

# **West and North Planning and Highways Committee**

---

**Tuesday 5 March 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](http://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](mailto: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  
5 MARCH 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 12 February 2013.
- 6. Sheffield Conservation Advisory Group**  
Minutes of the meeting of the Committee held on 22 January, 2013.
- 7. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee.
- 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.

This page is intentionally left blank

---

## 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](mailto:lynne.bird@sheffield.gov.uk)

This page is intentionally left blank



# Agenda Item 5

## SHEFFIELD CITY COUNCIL

### West and North Planning and Highways Committee

#### Meeting held 12 February 2013

**PRESENT:** Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Denise Reaney, Garry Weatherall, Joyce Wright and Ibrar Hussain (Substitute Member)

.....

#### **1. APOLOGIES FOR ABSENCE FROM MEMBERS OF THE COMMITTEE**

1.1 An apology for absence was received from Councillor Roy Munn and Councillor Ibrar Hussain attended the meeting as the duly appointed substitute.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

3.1 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.

3.2 Councillor Janet Bragg declared an interest in an application for reserved matters for the erection of 69 dwellinghouses (application to approve appearance, landscaping, layout and scale) in relation to planning permission ref. 11/00915/OUT at the Site of Loxley College, Myers Grove Centre, Wood Lane, Stannington (Case No. 12/03015/REM) as she had participated in a campaign against the closure of the college. Councillor Bragg left the room prior to consideration of the item and took no part in the discussion or vote on the item.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 22 January 2013 were approved as a correct record.

#### **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 11 December 2012.

#### **6. SITE VISIT**

6.1 **RESOLVED:** That a site visit be arranged for the morning of Tuesday 5 March

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. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 12/03054/FUL and other applications considered be amended as in the minutes of this meeting, and 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;

(b) following consideration of additional representations and additional information in relation to an ecological survey, as contained within a supplementary report circulated at the meeting, and, notwithstanding the officers recommendation, an application for planning permission for the use of first and second floors as two houses in multiple occupation (HIMOs) including alterations to door and window openings (re-submission of 12/01676/FUL) at Stocksbridge Furnishing, 610-614 Manchester Road (Case No. 12/03876/FUL) be refused as the Committee considered that the development would be an over intensive use of the building and would result in insufficient amenity space for local residents;

(c) following consideration of an additional representation, clarification from the applicant on drainage issues and, subject to the inclusion of additional conditions (i) 'Prior to the dwellings becoming occupied, the car parking accommodation shall have been provided as indicated on the approved plans. The parking/drives shall be surfaced and drained to the satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended', (ii) 'Notwithstanding the submitted plans, 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 construction of a 1.8 metre wide footway along the Carsick Hall Road frontage of the site before the development is brought into use (including any accommodation works to street furniture and a new front boundary wall, to be no greater than 1m high). The detailed materials specification shall have first been approved in writing by the Local Planning Authority', as outlined in a supplementary report circulated at the meeting, and subject to the inclusion of additional conditions (i) requiring wheel washing on site within condition 15, (ii) residual waste arising from the clearing of the reservoirs be removed from site to avoid contamination and (iii) the developer be requested to enter into arrangements to promote a Traffic Regulation Order for parking restrictions on Carsick Hill Road, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the part demolition of existing redundant underground reservoir and erection of 5. no dwellinghouses (re-submission of planning application 12/02126/FUL) at Carsick Service Reservoir, Carsick Hill Road (Case No. 12/03671/FUL) be granted, conditionally, subject to legal agreement; and

(d) following consideration of additional representations and additional information, as outlined in a supplementary report circulated at the meeting, an application for planning permission for reserved matters for the erection of 69 dwellinghouses (application to approve appearance, landscaping, layout and scale) in relation to planning permission ref. 11/00915/OUT at the site of Loxley College Myers Grove Centre, Wood Lane, Stannington (Case No. 12/03015/REM) be granted, conditionally.

