

# Planning and Highways Committee

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**Tuesday 19 July 2016 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**

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Councillors Chris Rosling-Josephs (Chair), Peter Rippon (Chair), Ian Auckland, Alan Law, David Baker, Jack Clarkson, Dawn Dale, Tony Damms, Roger Davison, Adam Hurst, Dianne Hurst, Joe Otten, Zahira Naz, Peter Price and Zoe Sykes

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, 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. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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).

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## **FACILITIES**

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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.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
19 JULY 2016**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)  
Minutes of the meeting of the Committee held on 28 June 2016
- 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. Applications Under Various Acts/Regulations** (Pages 9 - 54)  
Report of the Director of Regeneration and Development Services
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 55 - 58)  
Report of the Director of Regeneration and Development Services
- 9. Date of Next Meeting**  
The next meeting of the Committee will be held on 9 August 2016.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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 DPIs 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.

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 Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 28 June 2016

**PRESENT:** Councillors Chris Rosling-Josephs (Chair), Ian Auckland, Alan Law, David Baker, Jack Clarkson, Dawn Dale, Tony Damms, Roger Davison, Adam Hurst, Dianne Hurst, Zahira Naz, Peter Price, Bob Pullin (Substitute Member) and Zoe Sykes

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Joe Otten and Councillor Bob Pullin attended the meeting as the duly appointed substitute. An apology for absence was also received from Councillor Peter Rippon but no substitute was appointed.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Alan Law declared a personal interest in an application for planning permission for alterations to building for use as 2 HMO's (Houses in Multiple Occupation) (20 bedspaces) and provision of basement parking area at The Wharnccliffe Hotel, 127 Bevercotes Road (Case No. 16/00325/FUL) as he had received lots of correspondence in respect of the application. Councillor Law had not declared his position prior to the meeting and therefore intended to take part in the discussion and vote on the item.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Committee, held on 7 June 2016, were approved as a correct record.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.1 **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 and as amended 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 an amended description, additional representations, a clarification to the report, and, subject to amendments to conditions and an amended recommendation, all as outlined in a supplementary report circulated at the meeting, and, having heard representations at the meeting from a local Ward Councillor speaking against the application and the applicant's agent speaking in favour of the application, an application for planning permission for demolition of all above ground buildings and structures, erection of a retail (Class A1 – food and non-food) units to include ancillary café/coffee shop facilities, 3 associated food and beverage units (Class A1, A3, A5) and provision of car parking accommodation, an ATM, a new signal controlled junction to Bochum Parkway, servicing, landscaping, pedestrian access and associated on and off-site works at Norton Centre, Sheffield College, Dyche Lane (Case No. 16/00771/FUL) be granted, conditionally, subject to no adverse direction from the Secretary of State;

(c) subject to the inclusion of an additional condition, as outlined in a supplementary report circulated at the meeting, and following consideration of representations at the meeting from the applicant speaking in favour of the application, an application for planning permission for erection of 103 dwellinghouses and laying out of associated roads at Manor Site 8, land at junction with Fretson Road, Queen Mary Road (Case No. 16/00647/FUL) be granted, conditionally, subject to the completion of a legal agreement, with officers being requested to discuss with the Parks and Countryside Service an alternative location closer to the application site, than Hollinsend Park, for spending the open space contribution;

(d) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, an application for planning permission for alterations to building for use as 2 HMO's (Houses in Multiple Occupation) (20 bedspaces) and provision of basement parking area at The Wharncliffe Hotel, 127 Bevercotes Road (Case No. 16/00325/FUL) be granted, conditionally; and

(e) following consideration of representations at the meeting from the owner of a neighbouring business commenting on the development, an application for planning permission for the demolition of existing buildings and erection of 103 student apartments (sui generis) in a 4/5/6 storey block with ancillary facilities and landscaped courtyard at Silverpride Works, Matilda Street (Case No. 15/02699/FUL) be granted, conditionally, subject to the completion of a Legal Agreement.

(NOTE: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100b(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that the application for planning permission for Silverpride Works, Matilda Street (Case No.

15/02699/FUL) be considered as a matter of urgency in view of the need to determine the application by 30 June 2016 although it had not been possible to give 5 days' notice)

## **7. ENFORCEMENT OF PLANNING CONTROL: 72 ROEBUCK ROAD**

7.1 The Head of Planning submitted a report on his investigation into a complaint received concerning a breach of planning control in respect of the unauthorised commercial use of land, including the provision of an unauthorised shipping container, at 72 Roebuck Road. The report stated that a Planning Contravention Notice had been served, but had not been returned by the owner of the property. Following a visit to the property by officers, the owner had agreed to tidy up the site, remove items and not to bring any new items for storage at the yard.

7.2 A follow-up visit though found that a significant amount of construction material, and the shipping container/sheds, still remained on site. It also appeared that no work had occurred in respect of the basement conversion to the property, which was still filled with building materials and equipment. It was explained that although attempts had been made by officers, the owner had also failed to meet with them again over this matter.

7.3 **RESOLVED:** That (a) the Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the storage container and cease using the land for the storage of building materials at 72 Roebuck Road; and

(b) the Head of Planning, in liaison with a Co-Chair of this Committee, be granted the power to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **8. ENFORCEMENT OF PLANNING CONTROL: UNIT B, OLD STATION DRIVE**

8.1 The Head of Planning submitted a report on his investigation into a complaint received concerning a breach of planning control in respect of the unauthorised fence at Unit B, Old Station Drive. The report stated that the industrial units at the site were generally enclosed by palisade security fencing ranging from 0.75m to 3m in height. At the location of Unit B though additional corrugated solid screening had been attached to the palisade fencing to a height of 3m and 2.5m to the gate. The additional screening had been added to the North and West elevations and to the rear of the site. It was explained that the owners had been informed that the height of the fencing could be increased using an increased height of palisade fencing or a different proposal, but the owners had not responded to officers in respect of this matter.

8.2 **RESOLVED:** That (a) the Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised enclosure at Unit B, Old Station Drive; and

(b) the Head of Planning, in liaison with a Co-Chair of this Committee, be granted the power to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

**9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

9.1 The Committee received and noted a report of the Director of Development Services detailing (a) the 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.

**10. DATE OF NEXT MEETING**

10.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday, 19 July 2016 at the Town Hall.



## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

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**Report of:** Director of Development Services

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**Date:** 19/07/2016

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Chris Heeley/John Williamson 2734218

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**Summary:**

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#### **Reasons for Recommendations**

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

**Recommendations:**

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**Background Papers:**

**Category of Report:** OPEN

| Application No.                     | Location   | Page No. |
|-------------------------------------|--|----------|
| 16/01161/CHU                        | 34 Northwood Drive<br>Sheffield<br>S6 1RY                              | 12       |
| 15/04308/FUL (Formerly PP-04656408) | Land Adjoining 21 Leyburn Road<br>Sheffield<br>S8 0XA                  | 21       |
| 15/03881/OUT                        | 250 Thompson Hill<br>Sheffield<br>S35 4JW                              | 29       |
| 15/03455/FUL (Formerly PP-04493443) | Middlewood Tavern<br>316 Middlewood Road North<br>Sheffield<br>S35 0HF | 36       |



SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 19/07/2016

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.

