above.

The proposal is therefore considered overdevelopment of the site and is contrary to Policy CS26 of the Core Strategy. The development will also create unacceptable living condition for the future occupiers of the flats and also to the existing occupiers of neighbouring flats and dwellings, as such the development is considered contrary to the objective outlined in H5 and S10 of the UDP.

| | |
|------------------|---|
| Case Number | 12/01465/FUL (Formerly PP-01980737) |
| Application Type | Full Planning Application |
| Proposal | Two-storey side extension including garage, erection of front porch, single-storey rear extension, and alterations to roof to create additional living accommodation with side/rear dormer window (Amended plans received 19/12/2012) |
| Location | 64 Cinder Hill Lane Sheffield S35 8NG |
| Date Received | 18/05/2012 |
| Team | NORTH & WEST |
| Applicant/Agent | Lion Design |
| Recommendation | Grant Conditionally |

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

In order to comply with the requirements of the Town and Country Planning Act.

- 2 The development must be carried out in complete accordance with the following approved documents:

Drawing No. 01 D (Existing and Proposed Plans and Elevations)

received on the 19 December 2012 from Lion Design

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The materials to be used externally shall match those of the existing building in colour, shape, size and texture.

In order to ensure an appropriate quality of development.

- 4 The hardstanding laid out to the front of the property shall be used solely for the parking of vehicles in connection with the dwellinghouse and thereafter retained/maintained for the sole purpose intended unless first receiving the written express consent from the Local Planning Authority.

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

- 5 The cheeks and face of the dormer window shall be constructed with hanging roof tiles only and shall be of similar profile, texture, colour of those used on the existing house.

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application:

H10 - Development in Housing Areas

H14 - Conditions on Development in Housing Areas

BE5 - Building Design and Siting

It is considered that the proposed extensions are acceptable from design perspective and would not harm the character or appearance of the house or streetscene. While it is accepted that the two storey side extension would alter the current uniformity of the row of semi-detached houses along the street, it is not considered that it would appear incongruous or appear discordant when viewed in context with its neighbouring properties.

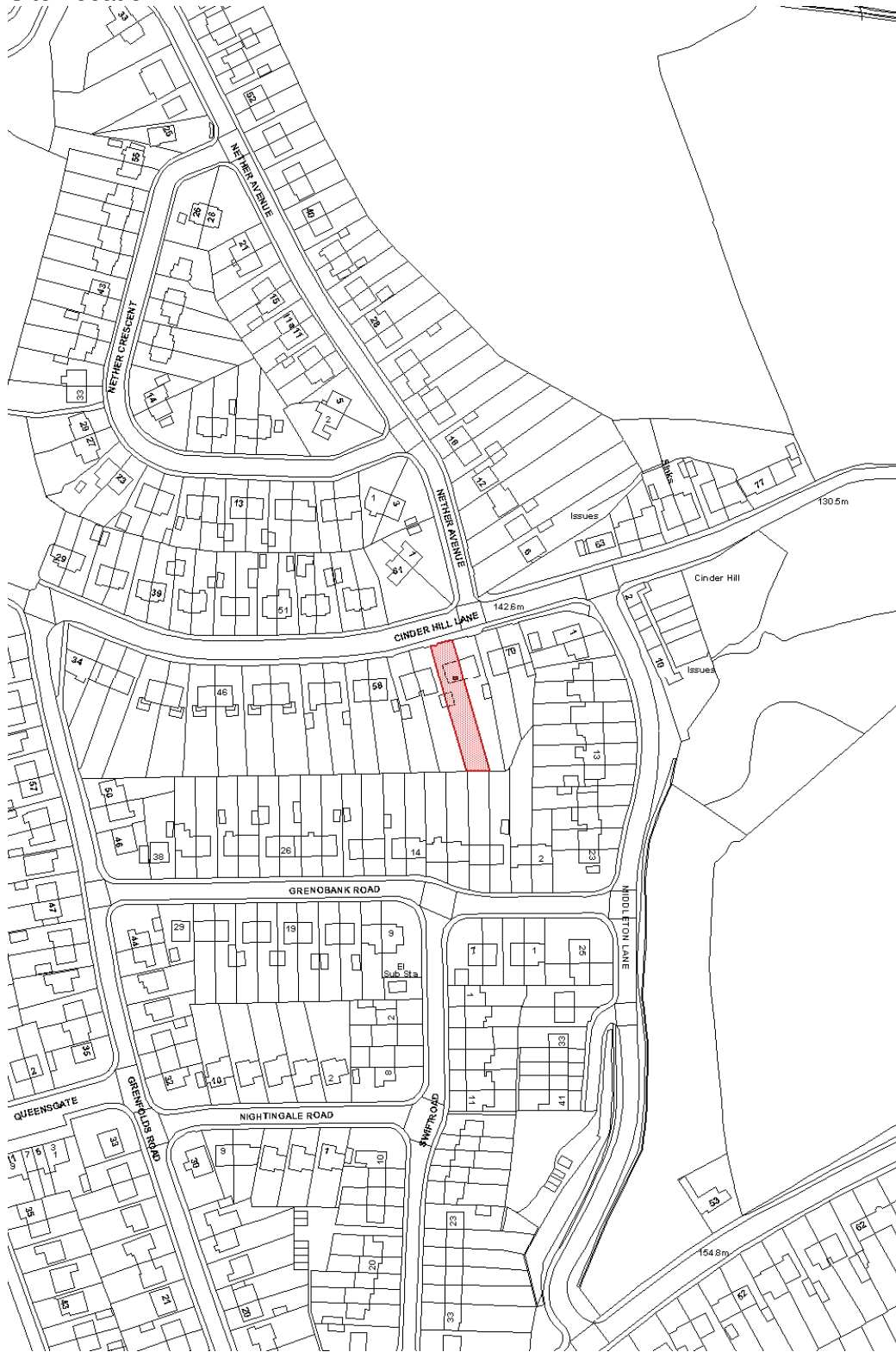
It is also considered that the residential amenity of neighbouring properties would not be unduly harmed by the development that would warrant a refusal on amenity grounds. While it is accepted that the two storey extension would be sited close to the ground floor kitchen window of No. 62 Cinder Hill Lane, this window is not a main window of the house. The level of protection that this side window should therefore be afforded is less than if it formed the primary source of light into the main living area of the property.