## **8. DIAL HOUSE, BEN LANE: UPDATE**

- 8.1 The Director of Development Services submitted a report providing information to Members on the status of the discharge of conditions imposed following the granting of planning permission and Listed Building Consent on appeal for the development of Dial House on Ben Lane and to confirm whether the development gives rise to any outstanding planning enforcement issues.
- 8.2 The request for the update report followed Member concerns that the development had not been implemented in accordance with the requirements of the planning conditions as well as a primary concern in relation to the state of the bowling green to the rear of the site.
- 8.3 The report stated that there was no record of a formal discharge of condition application having been submitted in relation to the conditions imposed by the Inspector on either the planning permission or listed building consent. The applicant maintains that full details were submitted at a meeting previously held with officers and it would appear that some details were provided but there was no written evidence of the submission nor was there any record of a fee having been paid for the discharge of the planning conditions. Accordingly, there was no formal record of the discharge of planning conditions having been undertaken prior to works commencing.
- 8.4 However, it was evident from meeting notes and the advice of the Council's Conservation Officer and Planning Enforcement Officer who attended the meetings that the applicant did engage with Officers prior to the commencement of works and did verbally agree some of the key details required by the conditions such as the facing materials to the apartments, the roof materials to the apartments and the works to protect the Listed Building, the latter being secured separately as part of a Section 21 notice.
- 8.5 Officers had been in recent contact with the applicant and had advised that a formal discharge of conditions application for the conditions set out in both the planning permission and the listed building consent must be submitted to the Local Planning Authority on or before Friday 15<sup>th</sup> February 2013. Given that the applicant did undertake verbal discussions with the Council during the course of the construction, this period to formalise the discharge of conditions applications was not considered unreasonable. Furthermore, Officers were satisfied with the materials used in the construction of the apartments and with the details of the construction to date and the Conservation Officer was also satisfied with the repairs to Dial House such that the discharge of Conditions application will serve to formalise the works on site and also provide a basis for the completion of the

development in terms of providing large scale details of windows and doors and landscaping etc.

- 8.6 Members had raised a specific concern about the state of the Bowling Green and whether there were any breaches of planning in this regard. The area for the bowling green was still in situ on site. The conditions required details of a pavilion and a programme for installation and details of a planned programme of maintenance as well as the provision of a pedestrian access to the new bowling green. With the exception of the pedestrian access, whilst accepting that the details to the conditions should have been formally submitted prior to works commencing, Conditions 9 and 10 required the applicant to submit a programme for installation and a programme for maintenance and it was unlikely that this programme would have required the works to be completed before development commenced although it was clearly appropriate that such details were provided imminently and a programme agreed with Officers for the delivery of the pavilion, as well as a programme of maintenance for the bowling green and pavilion. However, there were no conditions that required the Bowling Green to be available for use before first occupation of either the apartments or Dial House.

**RESOLVED:** That (a) the report be noted; and  
(b) the Director of Development Services be requested to provide a further verbal update to the next meeting of the Committee on 5 March 2013.

## **9. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY**

- 9.1 The Committee noted for information a report of the Director of Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team.

## **10. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE WEST AND NORTH AREA**

- 10.1 The Committee (a) noted for information a report of the Director of Development Services outlining progress on enforcement actions authorised by the Committee, or under delegated powers, in the West and North area and (b) requested that an update on enforcement activity in relation to 183 Fox Street and 290-308 Pitsmoor Road be provided to Burngreave Ward Councillors.

## **11. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 11.1 The Committee received and noted a report of the Director of Development Services detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

## SHEFFIELD CONSERVATION ADVISORY GROUP

### Meeting held 22nd January, 2013

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Dr. Philip Booth (Chair)	Co-opted Member
	Mr. Patrick Burns	Co-opted Member
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Dr. Roger Harper	Ancient Monuments Society
	Mr. Bob Hawkins	Council for the Protection of Rural England
	Mr. Stanley Jones	Hunter Archaeological Society
	Mr. Bob Marshall	Royal Town Planning Institute
	Mr. Andrew Shepherd	Society for the Protection of Ancient Buildings
	Dr. Malcolm Tait	Institution of Civil Engineers
	Dr. Alan Watson	University of Sheffield

.....

#### 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Prof. Clyde Binfield (20th Century Society), Mrs Christine Ball (Civic Trust/South Yorkshire Industrial History Society), Mr. Tim Hale (Sheffield Chamber of Commerce), and Mr. Philip Moore (Sheffield Society of Architects).