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|                  |   |
|------------------|---|
| Case Number      | 16/01161/CHU  |
| Application Type | Planning Application for Change of Use  |
| Proposal         | Use of part of ground floor of dwellinghouse and garage for B1(Business) purposes (retrospective application) |
| Location         | 34 Northwood Drive<br>Sheffield<br>S6 1RY   |
| Date Received    | 21/03/2016  |
| Team             | West and North  |
| Applicant/Agent  | Mr And Mrs Savage   |
| Recommendation   | Grant Conditionally   |

Subject to:

**Time Limit for Commencement of Development**

**Approved/Refused Plan(s)**

1. The development must be carried out in complete accordance with the following approved documents:

Plans which were received on 21st March 2016



Reason: In order to define the permission.

**Pre-Commencement Condition(s)**

**Pre-Occupancy and Other Stage of Development Condition(s)**

**Other Compliance Conditions**

2. The business use hereby permitted shall relate solely to the current Lego minifigure customisation business and shall not at any time be used for any other business purpose. Upon the business ceasing the Local Planning Authority shall be notified and the property revert to a solely residential use.

Reason: In the interest of the amenity of the locality and occupiers of neighbouring dwellings.

3. The use of part of the property for business purposes shall remain ancillary and incidental to the main use of the property as a dwellinghouse. At no time shall the part of the dwelling that has been converted into office space be sold or let separately from the rest of the dwelling.

Reason: In the interests of the amenity of the locality and occupiers of neighbouring property.

4. The number of people employed and working within the business premises shall be limited such that there are no more than 8 people working from within the premises at any one time. This is in addition to the applicants.

Reason: In the interest of the amenity of the locality and occupiers of neighbouring residential property.

5. The business shall be operated so that no machinery shall operate, no works of repair, construction, maintenance, or fabrication shall be carried out, nor shall any goods be received at or despatched from the premises outside the hours of 08:00 and 18:00 Monday to Friday, or at any time on weekends or Public Holidays.

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

6. No goods or materials of any description shall be stored or displayed wholly or partly outside the dwellinghouse within the site of the development.

Reason: In the interests of the visual amenities of the locality.

7. All industrial processes associated with the development shall be carried out within building as approved in writing by the Local Planning Authority. No industrial processes shall be carried out in the open air.

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

8. Within 3 months of the date of this decision, a detailed Travel Plan, designed to: reduce the need for and impact of motor vehicles, including fleet operations; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority and the plan shall thereafter be implemented. The Travel Plan(s) shall include:
  1. Clear and unambiguous objectives and modal split targets;
  2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
  3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
  4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Policy H14.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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16/01161/CHU

Use of part of ground floor of dwellinghouse and garage for B1 (Business) purposes (retrospective application)

34 Northwood Drive, Sheffield S6 1RY

#### LOCATION AND PROPOSAL

The application relates to a sizeable detached dwellinghouse, part of which has been converted to allow for a business use. This is a retrospective application with the use already taking place.

The applicant's business involves the customisation of Lego mini figures (small plastic models), employing up to 7 people on a full time basis and 1 part time worker as well as the applicants. The only equipment used are computers and a printer which is operational for much of the time during 'office hours'. Deliveries (which consist largely of the Lego parts) occur 3 or 4 times a week; however given the small parts involved this tends to be by way of regular mail.

The business is located within the property which is still used mainly as a dwellinghouse (by the applicants). The garage of the property has been converted and a former dining room has been turned into an office. The kitchen is available for workers and so is a w.c. These rooms can also be used by the family. The property has an additional kitchen on the lower ground floor as well as further w.c.'s that are solely for use by the family.

The applicants wish to operate their business from home so that they can also care for their young children.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and is on a modern housing estate surrounded by residential properties.

#### RELEVANT PLANNING HISTORY

Planning permission was granted for a two-storey side / rear extension and a single-storey rear extension to the property in 2006 (application 06/04043/FUL refers).

#### SUMMARY OF REPRESENTATIONS

Bradfield Parish Council object to the application on the grounds that the development has resulted in increased traffic, has limited car parking provision and the use has resulted in increased noise and general disturbance.

Objections have also been received from 10 neighbouring households. These raise the following points:

- The business use affects the privacy of occupiers of neighbouring properties, particularly when employees take breaks.
- The development has resulted in increased vehicular movements and on-street parking which is detrimental to pedestrian and highway safety.
- To allow a business use here could set an unwelcomed precedent for further business uses within this residential area.
- If the property is sold with a B1 use that future business use could be even more intensive.
- Concerns were also raised regarding a feeling of unease at strangers visiting the area.

It has also been highlighted that covenants are in place on the estate that prohibit business use. This is not a planning consideration and is a legal matter.

## PLANNING ASSESSMENT

### Policy

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within a Housing Area.

UDP Policy H10 (Development in Housing Areas) sets out that within such areas housing is the preferred use; however business uses can be considered to be acceptable subject to compliance with other policies as appropriate.

Policy H14 (Conditions on Development in Housing Areas) is therefore also applicable. This policy sets out that in Housing Areas change of use will be permitted provided, amongst other things, it would be in scale and character with neighbouring buildings; it would not deprive neighbours of light, privacy or security; it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. In addition for non-housing uses, it would not lead to a concentration of non-housing uses which would threaten the residential character of the area; not lead to air pollution, smells, or excessive traffic levels or other nuisance or risk to health and safety for people living nearby and be on a scale consistent with the residential character of the Area.

### Appearance

The property was extended some time ago whilst the property was solely in residential use and the alterations to accommodate the business use have not significantly altered the external appearance of the building. The garage has been converted; however this would not require planning permission. To overcome neighbour concerns films have been applied to the windows of the garage to prevent overlooking.

It is considered that the development has not altered the residential appearance of the property and externally there is no indication that a business use is operational within the building. There are no signs advertising the business use and the premises are not open to members of the public.

## Impact Upon Neighbours

Occupiers of neighbouring property have raised considerable objection to the business use.

There are no noisy machines operating within the premises, the loudest machine being a printer. During a site visit the printer was in full operation and, being a warm day, windows were open. Noise from the printer was barely audible within the rear garden directly beneath the room which housed the printer and could not be discerned at the site boundaries, the main noise source being from traffic along Middlewood Road. A radio was also playing within the converted garage and that too could not be heard until right next to the door and again the windows were open.

The business use only occurs on week days and between the hours of 8am – 5.30pm.

It is considered that the actual business processes carried out within the building are not having an adverse effect upon occupiers of neighbouring dwellings in terms of noise.

Obscure film has been applied to the windows in the converted garage to prevent overlooking from the front. To the rear are office windows and a through room with printer providing access to the kitchen. These look onto the rear garden. It is considered that the way the desks are configured, with most of the work force being within the converted garage the change of use has not resulted in unacceptable levels of overlooking to neighbouring dwellings.

Neighbours have also raised concerns about employees taking breaks and smoking in front of the property. The applicants have stated that the employee that smoked no longer works for them and, should the situation arise in future they would have a dedicated area set aside within the garden.

The change of use has resulted in increased comings and goings from the property; however what has to be considered is whether this is considerably greater than could be expected from a five bedroomed dwellinghouse and whether the increased activity is causing significant harm. There are two elements to this – staff comings and goings, and deliveries.

The nature of the business is such that it does not receive large deliveries, these in the most part being through the post. The applicant has set out that deliveries are 3 - 4 times a week with a courier arriving approximately once a week. Products are shipped daily within a standard mail sack (this is collected from the property). The applicant argues that traffic generated as a result of deliveries is not significantly greater than that of a regular household that enjoys on-line shopping.

As the parts being delivered are so small there are no need for large delivery vehicles which would definitely be unacceptable within this residential location. It is considered that, on balance the servicing of the business is not of such a level that it is causing demonstrable harm to occupiers of neighbouring properties.