The development is also considered to be acceptable from a highway perspective with the property being provided with two off-street parking spaces within the front curtilage of the site.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the

application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Site Location



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LOCATION AND PROPOSAL

The application relates to a two storey semi-detached house that is situated on the southern side of Cinder Hill Lane in Grenoside. The house is one of a series of similar semi-detached houses that stand along this side of the street, characterised by their full height bay windows (front elevation) and hipped roof construction. The properties on this side of Cinder Hill Lane follow the gradient of the road and step down the road uniformly from west to east. A result of the difference in ground levels means the application property is approximately 1.5m lower in height than its unattached neighbour (62 Cinder Hill Lane).

A driveway rises up along the western side of the property and leads towards a detached garage that stands behind the house. The front curtilage is hardstanding that allows for the parking for two vehicles. An approximate 1.25m high retaining wall with metal railings above forms part of the common and shared boundary with No. 62.

The application seeks full planning permission to erect a two storey side extension, single storey rear extension, front porch and alterations to roof with side and rear dormer window to provide additional living accommodation within the roofspace. The proposal would provide a garage/store, and a fourth bedroom.

Amended drawings were received on the 19 December 2012.

RELEVANT PLANNING HISTORY

10/01323/FUL – Two storey side extension and single storey front and rear extensions – Withdrawn.

SUMMARY OF REPRESENTATIONS

Eight objection letters from the residents of 5 properties have been received in response to neighbour notification. Letters have also been received from Ecclesfield Parish Council and Grenoside Conservation Society. Their comments have been summarised below:

- The development would in effect create a three storey dwellinghouse and would not be in keeping with the character of the existing houses along Cinder Hill Lane;
- No objection to the single storey rear extension;
- The development is too large and out of proportion to similar houses in the street; the development would be unsympathetic to the character and appearance of the street.
- Concerns with the delay of determining the application;
- Query the arguments forwarded by the applicant regarding precedents of similar extensions. The two similar extensions are on different roads and involve housing of a totally different character;
- Concerns about the time the development will take to complete and likely noise disturbance
- The applicant has turned his front garden into a car park;

- The extension would be too high and close to the side of 62 Cinder Hill Lane, appearing oppressive, overbearing and overshadow the side kitchen window of the property.
- Loss of a view;
- Concerns about excavations given the gradients of the site and being built on a slope. The high boundary wall, which separates the application property and No. 62 supports the driveway. The development would also impact on drains given that the extension would be built over the drains that serve this property;
- The garage would not be wide enough to park a vehicle

Ecclesfield Parish Council raises objection for the following reasons:-

- The development would dramatically alter the appearance of the streetscene, changing its character;
- The proposed extension is overbearing, out of proportion and unsympathetic to existing properties;
- Withdrawal of the first application has caused confusion to residents – the second application differs minutely from the first plan;
- Lack of access to a shared boundary wall;
- Lack of light to neighbouring property;
- Out of character with neighbouring properties; and
- The proposed extension would cover a drain inspection hatch

Grenoside Conservation Society raises objection for the following reasons:-

- The erection of the two storey side extension will dramatically alter the appearance of the street scene, changing its character. The amendment to the roof design is a slight improvement but this will still be imposing and adversely affect the skyline.
- The extension is out of proportion and unsympathetic to the existing properties and will be visible over a large area.

Councillor Adam Hurst has written in on behalf of the occupants of 62 Cinder Hill Lane. He comments that the occupants of this property are concerned with the potential lack of access to the drain they share with the applicant, the lack of access to the shared boundary wall that will cause problems for future maintenance of the drive, lack of light, changes to the character of the area and covenant issues of the gardens.

PLANNING ASSESSMENT

It is considered that the main issues relevant to this application include the following:-

- i) Highway Issues
- ii) Design Issues and affect on the character and appearance of the street
- iii) Affect on the residential amenity of neighbouring properties
- iv) Other Issues

i) Highway Issues

It is not considered that the development gives rise to any significant highway implications that would justify a refusal. The applicant has submitted revised drawings that show provision within the site's curtilage to allow for two vehicles to be parked off-street. Although the garage is sub-standard and unlikely to be used for the parking of vehicles in connection with the house, the on-site car parking provision should meet the expected parking requirements of a 4-bedroom dwellinghouse. It is important that the hardstanding remains solely for the parking of vehicles in connection with the house. A condition would secure this.

ii) Design Issues

Policy BE5 (c) states that good design and use of good quality materials and craft skills will be expected in all new and refurbished buildings and extensions. It goes on to state that all extensions should respect the scale, form, detail and materials of the original building.