#### 2. **MINUTES,**

The minutes of the meeting held on 11th December, 2012 were approved as a correct record subject to (a) the addition in the attendance, of the words "Dr. Roger Harper/Ancient Monuments Society" and (b), the substitution, in item 2 (C)(3), of the words " at 2 Topside, Grenoside" for the words "at Grenoside" and in item 7(i) of the words "roof lights" for the words "additional lighting" and, arising therefrom, the Group noted that:-

(i) on 17th December, 2012 planning permission had been granted for the development of the Edwardian Wing, former Jessop Hospital for Women, including demolition, subject to reference of the listed building consent application to the Secretary of State for Communities and Local Government. The change.org website had established an email petition to the Secretary of State, requesting him to call in the planning application as well; and

(ii) the next proposed development at Sheffield Station, involved the former Stationmaster's House, which was a listed building. The Group would be given the opportunity to comment on the scheme.

3. **CHAIR'S REPORT**

The Group noted that there was nothing to report under this item of business.

4. **HEAD OF PLANNING'S REPORT**

The Head of Planning reported that (a) the permitted development rights had been changed to permit the conversion of office accommodation to residential accommodation, without planning permission and (b) the new artwork at the TESCO site, Spital Hill, should be erected by 28th February next.

The Group noted the information.

5. **SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL**

The Group noted that the Sheffield Sustainable Development and Design Panel, at its meeting on 31st January, 2013 had considered a pre-planning application proposal, to erect a language school and residential accommodation at Broad Lane.

6. **HERITAGE ASSETS**

The Group considered the following applications for planning permission for development affecting Heritage Assets and made the observations stated:-

- (a) **Application to repair, restore, alter, extend and change the use of a group of buildings to create 7 dwellings with ancillary car parking, storage, communal facilities and amenity space and the erection of two polytunnels, at Barnes Hall Farm, Bracken Hill.  
(Case Number: 12/03475/LBC & 12/03474/FUL)**

The Group felt that the barn was an extremely important building, which required careful treatment. The Group considered that the proposed use was not unacceptable, provided that the details of the external alterations and the internal subdivision were satisfactory. The Group felt that the scheme had not been thought through adequately, particularly with regard to the treatment of the courtyard. The Group considered that the external detailing of the original scheme, which had received planning permission, was more sympathetic, particularly in terms of the roof and the treatment of the openings. The Group urged that the Secretary of State be requested to bring up to date the listing description of the Farm, to reflect the quality and significance of the whole range of buildings.

- (b) **Demolition of 20th Century rear extension, conservatory and detached single garage, internal alterations and refurbishment and erection of a two-storey rear extension, at Old Sharrow Head House, 311 Cemetery Road.  
(Case Number: 12/03667/LBC)**

The Group felt that the demolitions were acceptable in principle, but the

new extension did not pick up clues from the existing building and did not preserve or enhance the listed building, although the principle of extension to the building was acceptable. The Group considered that the stairhall was one of the best parts of the building and it would be best if the present scheme was not carried out, but creating access to the loft space could be acceptable, provided that it was done carefully and was reversible, to the satisfaction of the Head of Planning. The Group felt that the cedar cladding was unacceptable.

(c) **Alterations and extension to building to form 10 flats with associated car parking accommodation and landscaping works, at Westbrook House, Sharrow Vale Road (Case Number: 12/03900/LBC)**

The Group felt that the extension to the 20th Century building would impact on the semi-rural feel of the listed building and its setting in a landscape. The Group felt that the car parking was excessive, when the development was a good opportunity to restore the character of the setting of the listed building.

(d) **Demolition of existing warehouses and erection of 18 x 4/5 bedroomed student houses, with associated parking and landscaping, at land and buildings, adjacent to the Ellis, Willis and Beckett building and the Old Bulls Head, Dun Street (Case No. 12/03611/FUL)**

The Group felt that the design was of poor quality and the scheme did not preserve or enhance the listed buildings or the conservation area, as the approved scheme did. The Group considered that the rationale of the parking scheme was obscure and the detailing of the scheme, as a whole, was poor. The Group felt that the architectural quality of the previous scheme was more sophisticated.

NOTE: An application for development at The Stockroom, 4 Suffolk Road (Case No: 12/03744/FULL) was withdrawn from consideration.

## 7. MISCELLANEOUS ITEMS

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) in the opinion of Mr. Hague, the suspended ceiling at the rear of the Castle Market, was a particularly interesting feature of the building;
- (b) Mr. Greaves had advised the owner, on how to apply for the former Attercliffe Baths and Attercliffe Library, the former Midland Bank, Attercliffe and the former Brewery, Carlisle Street, to be listed; and
- (c) the former Adelphi Cinema, Attercliffe was for sale.