With regard to staff comings and goings the business employs 8 people (7 full time and 1 part time). The applicant has set out that there are two parking spaces available on the drive and staff are encouraged to come to work by means other than the private car. During the most recent unannounced site visit there were two cars present (and 6 staff witnessed) as well as a car across the driveway which belonged to a print engineer.

The business is operational during usual working hours and so would not result in disturbance through people arriving early in the morning or late at night. It is considered that on balance the development has not resulted in excessive traffic levels.

### Highways

At the time of the site visit there were plenty of safe on-street parking opportunities available and, as the business is not in operation at weekends and bank holidays, parking for the business would not be likely to be in conflict with peak on-street parking times for neighbours (i.e. when people are at home in the evenings and at weekends).

The development raises no specific highway safety concerns.

### Conditions

It is acknowledged that the granting of planning permission for a general business use could result in unacceptable levels of noise and general disturbance for the occupiers of neighbouring dwellings. It is only because the current business is relatively small, using small parts, with no demonstrable harm that the application is being viewed in a more favourable light.

The applicant has set out that they would not wish for the business to get any bigger or for any other processes (other than those currently used) to occur here in the future.

In formulating an officer recommendation the use of appropriate conditions has been considered to minimise any harmful impacts the operation of the business may have upon neighbours now and in future.

It is thereby recommended that, should planning permission be granted the following conditions be applied:

Planning permission be made personal to the applicants and this current business use (i.e. the customisation of Lego mini figures). That way if the property were to be sold or alternatively a new business set up it would not automatically have planning consent.

It is also recommended that the number of employees be limited. The applicant has set out that they have 8 people working there (as well as themselves). This is considered to be pretty much on the limit of what could be accepted.

The hours of operation be limited to ensure that operations do not start early in the morning or go on late into the night and that the business is not in operation at weekends and on bank holidays.

Equipment used shall be restricted to general office equipment and a single printer.

A travel plan shall be provided to encourage employees to travel by means other than private car.

#### SUMMARY AND RECOMMENDATION

Planning permission is sought for the use of part of a dwellinghouse for business purposes. The application is retrospective.

The main consideration is the impact that the change of use is having upon occupiers of neighbouring dwellings.

There have been a considerable number of objections from local residents; however it is considered that on balance the business use is not causing demonstrable harm, sufficient to warrant a refusal of the application and potentially the taking of enforcement action.

It is considered that the application accords with UDP Policy H10 and H14 as well as guidelines contained within the National Planning Policy Framework and so it is recommended that the application be granted with conditions.



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|------------------|---|
| Case Number      | 15/04308/FUL (Formerly PP-04656408)           |
| Application Type | Full Planning Application                     |
| Proposal         | Erection of dwellinghouse                     |
| Location         | Land Adjoining 21 Leyburn RoadSheffieldS8 0XA |
| Date Received    | 26/11/2015                                    |
| Team             | South   |
| Applicant/Agent  | DLP Planning Ltd                              |
| Recommendation   | Refuse  |

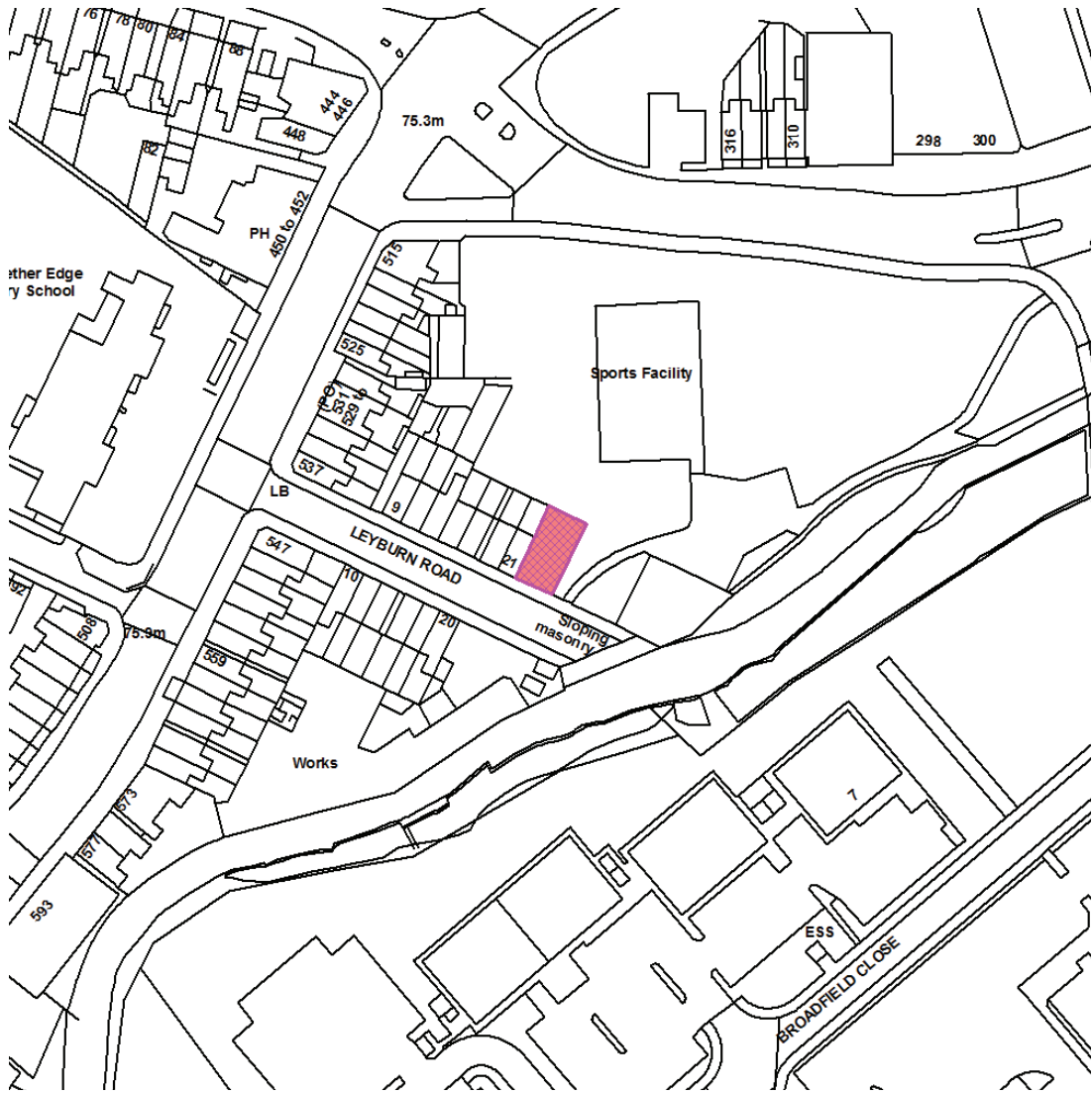
For the following reason(s):

1. The Local Planning Authority consider that owing to the location of the site within an area of Medium probability of flooding (Flood Zone 2), and the inability of the proposed development to pass the Flood Risk Sequential Test to site selection, the proposed development represents a risk to occupants of the proposed dwelling and is contrary to guidance set out in Planning Practice Guidance Flood Risk and Coastal Change (March 2014) and Paragraph 101 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:
  - 08-0614-SK1.1C
  - 08-0614-SK1.2C
2. Despite the Local Planning Authority trying to negotiate in a positive and proactive manner during the life of the application the proposal has shown insufficient regard for policy requirement(s), so it has not been possible to reach an agreed solution.