Policy H14 relates to conditions on development in Housing Areas. Of these conditions, at part (a) it states that new development will be permitted provided that the extensions are well designed and would be in scale and character with neighbouring buildings.

The proposal is in effect in three parts, a two storey side extension with side and rear dormer window, single storey rear extension and single storey front extension (front porch). Each will be taken in turn.

Two storey side extension with side and rear dormer window.

The submitted drawings show that the two storey side extension would extend along the full length of the property's side elevation and extend up to the boundary with its unattached neighbour (No. 62). It would be designed with a hipped roof and incorporate a side and rear dormer window. This side dormer window is being sought to allow the applicant to install a staircase to allow access into the upper floor (attic). The dormer would be set in from the front roof slope of the property, and to the rear would wrap around the roof slope of the existing house. The dormer would be designed with a hip (front section) and be faced in hanging tiles to all elevations to match existing.

The application has been amended on the advice of officers following concerns with the design of the two storey extension and the use of a half hip. Given the character of the street is one of hipped roofs, it was important in officers' opinion to ensure that the configuration and profile of the extension's roof incorporated a full hip. Although the extension would include a dormer window within its side roof slope, this dormer window would sit below the ridge and recessed from the front edge of the roof slope.

It is noted that no other properties along this side of the street have been extended to the side at two storey level and thus any alterations or extensions to the side of

the property would undoubtedly alter the uniformity of the street. However, it is not considered that the extension would appear incongruous to the detriment of the character and appearance of the house or streetscene. The extension has been designed with a hip roof to reflect the other properties along the street while the side dormer window has been purposefully set back from the front edge of the roof plane in order to create a more subservient addition to the roof. Moreover, as the neighbouring property is some 1.5m higher, it is not considered that the side extension would appear discordant when viewed in context with this neighbouring house with a clear gap being maintained between the two properties. The use of hanging tiles to all its faces of the dormer window to match the materials of the existing house would further help to assimilate the side dormer into the house.

Single storey rear extension

The plans show a single storey rear flat roofed extension would be built across the full width of the house's rear elevation (8.1m) and project out into the rear garden area by 3m. It would be designed with a parapet wall to provide some definition and include a large concertina doors within its rear elevation. It would be faced in red brick (lower section) and be rendered above. It is considered that the design of the extension is acceptable, raises no objection in terms of its materials and although constructed with a flat roof, this can be justified given that it would not be visible from the highway and incorporate detailing and interest within its elevation treatment to avoid it appearing discordant.

Single storey front extension - porch

The proposed single storey extension would project forward of the existing house by 1.5m and extend across the property's existing front door and proposed two storey side extension to provide a porch and covered canopy in front of garage. It would be designed with a lean-to that would extend up to below the cills of the property's first floor windows.

The extension is considered to be of acceptable design quality and would not harm the character and appearance of the dwellinghouse. It would be reflective of a number of front extensions approved on similar house types and given its distance from the back edge of the highway would not harm the street's established building line.

iii) Residential Amenity

Policy H14 relates to conditions on development in Housing Areas. Of these conditions, at part (a) it states that new development will be permitted provided that the extensions are well designed and would be in scale and character with neighbouring buildings.

Supplementary Planning Guidance on Designing House Extensions gives further guidance regarding the design and materials of house extensions and recommended separation distances that should be maintained between buildings to avoid unreasonable overshadowing and overdominance of neighbouring dwellings. To avoid unreasonable overshadowing and overdominance of

neighbouring dwellings, at Guideline 5, it details that single storey extensions that are built adjacent to another dwelling may not extend more than 3m beyond that other dwelling and at Guideline 6 that a two storey extension should not be placed nearer than 12 metres in front of ground floor main windows of a neighbouring property.

It is considered that the properties most affected by the development are its two immediate neighbours, namely Nos. 62 and 66 Cinder Hill Lane.

In terms of No. 62 Cinder Hill Lane, this property has a ground floor side kitchen window within its elevation facing the application property. Although a secondary means of light is obtained from the rear of the property, this window forms the primary source of lighting the kitchen. As the proposed extension would come within 2.5m of this window, the development would undeniably impact on the outlook and light currently afforded from this kitchen window. The degree of protection that this window however should be afforded is dependent upon whether it would be viewed to be a main window of the house. Within the Glossary of Terms - Appendix 2 in SPG – Designing House Extensions, main windows are defined as being the primary source of light into the main living rooms of a dwelling. These rooms include larger bedrooms, dining and living rooms and other places people could be expected to spend lengthy amounts of time in.

With regard to this kitchen, internal inspection of the room found that it is a non habitable room of the property and is more akin to a galley kitchen where the occupants of the house would not be expected to spend lengthy amounts of time in. On the basis of the definition as set out in the SPG, it is considered that the level of protection this window should be afforded should not be the same if it were a habitable and a main window of the house. As such, while it is acknowledged that the extension would diminish the outlook from this window and result in some loss of light, it is considered unreasonable to refuse the application on these grounds in order to protect a non habitable room of the house.

In terms of No. 66 Cinder Hill Lane, the main affect on this property's amenity would be the single storey rear extension. The proposed extension would be constructed along the common boundary with this neighbouring property and project out by 3m. The proposed single storey extension would therefore accord with the guidance set out in SPG –Designing House Extensions regarding single storey extensions that are built adjacent to another dwellinghouse. Any affect of the extension on this neighbouring property's residential amenity in terms of loss of outlook or overshadowing would therefore be minimal.