(NOTE: The above minutes are subject to amendment at a future meeting)

This page is intentionally left blank





## SHEFFIELD CITY COUNCIL West and North Planning and Highways Committee

---

**Report of:** Director of Development Services

---

**Date:** 05/03/2013

---

**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.
13/00208/CHU	258 Langsett Road Sheffield S6 2UE	17



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the West and North Planning and Highways Committee  
Date Of Meeting: 05/03/2013

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	13/00208/CHU
Application Type	Planning Application for Change of Use
Proposal	Application to allow opening until 2200 hrs on any day (Application to vary condition 3 (hours of use) of application 11/02106/CHU)
Location	258 Langsett Road Sheffield S6 2UE
Date Received	21/01/2013
Team	West and North
Applicant/Agent	Mr L Homar
Recommendation	Grant Conditionally

Subject to:

- 1 The development must be begun not later than the expiration of three years from the 14th September 2011.

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;

Plans titled 'Existing Floor Plan for Ground Floor' Existing Floor Plan for First Floor' Existing Floor Plan for Second Floor' and 'marked Proposed Floor Plan for Ground Floor' Proposed Floor Plan for First Floor, Proposed Floor Plan for Second Floor' dated 17th June 2011.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 The building shall only be used for the purpose hereby approved as a spa/massage parlour between 1100 hours and 1900 hours on any day except for a period of 12 months from the date of this decision when the building shall only be used for the purpose hereby approved as a spa/massage parlour between 1100 hours and 2200 hours on any day.

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

- 4 Prior to the commencement of the use hereby approved, the first floor windows to the rear of the building shall be obscure glazed to a minimum privacy standard of Level 4 Obscurity and shall not at any time be re-glazed with clear glass whilst the building is in use for the purpose hereby approved without the prior written agreement of the Local Planning Authority.

To protect the amenity of adjoining residential properties.

- 5 The use of the building hereby approved shall be limited to the accommodation as shown on the approved plans with the spa/massage rooms within Rooms 1, 2 and 3 and the bathroom facility within Room 4 with no additional spa/massage use extending to either the ground floor or 2nd floor, which shall remain in ancillary use as a reception area and ancillary residential accommodation respectively at all times.

To ensure that there is no increase in the intensity of the use without proper assessment of the impact on the amenity of adjoining residents.

- 6 The yard to the rear of the application site with access onto Cuthbert Bank Road shall not be used at any time for car parking or as a dropping-off/collection point by members of staff or customers visiting the premises for the purpose hereby approved.

To protect the amenity of adjoining residential occupiers.

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:

IB6 - Development in Fringe Industry and Business Areas

IB9 - Conditions on Development in Industry and Business Areas

The proposed extension of hours for use of the premises for massage/spa purposes (sui-generic) from 11am to 7pm previously approved to 11am to

10pm is considered acceptable in this instance on the grounds that the application premises is relatively small and comprises only three rooms and is therefore unlikely to generate an undue number of people arriving and exiting the premises via Langsett Road. There have also been no complaints about the operation of the premises or any suggestion that the business is causing any undue concerns to the amenity of adjoining residents by virtue of noise or disturbance.