# Site Location



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## LOCATION AND PROPOSAL

The application site is located to the north of Leyburn Road. The street is characterised by two terraces of dwellinghouses, as well as a small industrial estate with converted units accessed at the end of the street on its southern side. The Broadfield Road Park is accessed via a pathway adjacent to the site.

The application seeks planning permission for a 4 bedroom dwelling, attached to the end of the existing terrace.

## RELEVANT PLANNING HISTORY

An application was refused in 2010 (ref. 08/05223/FUL) for a dwellinghouse. It concluded that the scheme would have failed to pass the Flood Risk Sequential Test, it didn't meet the guidance given in the Flood Risk Planning Policy Statement, and it failed to comply with Policy CS67 of the Core Strategy.

A later application (ref.14/03920/FUL), also for a single dwellinghouse was refused in January 2015. This was again due to the site's inability to pass a Flood Risk Sequential Test, which resulted in the proposal being considered contrary to guidance set out in the Planning Practice Guidance on Flood Risk and Coastal Change.

The site had been re-designated from Flood Zone 3 (High Risk) to Zone 2 (Medium Risk) by this stage, and as a result the scheme did not fail to meet Policy CS67's requirements.

## SUMMARY OF REPRESENTATIONS

After neighbour notification, no written representations have been received.

## PLANNING ASSESSMENT

The Unitary Development Plan identifies the site as an Open Space Area.

The Strategic Flood Risk Assessment designates the site as being within Flood Zone 2 (Medium probability).

### Main Issues

The main issues in this case are:

- 1) Whether the use of land designated Open Space is acceptable.
- 2) Whether the proposal would comply with national planning policy which seeks to steer development away from areas at medium and high risk of flooding.
- 3) Whether the proposal has an acceptable impact upon the street scene and
- 4) Whether the proposal has an acceptable impact upon neighbours' living conditions. Also of some relevance are the proposal's potential implications on highway safety.

## Open Space

The site is located within land designated Open Space. However, the site is a privately owned, hard-surfaced area which doesn't provide any recreational value. On this basis, any development of the site wouldn't result in a loss of recreation space. Therefore, compensatory replacement in the site's vicinity wouldn't be required. Additionally, the site doesn't form an informal open space area, as it hasn't been open to public access, and isn't a setting for built development.

As a result the proposal isn't considered to conflict with recreation opportunities in the vicinity of the site, and therefore the proposal doesn't conflict with UDP policies LR5 and LR7 or CS47 of the Core Strategy.

## Flood Risk

The site lies within Flood Zone 2 on the Environment Agency's flood risk maps and the Council's Strategic Flood Risk Assessment.

Paragraphs 100 to 103 of the National Planning Policy Framework sets out the national policy approach for the consideration of development in areas of flood risk. The overall aim is to steer new development to the areas with the lowest probability of flooding, namely Flood Zone 1, by applying the Sequential Test to site selection.

The Applicant's Statement notes that the application will fail to meet the requirements of the Sequential Test, as there are alternative housing sites for a single dwelling across the City lying outside of the medium or high risk flood zones that would potentially be available.

The Statement argues there are significant benefits to the scheme, which outweigh the failing of the Sequential Test. The Statement makes the case that there are a number of material factors which need to be taken into consideration when assessing and determining the application, which they argue would outweigh the failing of the Sequential Test. The following points are made by the applicant:

- The site is in a sustainable urban location in close proximity to bus services and within walking distance of shops, essential services, recreation space and employment.
- The re-use of a vacant brownfield site, in-turn removing unsightly fly-tipping and use as an informal car park.
- Contribution to housing delivery.
- Enhancement of site's visual and environmental quality.
- Provision of a low carbon dwelling using renewable energy.
- Increase to flood capacity on the site, by incorporation of a water tank within the rear garden area of the proposed dwelling.
- Satisfaction of the Exceptions Test, which outweigh the flood risk implications of using the site.

These are considered in detail below.

It is acknowledged that the site is sustainably located, and that it would re-use a vacant brownfield site eliminating fly-tipping and use an informal car park. Core Strategy Policy CS24 requires no more than 12% of dwelling completions to be on greenfield sites. From 2004/5 to 2014/15 5.3% of dwelling completions have been on greenfield land, previously developed land, meaning that CS24's requirements are being comfortably satisfied.

Whilst it is acknowledged that the Council cannot currently demonstrate a 5 year housing land supply as required by the NPPF, it can demonstrate 4.7 years, not a substantial shortfall. A single additional dwelling would not represent a significant contribution to housing supply.

A single dwelling would be required to minimise water consumption, maximise water re-cycling, use sustainable materials, minimise waste and promote recycling under Core Strategy policy CS64. Additionally, it would also be required under the building regulations to reduce its overall predicted carbon dioxide emissions. As such, any new dwelling would have associated merits in sustainability terms, and the incorporation of solar panels would not represent a significant additional provision.

The suggested increase in flood capacity would be in the form of a tank of approximately 0.3m depth, covering approximately 75% of the rear garden. This would allow flood water to enter through the rear boundary wall, whereas currently this flow route wouldn't exist. This additional capacity wouldn't be considered to have a significant impact upon local flooding circumstances. Furthermore, the Environment Agency's flood model map shows that the parkland to the rear would not be susceptible to flooding, and therefore flood waters wouldn't access the flood tank via the rear elevation. Notwithstanding this, the accesses for the flood tank could be relocated to the side perimeter, as the adjacent land is shown to experience flood waters.

Paragraph 102 of the NPPF states that the Exceptions Test is entered into after a Sequential Test concludes that it's not possible for development to be located in lower probability Flood Zones. Therefore, the submission of an Exceptions Test is not technically relevant in these circumstances.

The Environment Agency has not raised an objection to the current scheme due to the proposal's scale and the level of flood risk. They advise that the Local Planning Authority should be satisfied that the Sequential Test and where appropriate the Exceptions Test have been undertaken and passed, and if either of these tests is failed planning permission should be refused.

The Environment Agency map shows that in the event of a flood affecting the site, waters at the site and immediately adjacent would be up to 280mm deep. This level would increase to up to 680mm further along Leyburn Road towards Abbeydale Road. The map shows that some land within the adjacent park would not be flooded, and arguably these positions could be accessed via a rear boundary gate for example. However, these 'non-flood' locations would be

relatively small island features in the open air and would not be considered a 'safe haven'. The 280mm water depth at the site and along Leyburn Road would be considered sufficient to cause a potential danger to persons, as this would obscure or prevent views of kerbs, and dislodged man-hole and/or drainage covers. In any case, the water increases in proximity to Abbeydale Road. It is therefore considered there wouldn't be a safe escape route to dry land. Consequently, the proposal would lead to unnecessary flood risks for the dwellings' potential occupants.

In addition, the Applicant's Statement refers to previous planning permissions within Sheffield, where the Sequential Test wasn't met, but where other material considerations outweighed the flood risk concerns. The cases given were:

- a) Beeley Street (90 student bedrooms in 10 cluster apartments in a 6 storey block with Class A1/A3/A5 and B1 units on the ground floor), where it was concluded that the scheme resulted in significant benefits in terms of regeneration, and visual merits which would build confidence in the area acting as a catalyst for further investment and development. It was also agreed that there would be a contribution to housing supply, and that it would represent use of previously developed land. Weight was also given to the sustainable location of the development and inclusion of energy efficient measures; and
- b) Abbey Glen Laundry (29 apartments, 1 live/work unit, 2 offices and erection of 16 terraced houses). The Planning Officer in recommending approval referred to significant benefits to the scheme, including regeneration of a brownfield site as a benefit to the area.