No other properties are likely to be affected by the proposed extensions given the location and distance of these properties to the site.

iv) Other Issues

The issues raised with regard the access to the communal drain, excavation works and future maintenance of the driveway and shared common boundary are not planning related and can not be given any weight in the assessment of this application.

SUMMARY AND RECOMMENDATION

Full planning permission is being sought to extend a semi-detached house in Grenoside. The proposal includes the erection of a two storey side extension, single storey rear extension, side and rear dormer windows and front porch.

It is considered that the proposed extensions are acceptable from design perspective and would not significantly harm the character or appearance of the house or streetscene. While it is accepted that the two storey side extension would alter the current uniformity of the row of semi-detached houses along the street, it is not considered that it would appear incongruous or appear discordant when viewed in context with its neighbouring properties.

It is also considered that the residential amenity of neighbouring properties would not be unduly harmed by the development that would warrant a refusal on amenity grounds. While it is accepted that the two storey extension would be sited close to the ground floor kitchen window of No. 62 Cinder Hill Lane, this window is not a main window of the house. The level of protection that this side window should therefore be afforded is less than if it formed the primary source of light into the main living area of the property.

The development is also considered to be acceptable from a highway perspective with the property being provided with two off-street parking spaces within the front curtilage the site.

Policies BE5 and H14 of the UDP and guidance given in the Council's Supplementary Planning Guidance on house extensions are therefore considered met.

For these reasons, it is recommended that planning permission be **GRANTED** subject to the conditions outlined.

Case Number 12/01238/FUL (Formerly PP-01943434)
Application Type Full Planning Application
Proposal Erection of 6 dwellinghouses in one block
Location 393 Club Games Court
Hammerton Road
Sheffield

Date Received 01/05/2012
Team NORTH & WEST
Applicant/Agent DK Designs C/o Mr D Keeton
Recommendation Grant Conditionally Legal Agreement

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

In order to comply with the requirements of the Town and Country Planning Act.

- 2 The development must be carried out in complete accordance with the following approved documents:

2012-11-01-A
2012-11-02-C
2012-11-05-B
2012-11-04-B
2012-11-03-B

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Development shall not commence until details of a scheme of sound attenuation works have been submitted to and approved by the local planning authority. The residential accommodation hereby permitted shall not be occupied unless the approved scheme of sound attenuation works has been installed in full. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels;
Bedrooms: LAeq (15 min) 30 dB; LAm_{ax} 45dB - (23:00 to 07:00),
Living Rooms: LAeq (15 min) 40 dB - (07:00 to 23:00),
- c) If the above levels cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Once installed, the approved scheme of sound attenuation works shall thereafter be retained and maintained in accordance with the approved details.

Advice:

The applicant's representatives should be advised that the assessment should address the potential for night time noise from the police station's activities.

In the interests of the amenities of the future occupiers of the building.

- 4 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).

In order to ensure that any contamination of the land is properly dealt with.

- 5 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).

In order to ensure that any contamination of the land is properly dealt with.

- 6 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.

In order to ensure that any contamination of the land is properly dealt with.

- 7 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.

In order to ensure that any contamination of the land is properly dealt with.

- 8 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 or any part thereof shall not be brought in to 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 Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 9 No doors/windows/gates shall, when open, project over the adjoining footway.

In the interests of pedestrian safety.

- 10 Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the city at any time.

In order to define the permission.

- 11 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.

In the interests of the safety of road users.

- 12 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

In order to ensure an appropriate quality of development.

- 13 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how the following will be provided:
- a) a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy; and
 - b) The generation of further renewable or low carbon energy or incorporation of design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. This would include the decentralised and renewable or low carbon energy to satisfy (a)

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 14 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 15 Before construction works commence full details of the proposed dwellinghouses materials shall have been submitted to and approved in writing by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 16 Large scale details, including materials and finishes, at a minimum of 1:50 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows
Window reveals
Doors
Eaves and verges
External wall construction
Brickwork detailing
Entrance canopies
Roof
Ridge & valleys
Rainwater goods

Thereafter, the works shall be carried out in accordance with the approved details.

In order to ensure an appropriate quality of development.

- 17 The windows in the south elevation of No. 393 The Club Langsett Road which face the rear elevation of the proposed dwellings facing shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear glass without the prior approval of the Local Planning Authority.

In the interests of the amenities of the future occupiers of the building.

- 18 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.

In the interests of the visual amenities of the locality.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, 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.

In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

- 20 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.

In the interests of the visual amenities of the locality.

- 21 Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the dwellinghouses shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

To ensure ease of access and facilities for disabled persons at all times.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below:

H7 - Mobility Housing
H10 - Development in Housing Areas
H14 - Conditions on Development in Housing Areas
H15 - Design of New Housing Developments
H16 - Open Space in New Housing Developments
BE5 - Building Design and Siting

Overall it is considered that the development complies with the relevant policies and proposals in the development plan, and would not give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at www.sheffield.gov.uk/planningonline or by calling the planning officer, contact details are at the top of this notice.