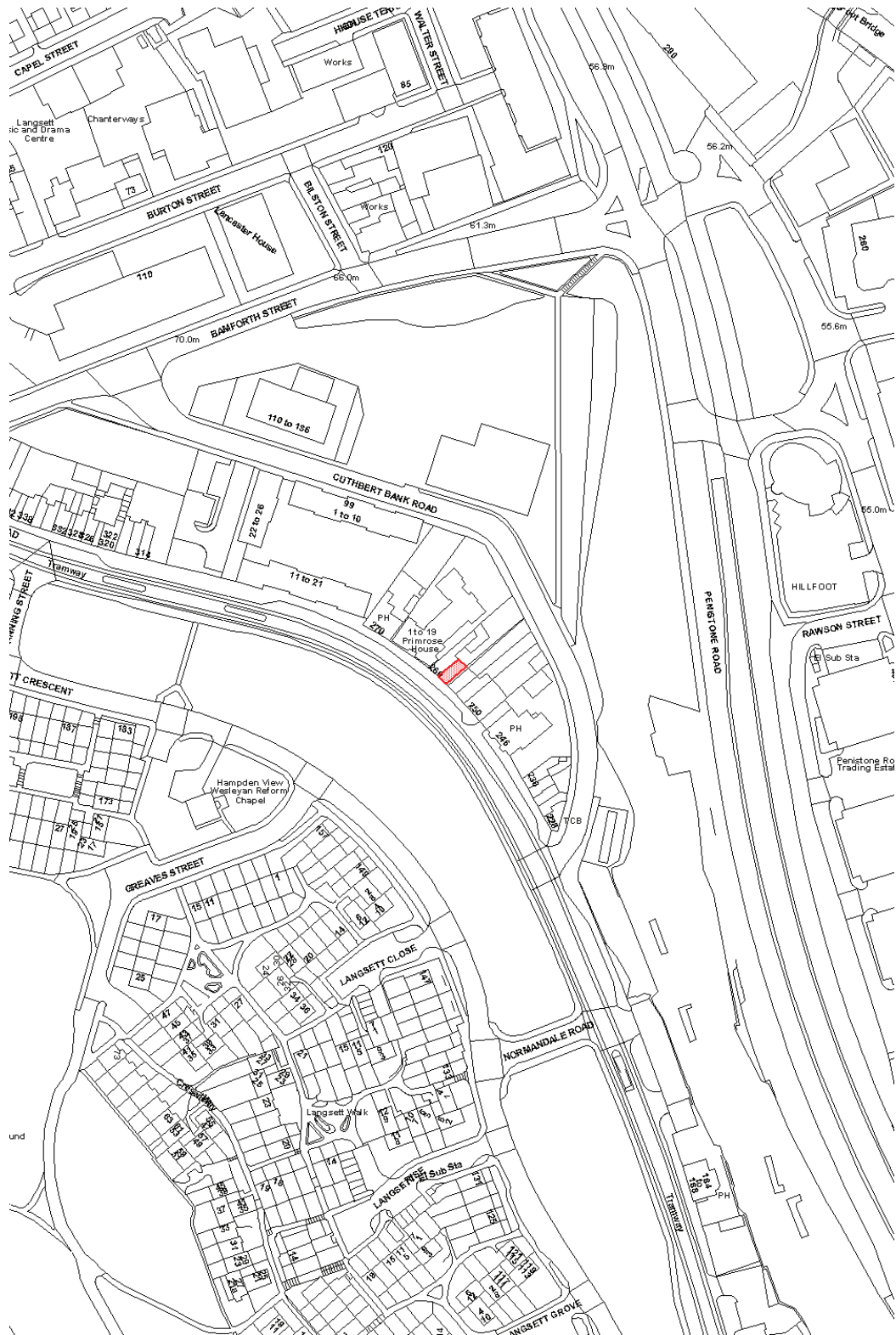
The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

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](http://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. The applicant is advised that condition No(s) 2 and 4-6 were imposed by planning permission No. 11/02106/CHU and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

# Site Location



© Crown copyright and database rights 2011 Ordnance Survey 10018816



## INTRODUCTION

Members may recall that at the West and North Planning Committee on 14th September 2011, planning permission was granted for the change of use of the above premises to a building for massage and spa purposes (sui-generis) in accordance with 11/02106/CHU. This permission was granted subject to a number of conditions including Condition 3 below:

The building shall only be used for the purpose hereby approved as a spa/massage parlour between 1100 hours and 1900 hours on any day.

The premises have now been operational since 1st August 2012 and the applicant is now seeking to vary Condition 3 above to allow the spa/massage parlour to open between 1100 and 2200 on any day. The applicant advises that to give the business a better chance of success, they need evening customers as many male and female customers find it difficult to visit the premises during the daytime. They also note that there are other businesses in the area that open late.