Each of these schemes included significant benefits which outweighed the failure of the Sequential Test. Additionally, these other schemes included much larger developments where the regeneration benefits would be much greater than the current proposal. They were also highly visible, generating significant 'uplift impacts' within their respective localities including the delivery of a significant number of housing units.

The pre-existing uses had negative impacts in the locality. These advantages would not arise in relation to the current proposal. It is therefore considered that the proposal wouldn't demonstrate benefits to the same extent as the examples referred to, due to its smaller size and impact.

In light of the limited extent of the scheme's potential benefits, it is not considered that they outweigh the risks from flooding. It also is not considered that the development would be safe in the event of a flood. In addition, the Sequential Test has not been passed. It is therefore considered that the scheme would fail to meet the requirements of Paragraph 101 of the National Planning Policy Framework and the associated Planning Policy Guidance: Flood Risk and Coastal Change.

## Street Scene

The proposal seeks to add a dwellinghouse to the end of the existing terrace. It would be double fronted with a centrally located entrance door, using materials which would be required to match. The front elevation would be in keeping with the existing terrace and, and would have an acceptable impact upon the street scene.

As a result the proposal would meet the requirements of UDP policy BE5, which requires developments to meet the forms and architectural style of surrounding buildings, and Core Strategy policy CS74 which states development should take advantage of the surrounding scale, layout, and built form.

## Neighbours' Living Conditions

The proposal doesn't project beyond the rear elevation of the dwelling to which it would be attached. It would therefore avoid any overbearing impacts. The first floor windows would lead to overlooking onto the neighbouring garden. However, this wouldn't lead to any greater overlooking than occurs currently, and repeats a pattern common in the area. On this basis the proposal would avoid detrimental impacts upon privacy.

Therefore, the proposal would have an acceptable impact upon the amenities of neighbouring occupiers, and there is no conflict with policy H14.

## Highways Issues

The proposed dwelling would lead to a small amount of on-street parking. However, the impact of this wouldn't be considered to lead to detrimental impacts upon the highway safety circumstances along the street and in the vicinity of the site.

As a result the proposal would have an acceptable impact in this regard, and meet the aims of policy H14.

## SUMMARY AND RECOMMENDATION

The application seeks planning permission for a single dwellinghouse, at a site designated within Flood Risk Zone 2.

The proposal would not lead to a reduction in valuable open space, would have an acceptable impact upon the street scene, and also avoid any detrimental impact on neighbours' living conditions. An additional dwelling in this location would avoid a detrimental impact on local highway safety.

However the proposal would fail to meet the requirements of the Sequential Test, the benefits outlined by the Applicant are not considered sufficient to outweigh this fundamental failure and the development would not be considered to be safe in the event of a flood.

Consequently, the proposal would fail to meet the requirements of Paragraph 101 of the National Planning Policy Framework and the relevant parts of the Planning Practice Guidance on Flood Risk and Coastal Change. For this reason it is recommended that the scheme should be refused.



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|                  |                                   |
|------------------|-----------------------------------|
| Case Number      | 15/03881/OUT                      |
| Application Type | Outline Planning Application      |
| Proposal         | Residential development           |
| Location         | 250 Thompson HillSheffieldS35 4JW |
| Date Received    | 23/10/2015                        |
| Team             | West and North                    |
| Applicant/Agent  | Mr Peter A Rudd                   |
| Recommendation   | Grant Conditionally               |

Subject to:

**Time Limit for Commencement of Development**

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of all matters reserved (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

**Approved/Refused Plan(s)**

**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

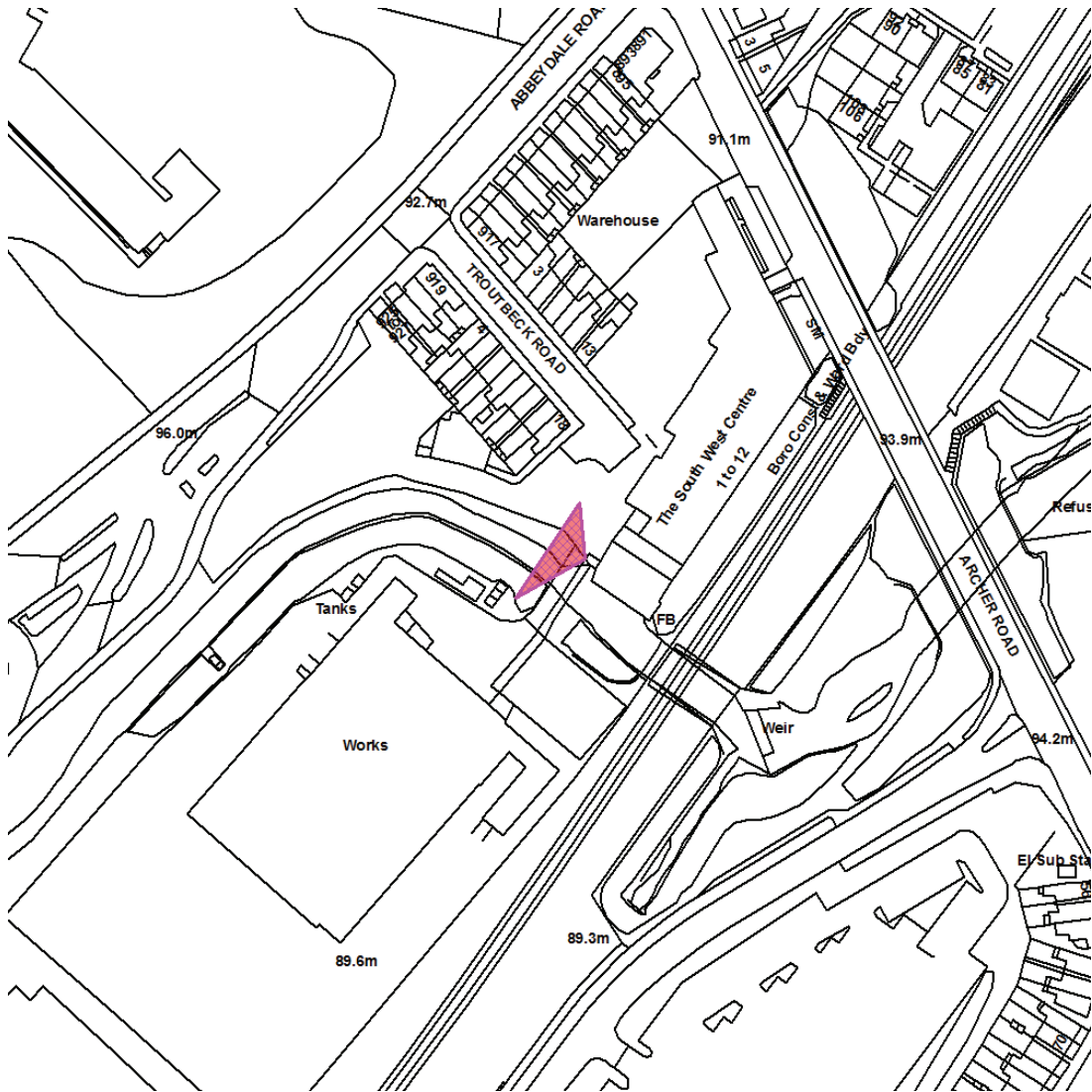
**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

**Other Compliance Conditions**

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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## LOCATION AND PROPOSAL

The application site is located within the High Green district of Sheffield and is situated on the north western side of Thompson Hill, adjoining Ashwood Road. The existing building is a former public house, and the site includes associated car parking and a beer garden. The building is currently used as a single dwelling house. The immediate area is predominantly residential.