Attention is drawn to the following directives:

1. 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

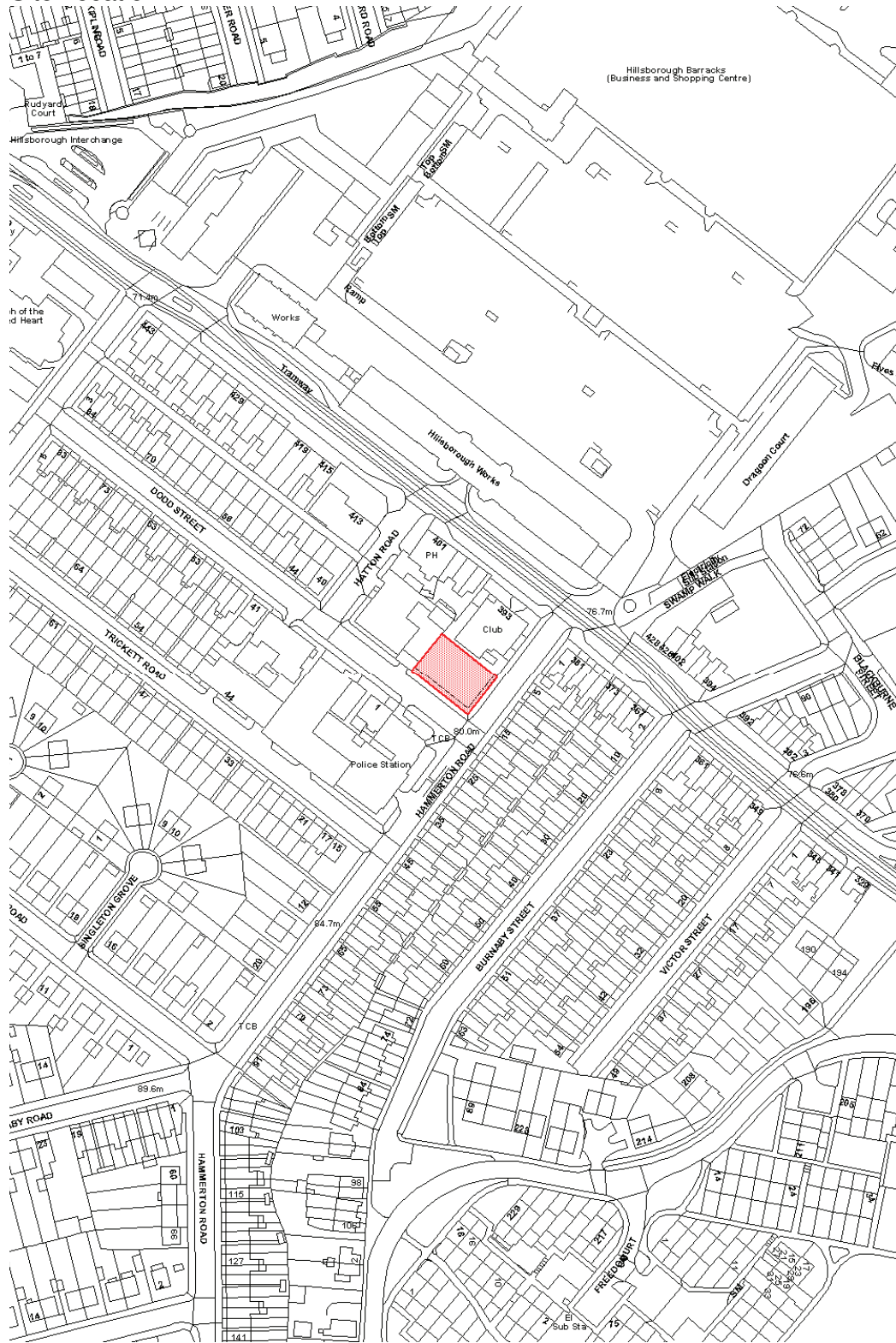
For the attention of Mr S Turner
Tel: (0114) 27 34383

2. 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.
3. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