## LOCATION AND PROPOSAL

The application site comprises a two-storey mid-terrace building with a traditional style ground floor shop front window and main entrance with accommodation above. The surrounding area is mixed in character; the application site sits within a terrace of four units of which the remaining three appear to be vacant at ground floor level; the use of the upper floors is unclear but it may provide residential accommodation above the shops. To the north-east, the terrace is adjoined by Primrose House, which is a modern residential block comprising approximately 19 apartments in an 'H' shaped development that projects towards the rear of the site. Adjoining Primrose House is the Masons Arms Public House and then further residential units within Cuthbert Bank, which is a supported housing unit operated by South Yorkshire Housing Association. To the south-east is a commercial property at No.250 Langsett Road, which is used as a garage, a further Public House (The Burgoyne Arms) at 246 Langsett Road, which is presently closed and then a terrace of residential properties at 228-236 Langsett Road. To the rear of the application site is a yard shared with the adjoining terrace units, which extends for approximately 27 metres to the north towards Cuthbert Bank Road to which the application property has a vehicular access and a stone boundary wall with conifer trees. On the opposite site of Cuthbert Bank Road is a rough area of grassland between Cuthbert Bank Road and Penistone Road. On the south-west of the application site lie further residential properties on Langsett Crescent and Greaves Street, albeit at a distance of 65 metres to the boundary of the nearest residential property and separated by a grassed area to the east of Langsett Road.

The site is located within 100 metres of Bamforth Street Supertram stop and within 200 metres of the Langsett Primrose View Supertram stop. There are also a number of bus stops within close proximity of the site and parking available (subject to a 2 hour restriction during the day) on Langsett Road.

Following the granting of planning permission for use of the building for spa and massage purposes on 14th September 2011, the premises became operational on

1st August 2012. They are presently operating in accordance with 11/02106/CHU with the ground floor used as a reception area to greet customers with a kitchen for staff with four rooms on the 1st floor fitted with a spa bath for spa bath/massage in three rooms with the fourth room used as a bathroom. Further accommodation is provided within the roof space, which is retained in residential use and is not accessible to customers.

This application seeks to amend Condition 3 of 11/02106/CHU to allow the applicant to extend the closing times from the present restriction imposed by Condition 3 of 7pm to a new closing time of 10pm on any day. As such, it is proposed that Condition 3 be amended to the following:

The building shall only be used for the purpose hereby approved as a spa/massage parlour between 1100 hours and 2200 hours on any day.

#### RELEVANT PLANNING HISTORY

The most relevant planning history is the previous application as noted above:

11/02106/CHU: Use of building for massage and spa purposes (sui-generis)  
Granted: 14th September 2011

#### SUMMARY OF REPRESENTATIONS

The application has been advertised by means of neighbour notification and a total of 29 letters were sent to adjoining occupiers to advise them of the proposed variation of condition. It is noted that as part of the previous application to change the use of the premises to a spa/massage parlour, the Council received nine objections and one letter of support. In this case, the same residents have been notified and to date, one letter of objection has been received from an occupier of Primrose House raising the following concerns:

'Why does a massage/spa building need to be open until 22:00 unless it's operating a certain type of business, which residents do not want to see in this area? There are young children who live very close that shouldn't be exposed to these kinds of places at young ages'.

#### PLANNING ASSESSMENT

This application proposes to vary Condition 3 of 11/02106/CHU to allow the premises to operate as a building for massage and spa purposes (sui-generis) between the hours of 11am and 10pm on any day rather than operating between 11am and 7pm as presently approved.

The principle of the change of the premises to a building for massage and spa purposes was clearly established by the previous planning permission (11/02106/CHU); given that this application seeks only to vary a condition of that approval, it is not appropriate to reconsider the principle of development, particularly as an amendment to the opening hours to 10pm is not considered to unduly alter the nature of the permission, which will continue to operate as a

massage/spa parlour. It is noted, however, that at Paragraph 12 of the National Planning Policy Framework it is advised that 'proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

Accordingly, the key issues to consider in the determination of this application include the following:

- (i) Impact on the amenity of adjoining residents.
- (ii) Traffic and highway considerations.

The Council is also required to have due regard to the representations received as a result of the public consultation exercise.

#### Impact on the amenity of nearby residential properties

The application site lies within a Fringe Industry and Business Area as defined within the Adopted Unitary Development Plan. Policy IB9(b) of the UDP relates to 'Conditions on Development in Industry and Business Areas' and advises that new development should not cause residents or visitors to suffer from unacceptable living conditions. Within the NPPF, Paragraph 123 notes that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Paragraph 58 also notes that planning decisions should aim to ensure that developments will create safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.