The site slopes up towards the north east.

The application seeks outline approval for a residential development, all matters are reserved for future approval. An indicative plan has been submitted showing 9 dwellings; however this is for illustrative purpose only and is not part of the proposal under consideration. The report will look at the principle of a residential development on this site.

## SUMMARY OF REPRESENTATIONS

12 letters of objections have been received. Objections are highlighted below;

- Loss of privacy to the adjoining properties around the site.
- Increased traffic on the surrounding highways will worsen traffic and pedestrian safety on the surrounding streets. There is already parking on the highway opposite the site which, when coupled with the increased demand for parking as a result of the development will make the roads more dangerous. There is a blind bend close to the site and the provision of accesses and driveways off the road will be hazardous for pedestrians and traffic. The roads are already busy, being on bus routes and used by school buses.
- Noise issues.
- Concern over the type of dwellings proposed. Bungalows would be better for the area.
- Drainage issues arising from the proposed use of soakaways and problems with foul drainage as the public house was subject to blockages.
- Loss of trees.
- Previous permissions have restricted the heights of nearby buildings.
- Highways issues relating to neighbouring dwellings.
- Overdevelopment of the site.
- Design issues namely that the 2 and 3 storey houses are not in keeping with area.
- Mining concerns.
- Boundary walls have collapsed previously and there is a concern that this will happen again as a result of the proposed development.
- Overshadowing of adjoining properties.
- Other non-planning related issues – Loss of views.

## Consultees

- Ecclesfield Parish Council have written supporting the local residents objections.

- Coal Authority - objections raised.
- Northern Power - no significant objections raised.
- Yorkshire Waters - no significant objections raised.

## PLANNING ASSESSMENT

National Planning policy in the National Planning Policy Framework promotes sustainable development.

The site is identified within the adopted Sheffield Unitary Development Plan as a Housing Area, where housing is the preferred use in accordance with Policy H10.

The site is a brownfield site and therefore it contributes towards Sheffield's policy of maximising the use of previously developed land and therefore complies with Core Strategy policies CS24 and CS32. The site is 0.1971 hectares (0.487 acres) and in order to comply with policy the site would need to be developed with between 40 to 60 dwellings per hectare yielding 8 to 11 dwellings. Although indicative, the submitted layout shows that around 9 dwellings can be accommodated within this site curtilage and as such the proposal for housing development within this site is compliant with policy CS26 and appears to be an acceptable scale for the location.

The principle of the development is therefore considered acceptable and accords with those policies above.

### Design Issues

The existing pub on this site is an attractive historic building. However, it has no statutory protection. Its loss therefore could not be resisted.

In line with its outline status, all details have been reserved for later approval. An indicative plan submitted with the application shows housing fronting Thompson Hill, with parking along the street frontage. This would lead to parking dominating within the street scene and limit the potential for front boundary treatments along the back edge of pavement. An alternative layout could be developed that, for example, formed semi-detached pairs of houses along street frontage, with parking relocated to less prominent locations to the side of dwellings. This would also allow the housing to be brought closer to the street, creating larger rear gardens that will be of particular benefit in this case given their north facing orientation. It is considered that any design concerns can be overcome at the detailed stage.

### Highways Issues

Access is reserved for future approval and, should permission be granted, will be addressed at this stage, nevertheless, adequate off street can be provided within the site curtilage. Concerns have been raised regarding the access shown on the south-westerly site boundary. Any vehicular access located in this position would have severely restricted visibility due to adverse road alignment. It is recommended that vehicular accesses should not be located directly opposite the junction with Hague Lane but should be offset for reasons of road safety. Also any

future parking bays shall measure 6 metres in length x 3.3 metres in width and any future garages shall measure 6.5 metres x 3 metres.

### Sustainability

In terms of the sites sustainable development, the site is surrounded by residential properties. It is on a high frequency bus route having bus stops adjacent to it that are served by the nos. 13, 13A, 66, 75 and 87 bus routes. It is within 800 metres of the local shopping area, Angram Bank Primary School, Angram Bank Children's Centre, High Green Clinic, Angram Bank Pavilion, High Green Working Men's Club and 3 post boxes. As such the site is considered to be within a good sustainable location.

### Flood Issues

The site is not within a high or medium risk flood zone which would affect the principle of development, but we would expect the use of SUDs in the final design in order to reduce surface water runoff from the site while complying with policy CS67.

### Landscape Issues

Although details are reserved, the site is located in a very prominent location, opposite a junction and on a corner. As such high quality design that adheres to the design principles outlined in policy CS74, making a positive contribution to the creation of a sense of place while complying with Unitary Development Plan policies H14 and H15 will need to be acknowledged.

### Amenity Issues

Dwellings located to the rear of the site, on Furness Road are in close proximity, and also sit below the ground level of the site in question. As such, at full stage accurate cross sections need to be submitted and adequate distances between the new dwellings and the existing will need to be ensured.

### Coal Mine Entries

The Coal Authority records indicate that the site is within a high risk area and within the surrounding area there are coal mining features which are hazards. The Coal Mining Authority objects to the application on grounds that insufficient information has been submitted. A Coal mining Risk Assessment is to be submitted and further information will be provided at the Committee meeting.

### Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The development site falls within an area where CIL is applicable. This site is located in "Zone 3" so would be subject to a charge of £30/sq m.

#### SUMMARY AND RECOMMENDATION

The application is considered to comply with the applicable policies as outlined within the report. The application is therefore recommended for approval, with conditions attached.

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|                  |   |
|------------------|---|
| Case Number      | 15/03455/FUL (Formerly PP-04493443)   |
| Application Type | Full Planning Application   |
| Proposal         | Demolition of single-storey side extension and alterations and extensions to public house to form pub/restaurant with associated function room and managers living accommodation including 1-1/2 storey side and single storey rear extensions, the provision of outdoor seating area and alterations to land to side of building to form car parking accommodation. (As per amended plans received 15 June 2016 and 8 July 2016) AMENDED DESCRIPTION |
| Location         | Middlewood Tavern316 Middlewood Road<br>NorthSheffieldS35 0HF   |
| Date Received    | 18/09/2015  |
| Team             | West and North  |
| Applicant/Agent  | Jeff Sowerby Architect  |
| Recommendation   | Grant Conditionally   |

Subject to:

**Time limit for Commencement of Development**

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

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

**Approved/Refused Plan(s)**

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

Drawing No. MID 01 Revision M (Site Layout and Roof Plan);  
Drawing No. MID 02 Revision N (Floor Plans);  
Drawing No. MID 03 Revision J (Elevations and Sections);

received on the 15 June 2016 and 8 July 2016 from Jeff Sowerby Architects

Reason: In order to define the permission



**Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)**

3. 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).

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

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).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)**

5. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

6. 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.

Reason: In the interests of the visual amenities of the locality.

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.

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

8. The proposed facing materials shall match the facing materials to the existing building.

Reason: In the interests of the visual amenities of the locality.

9. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

10. Amplified sound or live music shall only be played within the building and in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade of ;
  - a) as a 15 minute LAeq, and;
  - b) at any one third octave band centre frequency as a 15 minute LZeq.

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

11. The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

12. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

13. 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.

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

14. 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 shall not be brought into 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 Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

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

15. Full details of revised access geometry to be submitted and approved in writing by the Local Planning Authority before works commence on site.

Reason: In the interests of highway safety

16. The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/brown roof(s) shall be provided prior to the use of the building commencing. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

17. The building shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the building commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality.

18. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

19. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details (Optional: shall be in accordance with Defra document; "Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems" and) shall include:

- a) Plans showing the location of the fume extract terminating at least 1m above roof ridge and including a low resistance and including a low resistance cowl.
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

20. A 1.8m high privacy screen fence shall be erected along the southern side of the roof terrace facing No.318 Middlewood Road North. The fence shall be erected prior to the accommodation being brought into use and thereafter retained.

Reason: in the interests of protecting the occupants of the neighbouring property from unacceptable loss of privacy.

21. The proposed roofing materials shall match the roofing materials to the existing building.

Reason: In the interests of the visual amenities of the locality.

22. 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.

Reason: In the interests of the safety of road users.

23. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies BE5 and T7

24. A 1.8m high privacy screen fence shall be erected along the southern side of the roof terrace facing No.318 Middlewood Road North. The fence shall be erected prior to the accommodation being brought into use and thereafter retained.

Reason: in the interests of protecting the occupants of the neighbouring property from unacceptable loss of privacy.

25. 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.

Reason: In order to ensure an appropriate quality of development.

### **Other Compliance Conditions**

26. The building shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

Reason: In the interests of the safety of road users.

27. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

28. The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

Reason: In the interests of the safety of road users.

29. The building shall not be used unless the car parking accommodation for 34 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

30. Three bollards (black and white, steel, non-illuminated) to be placed within the public footway fronting Middlewood Tavern to prevent car parking. These must be provided at the applicant's expense and will include provision, installation and commuted sums for each bollard.

Reason: In the interests of highway safety

31. No customer shall be permitted to be on the premises outside the following times:

Mon - Sat 10:00 - 23:00 hours , Sun 10:00 - 22:30 hours.

Reason: Reason: In the interests of amenity

Attention is Drawn to the Following Directives:

1. As the proposed development will involve the closing/diversion of a highway(s) you are advised to contact the Principal Engineer of Highway Information and Orders, Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH, as soon as possible.
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. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
4. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and

that they drain away from the footway or carriageway, to prevent damage or injury.

5. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council  
Town Hall  
Penistone Street  
Sheffield  
S1 2HH

For the attention of Mr P Vickers

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

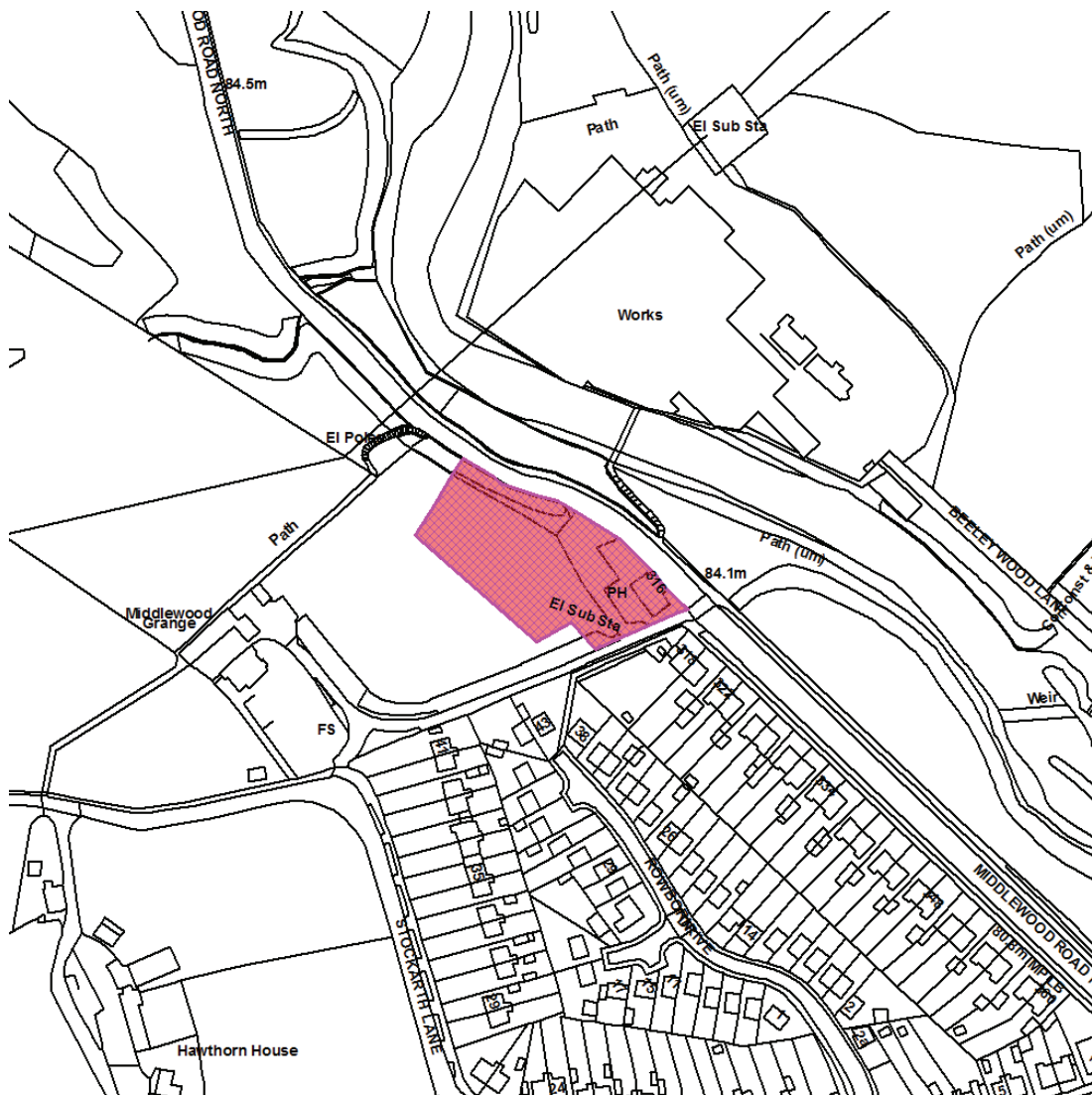
6. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).
7. For larger commercial kitchens or cooking types where odour risk is high, a risk assessment should be conducted in accordance with Annex C of the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (Defra; 2005) to determine appropriate odour abatement options. Annex B of the document provides guidance on the information required to support a planning application for a commercial kitchen.
8. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
9. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
10. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section

60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, Howden House, 1 Union Sstreet, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

11. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
12. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
13. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.



Site Location



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## LOCATION AND PROPOSAL

The application relates to the Middlewood Tavern Public House (PH) in Middlewood. The former public house, now vacant, fronts Middlewood Road North, a stretch of the main A6102 road. The property is located in the Green Belt, situated just beyond a long line of semi-detached pre-war dwellinghouses (318-360 Middlewood Road North).

These dwellinghouses are located in a Housing Area. The nearest of these dwellinghouses is No. 318, which is situated some 20m away to its south, and lies beyond a private tree-lined driveway that leads up towards a large detached dwellinghouse, some 200m away to its west.

The application site comprises approximately 0.29 hectares of land that contains the Middlewood Tavern PH; a two-storey detached building with single-storey side and rear off-shots, hardstandings and former car parking areas associated with its former use. Although the building and its immediate curtilage sit on relatively level ground, the site rises up quite steeply behind a high retaining wall that extends along the building's rear elevation, and also at its northern end, rising up from Middlewood Road North.

Along its northern end fronting Middlewood Road North is an attractive line of semi-mature and mature trees that provide an attractive landscaped edge when approaching the site from the north along the A6102. Access to the site is taken via an existing wide access point to the right side of the building. A narrow footway runs along the full length of the site's road frontage.