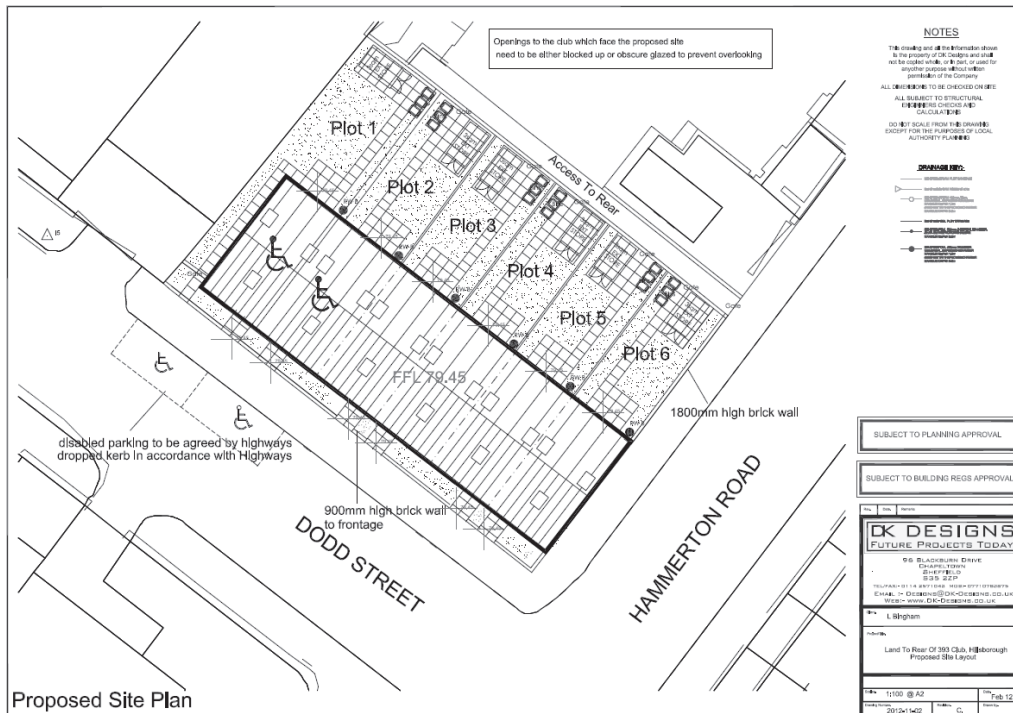
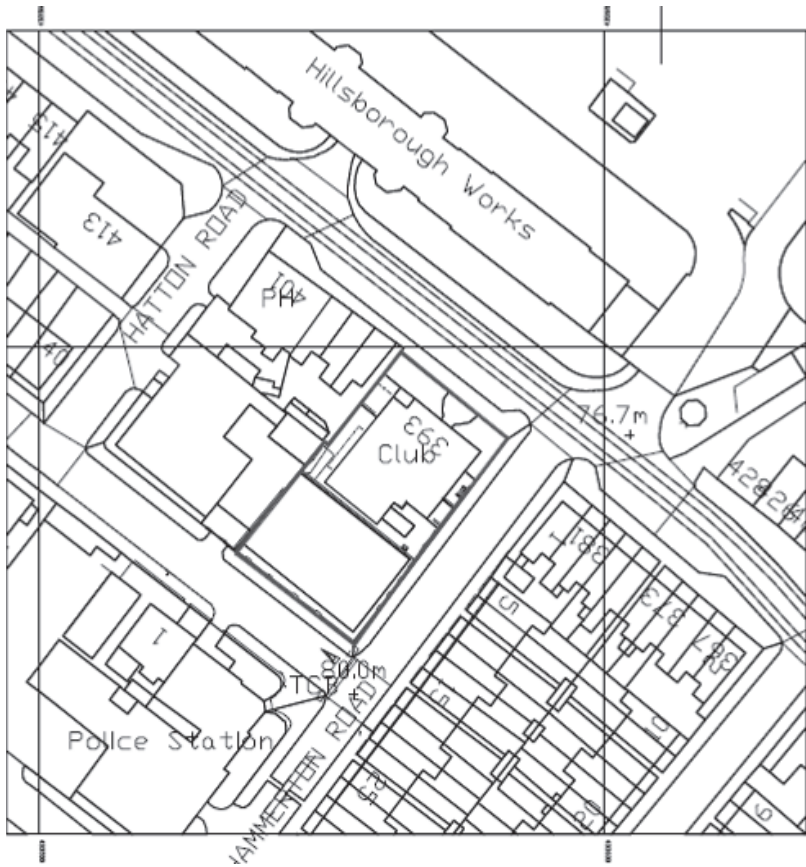
For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

4. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

Site Location



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LOCATION AND PROPOSAL

The site is located within the Hillsborough district of Sheffield. The site sits on the corner junction of Hammerton Road and Dodd Street and forms part of the social and youth club No.393 Langsett Road, it is a fairly level site. This building is constructed in two parts; a two-storey pitched roofed part which faces and sits close to Hammerton Road and a two-storey flat roofed part, which sits close to the rear and the courtyard area, which is the site in question. The courtyard area was formally used as an outdoor basketball area in connection to the club, but has been disused for some time. It is enclosed by a high brick wall, with vehicular access off Hammerton Road. The existing flat roofed two-storey part of No.393 sits closer to the proposed development, the roofed part of the building sits slightly behind.

To the south side and opposite the site on Dodd Street, there is a Police Station, which is a part single storey and part two-storey building; this building is located approx. 18.5m. On the east side of the site, on Hammerton Road are a row of residential terraces, these are located approx. 15m from the site boundary. To the west side of the site is a former Old Post Office (Sorting Office) and is now used as an embroidery firm. This neighbouring property sits along the western boundary, incorporating a carport area at ground level abutting the site, with flat roofed offices over and above; this part of the building is an extension to the Post Office which is a traditional red brick building. The extension part of the building has windows in the front elevation facing Dodd Street but no openings to the side elevation facing the site in question.

The current application proposes the construction of 6 three-bedroom residential dwellings. Plans show the houses extend to a height of 11.9meters to ridge level and as such will be 2-storeys high with rooms in the roof space. Each dwelling will include a kitchen and living room and wc at ground floor, 2 bedrooms and bathroom at first floor and a third bedroom and en-suite within the roof space (second floor) plans indicate rooflights to the second floor. A small front garden area which consists of on average approx. 2msq and a larger rear garden area which consists on average approx. 37msq is shown per dwelling. Bin storage and external store area is also shown to the rear of the properties within the garden area. No parking has been indicated for the dwellings, although 2 disabled parking on the main highway is shown. It is proposed that the dwellings will be constructed in brickwork, with concrete interlocking tiles, black UPVC rainwater goods; the proposed materials for the openings have not been specified.