In granting the previous planning permission in 2011, a key issue was the impact of the proposal on the amenity of adjoining residents as it caused concern amongst local residents in terms of the nature of the business and whether it was appropriate in principle in an area that includes residential use and supported housing. The closest housing block lies to the north of the application site at Primrose House, which is separated from the application site by the premises at 260 Langsett Road. Members were previously advised that there is extensive case law in the consideration of massage/spa uses and guidance on planning case law specifically in relation to massage/spa uses suggests that it remains a conventional stance of decision makers that moral objections to developments are given little weight in decision making unless there is some tangible land use or amenity impact deriving from such activities which can be shown. This is reflected in various appeal decisions where Planning Inspectors have set aside any moral objections and focused upon the effect on the living conditions of nearby residents. In the report to Committee in September 2011, it was also acknowledged that the fear of crime can be a material consideration in the determination of planning applications and this was considered by a Planning Inspector in relation to a retrospective application for a massage parlour in Manchester where it was determined that customers using the parlour were likely to be discreet and would

not wish to draw attention to themselves so that the risk of disturbance or crime was low. The objection to the use on moral grounds was therefore deemed not to be relevant to planning, which is an approach reflected in numerous appeal decisions.

When submitting the 2011 application, the applicant originally wished to open between 11am and 11pm every day but agreed to revise the opening hours to between 1100 and 2000 on any day, which was subsequently amended at the West and North Planning Committee to between 1100 and 1900 on any day. In granting the principle of a massage/spa premises, this closing time was considered to sufficiently balance residents' concerns at that time regarding the impact of the proposal from the perspective of noise and disturbance.

In considering an extension to the opening hours, the assessment is primarily to determine whether allowing the property to open until 10pm on any day rather than 7pm as approved as part of 11/02106/FUL would result in increased detriment to the amenity of adjoining residents to an extent that would be unacceptable, primarily by way of noise or disturbance as a result of visitors arriving and departing from the premises and also, whether it would add to the fear of crime in the locality.

In this regard, it is noted that the application site is within a Fringe Industry and Business Area with a public house in close proximity to the site as well as housing. Moreover, it also fronts a busy road with Sheffield Supertram operating along Langsett Road approximately between 6am and midnight during the week and approximately between 8am to 11pm on a Sunday as well as a number of buses serving that route. As a result, Langsett Road is a reasonably busy thoroughfare with public transport operating beyond the proposed opening times, which will ensure activity and a sense of natural surveillance. Given the findings of the previous appeal decision noted above, that customers using a massage premises are likely to be discreet and would not wish to draw attention to themselves so that the risk of disturbance or crime was low, in conjunction with the activity generated by Langsett Road as a public transport route, it is considered that a fear of crime arising from the extension of hours cannot be justified as a reason to refuse the application.

With regard to amenity, it is advised that the main entrance to the premises is via Langsett Road such that visitors will arrive and depart onto the main street. It is also the case that the building is relatively small and comprises only three rooms such that it is unlikely to generate an undue number of people arriving and exiting the premises. In addition, since their opening in August 2012, it can be confirmed that the Planning Service have received no complaints about the operation of the premises or any suggestion that the business is causing any undue concerns to the amenity of adjoining residents by virtue of noise or disturbance. Within an urban environment such as Langsett Road, a closing time of 10pm is not considered unduly late or unreasonable and given that the existing premises have not given rise to any complaints about noise and disturbance, it is considered that there are no grounds to refuse the extension of opening hours until 10pm in this case. However, as the premises have only been fully operational since August 2012, a temporary extension is proposed to allow Officers the opportunity to

monitor the additional hours of opening. In principle, however, the proposed development is in accordance with Policy IB9(b) and is not considered to contravene the guidance within the NPPF.

## Highways

In granting the original permission for the change of use of the building for massage and spa purposes it was acknowledged that the application does not include the provision of any specific car parking. However, it is the case that the application site lies within 100m of Bamforth Street Supertram stop and within 200 metres of the Langsett Primrose View Supertram stop, as well as a number of bus stops such that it must be considered to be a highly sustainable location. In addition, street parking is permitted with restrictions (2 hours between 8am and 8.30pm) along Langsett Road and is presently unrestricted on Cuthbert Bank Road such that there is parking provision within the locality of the site. In extending the hours to 10pm, it is also noted that the parking is unrestricted from 8.30pm. On this basis, and given the highly sustainable location of the development, there is no objection on highway grounds to the extension of hours.

## RESPONSE TO REPRESENTATIONS

The issues raised by the objector primarily relate to the nature of the use and whether such a use is appropriate within the area. However, as noted in the report above, the principle of the use is already established. Concerns about the impact of such a proposal on the amenity of adjoining occupiers are fully addressed in the report above.

## SUMMARY AND RECOMMENDATION

This application proposes to vary Condition 3 of 11/02106/CHU to allow the premises to operate as a building for massage and spa purposes (sui-generis) between the hours of 11am and 10pm on any day rather than operating between 11am and 7pm as presently approved.

The principle of the change of the premises to a building for massage and spa purposes was clearly established by the previous planning permission (11/02106/CHU); given that this application seeks only to vary a condition of that approval, it is not appropriate to reconsider the principle of development, particularly as an amendment to the opening hours to 10pm on a busy thoroughfare within the City is not considered to unduly alter the nature of the permission.

With regard to residential amenity, it is concluded that the application site falls within an area designated for Fringe Industry and Business within the UDP and it also fronts a busy road such that the character of the area is mixed notwithstanding the proximity to residential properties. It is also noted that the application premises is relatively small and comprises only three rooms and it is considered that this is unlikely to generate an undue number of people arriving and exiting the premises via Langsett Road. Furthermore, since their opening in August 2012, it can be confirmed that the Planning Service has received no complaints about the

operation of the premises or any suggestion that the business is causing any undue concerns to the amenity of adjoining residents by virtue of noise or disturbance. The proposal to extend the opening hours until 10pm is still at a time of the evening when Langsett Road is likely to be relatively active in terms of public transport and given that the existing premises have not given rise to any complaints about noise and disturbance, it is considered that there are no grounds to refuse the extension of opening hours until 10pm in this case and it is therefore in accordance with Policy IB9(b) and does not contravene the guidance within the NPPF. However, given that the premises have only been fully operational since August 2012, a temporary extension of hours is proposed to allow Officers the opportunity to monitor the site.

With regard to highways, the proposal to extend the hours is unlikely to give rise to an undue increase in demand for parking and moreover, parking in the vicinity of the site after 8.30pm is unrestricted. It is also highly accessible to public transport such that there is no objection on highway grounds to the extension of hours.

On the basis of the above, it is concluded that the proposed application accords with up-to-date planning policy and in accordance with Paragraph 12 of the NPPF, it should therefore be approved. Accordingly, the application is recommended for approval subject to conditions with the variation of Condition 3 of 11/02106/CHU to the following:

The building shall only be used for the purpose hereby approved as a spa/massage parlour between 1100 hours and 1900 hours on any day except for a period of 12 months from the date of this decision when the building shall only be used for the purpose hereby approved as a spa/massage parlour between 1100 hours and 2200 hours on any day.

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



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

---

**Report of:** Director of Development Services

---

**Date:** 5 March 2013

---

**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

---

**Author of Report:** Claire Woods 0114 2734219

---

**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

---

This page is intentionally left blank



## 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 APPEALS DECISIONS - DISMISSED

An appeal has been dismissed by the Secretary of State against the decision of the City Council to refuse planning permission, at its meeting held on 5 April 2012, for the retention of an existing 17.5m high temporary telecommunications mast with 6 x antennae, 2 x transmission dishes and associated equipment cabinets for a period of six months at land at Oak Lodge Farm, Thompson Hill (Case No 12/00530/FULTEL).

### Officer Comment:-

The Inspector considered the main issues to be whether this was inappropriate development in the Green Belt, would intrude into the countryside and if very special circumstances existed sufficient to outweigh any other harm.

The mast was considered to be a bulky and ungainly installation, evident above ridgelines and in several vistas and so was considered inappropriate and harmful development.

The mast would be visible in conjunction with the water tower, across attractive landscapes, silhouetted against the skyline so would harm the character and appearance of the Green Belt

The Inspector felt that there had not been a full and proper consideration of alternative sites so the need to meet technical requirements did not constitute "very special circumstances" sufficient to overcome the harm identified.

Taking all these issues into account, the Inspector dismissed the appeal.

## 3.0 RECOMMENDATIONS

That the report be noted

David Caulfield  
Head of Planning

5 March 2013

This page is intentionally left blank