SUMMARY OF REPRESENTATIONS

6 representations have been made from neighbouring properties, objections are summarised below;-

- current problems with on street parking will exacerbate
- no additional off-street parking has been shown for the 393 Club
- recommend that highways make Hammerton Road a one way street cost borne by the applicant of the current application

- no consultation to sport England regarding the loss of the sporting facility, whilst the games court is relatively small, there are very few sporting facilities in the immediate area, its loss should be considered as a material issue
- the site would be better utilise as a car park
- money generated from 106 should go towards the upgrade of 393 club
- loss of light to offices at Eurobroid adjacent to the site
- overbearing on outlook onto a solid brick wall form the office next door
- concern with future occupiers possible suffering form noise disturbance form deliveries etc form the firm next door
- sufficient housing stock available within immediate vicinity
- concern with light and shadow created by the dwellings on the local environment
- unattractive view from the rear of the proposed dwellings onto the 393 club
- noise form the eurobroid firm and the pub may leave the dwellings vacant
- loss of mature trees 2 years ago which were chopped down to facilitate the current application.
- devaluation of existing properties
- loss of view

Consultation

Yorkshire Water- no objections

PLANNING ASSESSMENT

This application proposes the redevelopment of part the 393 Club Games Courtyard area to provide 6 x 3 bedroom dwellinghouses in form of terrace. The principle issues to consider in the determination of this application include the following:

1. Principle of development: Policy and Land Use;
2. Design considerations;
3. Impact on amenity of adjoining residents;
4. Noise and contamination considerations;
5. Highways impact.

The Council is also required to consider representations received as a result of public consultation.

Principle of development: Policy and Land Use

Within the Sheffield Adopted Unitary Development Plan the application site is designated within a Housing Area. Policy H10 of the UDP determines that within such areas, housing (Use Class C3) is the preferred use subject to compliance (as relevant to this application) with Policies H14 - H16 (Conditions on development in Housing Areas) of the UDP, which are considered in the report below. As such, the principle of housing development on this site fully accords with current planning policy within the Unitary Development Plan subject to the detailed assessment set out in this report.

It is also considered that the proposal would help contribute to Core Strategy objective S4.3 of providing community, education, training, leisure and other services and facilities at the neighbourhood level, and this would outweigh any potential harm caused by the removal of a facility that was once used for outdoor recreation.

Design Considerations

Policy BE5 of the Adopted Unitary Development Plan advises that good design and the use of good quality materials will be expected in all new buildings. It also states that new developments should complement the scale, form and architectural style of surrounding buildings and should be of a human scale wherever possible. In addition, Policy H14 (a) determines that new developments will be permitted in Housing Areas provided that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

With specific regard to the design of new housing development as relevant to this site, Policy H15 then advises that new housing developments will be expected to provide easy access to homes and circulation around the site; provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents; and provide uniform walls or fences around rear gardens next to roads, footpaths or other open areas.

It is acknowledged that the scale, form and architectural style of surrounding buildings comprises a range of housing types including terraces and semi-detached dwellings to a maximum of two-storeys in height, with some dwellings incorporating rooms in the roof space. As such, the principle of 2 storey buildings with additional accommodation within the roof space accords with the character and scale of neighbouring buildings. Furthermore, the agent has sought to integrate the dwellings into the surrounding area by using brickwork to the elevations with roof tiles, which relates appropriately to the character of existing dwellings on Hammerton Road.

With regard to the provision of adequate private gardens and ensuring that basic standards of daylight, privacy, security and outlook are met for all residents, it is noted that garden depths across application site vary from a minimum of 8.9 metres to a maximum of 9.1 metres. The Council has no specific guidelines in relation to the construction of new dwellings. However, the privacy standards set out in Supplementary Planning Guidance: Designing House Extensions are considered relevant. To prevent over-development of a house plot, Guideline 4 of the SPG determines that in most circumstances the Council considers a garden size of 50 square metres to be the minimum for a two or more bedroomed house. A minimum distance to the back boundary from the rear elevation of 10 metres is also normally required for reasons of neighbour's privacy as well as amenity. In this application, the smallest garden equates to approx.36.4 square metres and a depth of 8.9 metres; this is marginally below the recommendations of Guideline 4 but is not considered sufficiently below to warrant recommending refusal of the application, especially given that the area consists of similar size garden areas and is typical of terraces to accommodate smaller rear private garden areas in such a location. It is also noted that the application proposes the introduction of uniform

fences around rear gardens comprising 1.8 metre high timber panel fences, with gated access.

The application is therefore considered to accord with Policy BE5, H14 (a) and H15 of the Unitary Development Plan.

Impact on amenity of adjoining residents

Policy H14 (b) of the Unitary Development Plan advises that that new developments will be permitted in Housing Areas 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. It is also relevant to note Guideline 6 of the Designing Housing Extensions SPD, which determines that to protect and maintain minimum levels of privacy, a minimum distance of 21 metres should be maintained between main facing windows.

The application includes a typical cross-section through the site, which indicates the relationship between the proposed dwellings and the neighbouring properties. The residential properties located to the east side on Hammerton Road are approx. 14m from the nearest proposed dwelling which meets the standard criteria of a 12m distance between a front elevation and a side elevation of two-storey buildings SPG 5. The Police Station opposite the site in question on Dodd Street is approx. 18m from the proposed front elevation of the dwellings, although this is below the standard guideline of 21m SPG6, it is considered that in this instance as the building opposite is not residential and is mainly single storey offices that difference of the 3m shortage is not significant enough to warrant a refusal on this basis alone. To the rear is the 393 Club, which is located approx. 10m from the proposed rear elevation of the dwellings. There are windows to the side elevation of this building which faces the site in question; as such the agent has submitted drawings showing obscure glazing to the windows to prevent any potential overlooking from the proposed windows of the dwellings. To the west side is the embroidery firm as mentioned above, there is no openings to the building facing the site in question. The proposed dwellings sit slightly in front of the existing extension to the embroidery firm, by approx. 3.3m. As the extension sits over a carport area, the windows serve offices and not habitable rooms, although there will be some degree of loss of light to the window it is considered that as these are at first floor levels there will be no significant amount of loss of light to warrant a refusal on this basis.

On this basis, it is concluded that the proposed dwellings will not deprive existing residents of light, privacy or be overbearing and is considered acceptable.

It is therefore concluded that the proposed development is in accordance with Policy H14 (b) of the Unitary Development Plan.

Landscape

The application site presently comprises a hard-surfaced court yard area as such the site is not identified to be of any value with regard to flora and fauna. It is

proposed as a condition of this application that a detailed landscape plan be submitted in relation to the front of the site and the garden areas to the rear. It is anticipated that the introduction of domestic gardens will provide greater opportunity for wildlife than the present use.

Noise and contamination

Policy H14 of the UDP advises that new developments will be permitted in Housing Areas provided:

(e) It would not suffer from unacceptable air pollution, noise or other nuisance or risk to health or safety.

There is concern with the proposed development being affected by the noise from the police station opposite and also by the coming and goings from the embroidery business next door. As such it is considered that a condition is imposed to ensure that disamenity due to external noise sources is mitigated, and a good internal noise environment is provided for future occupiers of the proposed dwellings. The proposed residential use with private gardens is vulnerable to the presence of land contamination. There is also the potential for made ground to affect land quality on site and as such conditions will be imposed to provide further information regarding this prior to development commencing.

Highways and accessibility

Policy H14 (d) requires that new development provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

This application proposes no off street parking. Highways Development Control has raised no objection to the proposed development and have suggested that it would be difficult to substantiate a recommendation to refuse planning permission for a development proposal of this type, in this location, even without any dedicated parking.

Opposite the site is the Police Station with its own off-street parking accommodation, and also Barkers Furniture Store. On the same side of the road as the development site, just to the north, is Crown Labels, which again also has its own off-street car parking accommodation. The existing terraced housing (and greater demand to park on-street) does not come into effect until after Hatton Road is reached. With multiple transport options and shops/amenities in close proximity, both national & local planning policy can be used to support a car free approach in this instance.

The site is also within the periphery of the Hillsborough Permit Parking Scheme. The purpose of the scheme is to ensure that each existing household can apply for up to two parking permits (and visitor next-day scratch off tickets) ensuring on-street parking availability within the vicinity of their property. Before the scheme was implemented, the competing demands were shoppers parking and match day parking.

For new residential development situated in extremely sustainable locations such as the site in question (not needing to be car dependent) that are also located within existing permit parking schemes, the Council has a policy of not issuing parking permits to the new inhabitants, which is covered by applying a planning condition.

The only other issue with regards to highway concern is the reconstructing of the footway abutting the development site. This is justified owing to the damage that will be caused during demolition of the brick boundary wall, and excavations for connections to statutory undertakers services.

The main access to the proposed dwellings will be off Dodd Street, with a rear access also shown to the rear of the dwellings, accessed off Hammerton Road. As such, the proposed access is considered acceptable in principle.

Policy H7 of the Unitary Development Plan encourages all new housing to provide at least 25% of the accommodation to mobility housing standards. Two of the 6 dwellings have been specifically designed with mobility provisions. The information provided is sufficient and accords with Policy H7 of the UDP.

Open Space

Policy H16 of the Unitary Development Plan requires that the developer make a financial contribution towards the provision or enhancement of public open space within the vicinity of the application site. The requirement is based on any development of more than 5 dwellings. The applicant has been requested to enter into a unilateral planning obligation to pay the Council the sum of £9,857.10 upon the commencement of development.

SUMMARY AND RECOMMENDATION

The application proposes the construction of 6 three-bedroom terrace properties at Hillsborough on Hammerton Road and Dodd Street. The site lies within an area designated for housing within the Adopted Unitary Development Plan and thus the principle of development is in accordance with current local planning policy.

The distance between existing dwellings and other buildings and those proposed is significantly in excess of guidelines established within the Designing House Extensions SPG such that there is not considered to be a significant impact on the amenity and privacy of existing residents or neighbouring business to warrant a refusal of this application.

It is also the case that the 6 houses proposed within this application are predominantly consistent in height, siting and design to neighbouring dwellings.

The application is therefore recommended for conditional approval subject to a Planning Obligation under Section 106 with the following Heads of Terms:

- (i) The Owner shall pay to the Council on or before the first occupation of the development the sum of £9,857.10 to be used for the provision of open space in the locality of the site.

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SHEFFIELD CITY COUNCIL West & North Planning & Highways Committee

Report of: Director of Development Services

Date: 2 JANUARY 2013

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Sue McGrail 0114 2734404

Summary:

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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DEVELOPMENT SERVICES

REPORT TO WEST AND NORTH
PLANNING AND HIGHWAYS
COMMITTEE
2 JANUARY 2013

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEAL RECEIVED

An appeals has been submitted to the Secretary of State against the decision of the City Council to refuse planning permission, under delegated powers, the demolition of an existing garage, alterations to a roof, a two-storey side extension, a two/single-storey rear extension and two front dormer windows at the site at 84 Earl Marshall Road (Case No 12/02049/FUL).

3.0 RECOMMENDATIONS

That the report be noted

David Caulfield
Head of Planning

2 January 2013

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