The closure of the public house back in 2013 and lack of maintenance and general repair has left the building in a semi-derelict state, worsened by acts of vandalism and graffiti. Despite this, the building's stone external walls and main roof structure are considered to be structurally sound and show little signs of deterioration.

Full planning permission is being sought to reinstate the public house to form a new pub/restaurant. The proposed works involve alterations and extensions, including a 1-1/2 storey side and single-storey rear extensions to provide a new kitchen, function rooms and first floor manager's living accommodation (3-bedroomed). The proposal involves demolishing the building's existing single-storey side and rear off-shots, new 34 space car park (inclusive of 4 disabled parking bays) and small outdoor seating area.

The scheme has been amended by plans received on the 15 June 2016 and 8 July 2016.

## RELEVANT PLANNING HISTORY

Several applications have been approved dating back to 1976. The latest of these included single-storey rear and side extensions that were granted in June 2001, under 01/02318/FUL.

## SUMMARY OF REPRESENTATIONS

Two representations from occupants of neighbouring properties have been received in response to this application. These are summarised below:-

- Concerns over the loss of trees.
- Noise Issues.
- Overlooking Issues.
- Consideration should be given to opening times.
- Support the reinstatement of the pub.
- Concern with the location of the beer garden and the noise that this would generate.

Bradfield Parish Council has no objections to the application but has concerns regarding highway issues, traffic generation, vehicle access and road safety as the building is on a very dangerous bend.

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- (i) The Principle of development – Policy and Land Use.
- (ii) Highway Issues.
- (iii) Design Issues - Effect on the character and appearance of the building and surrounding area.
- (iv) Effect on the residential amenity of neighbouring properties.
- (v) Landscaping issues.
- (vi) Ground Conditions.

- (i) The Principle of Development – Policy and Land use

The property is situated within the Green Belt and should be assessed against Policies GE1 and GE2 and GE4. Policy GE1 states that development will not be permitted where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development in the countryside or compromise urban regeneration.

Policy GE2 seeks the protection and improvement of the Green Belt landscape, and Policy GE4 requires the scale and character of any development in the green belt be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

Government guidance is contained within National Planning Policy Framework (NPPF). It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts and their openness and their permanence. As with previous Green Belt policy Paragraph 8 details that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'.

Paragraph 88 of the NPPF details that substantial weight must be given to any harm to the Green Belt when considering applications. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. Paragraph 90 confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.

With regard to extensions and alterations to existing buildings in the Green Belt, this is set out at Paragraph 89 where it states that extensions are not inappropriate development where the extension(s) would not result in disproportionate additions over and above the size of the original building.

In terms of assessing the merits of the application, as stated above, the re-use of buildings in the Green Belt are not inappropriate development provided that they are of permanent and substantial construction, and with regard to extensions and alterations to existing buildings, that the extension(s) do not result in disproportionate additions over and above the size of the original building.

Unfortunately, no definition is given in the NPPF as to the maximum size of the extension that might be considered 'not disproportionate'. For extensions to dwellinghouses in the Green Belt, guidance is provided in the Council's Supplementary Planning Guidance 'Designing House Extensions', which says that extensions in the Green Belt will only be allowed if they are a minor addition to the dwelling and are not visually intrusive.

For smaller dwellinghouses, a minor addition is defined in the SPG as being no more than one third the size of the original dwellinghouse. While the guidance relates specifically to extensions to dwellinghouses, the Council often use the SPG as empirical guidance for considering the volume tolerances of extensions to non-residential buildings. In so doing, it should be taken from this that an increase in the volume of the original building by more than one third would be considered to be a disproportionate addition over and above the size of the original building, and therefore contrary to government guidance contained in NPPF.

In terms of the application, Members are informed that the original building (excluding the single-storey side and rear extension which has been previously added to the original building) has a footprint of approximately 110 square metres and an overall volume of approximately 694 cubic (excluding toilet block but including front bay and chimneys). As proposed, the extended building would have a footprint of about 263 square metres and a volume of about 596 cubic metres, which would amount to an approximate 85.8% increase in the original size of the building.

The applicant however has stated that the volume of the existing toilet block should be included within the calculation as this is 'entirely subsumed' within the proposed side extension and would not be seen as an increase. When accounting for this

toilet block, which is 99 cubic metres, the amount of new volume would a 71.6% increase.

Even when accounting for the applicant's own calculation figures, and notwithstanding the scaling down of the scheme as originally submitted, the amount of new build would still represent a disproportionate addition over and above the original building and thus would conflict with the qualifying requirements of Paragraph 89 of the Framework. The proposed development would therefore represent inappropriate development in the Green Belt as set out in NPPF.

On account of the above, in assessing the merits of this application, consideration should be given to whether there are other considerations of significant weight ('very special circumstances') that would outweigh the clear presumption against inappropriate development in the Green Belt.

On this point, the applicant has provided a Commercial Viability Statement in support of the application. This statement lists the number of public houses that have closed within Sheffield S6 over the years (39 in total), which include The Travellers Rest, Cuthbert Arms, Freedom House, Burgoyne Arms and the Sportsman Inn in Walkley. The statement states that half of the 21,000 pubs that have disappeared in the UK since 1980 have closed after 2006 (sourced from the Lost Pubs Project), commenting that the loss of pubs being very much a current crisis.

The reason given for the closures are varied but the main reason cited in the statement that male orientated pubs that fail to cater for women and children are particularly vulnerable to closure, as are pubs without the room to provide attractive outdoor areas (for smokers) and those that are not able to adequately cater for food.

The applicant has confirmed that Middlewood Tavern ceased to be commercially viable for the reasons outlined above, which eventually led to its closure.

The viability statement goes on to state that the failure to cater for families, failure to provide attractive outdoor spaces and failure to provide good food would almost certainly result in the failure of the pub. The applicant has confirmed that as he is prepared to invest a considerable amount of money into the venture, intending to become its resident landlord that it would not be reasonable to risk all on a development that won't comfortably achieve these needs.

The statement details that the applicant's expertise is in food retail and that in his opinion, the minimal expansion of the eating/drinking areas of the existing pub will not result in commercially viable premises. While there is no 'critical area' that guarantees a pub's or a restaurant's success, the applicant contends that the area allocated for eating and drinking in the proposal currently on the table is the minimum that will give him a chance of building a successful business at the Middlewood Tavern.

The site's semi-rural location is also an important consideration to the likely success of the project stated by the applicant, offering green views particularly to

those sitting outdoors in the summer months. The site offers space not only for outdoor seating and a play area, but also for sufficient parking to attract custom – parking, which would be largely hidden from Middlewood Road by existing tree planting and the judicious use of further planting.

Officers accept that on volume alone, the proposal to reinstate the public house to form a new pub/restaurant would be contrary to government guidance contained in NPPF. While it is acknowledged the amount of additional volume being added to the building has been significantly reduced from the scheme initially submitted, which was in the order of 140%, and indeed has been reduced a further two times since then, the volume still exceeds the level what would normally be considered acceptable for extensions to existing buildings in the Green Belt. However, it is considered that some weight should be given to the opportunity to bring this redundant public house back into viable commercial use, particularly given the dilapidated appearance of the building and the noted harm the building has on the character and appearance of the area.

Officers would also give some weight to the views of the applicant in his viability statement in that, the viability of the pub rests mainly on the ability to provide a meaningful area for food and drink to attract customers. Officers would fully agree with this view and consider that it is highly unlikely that the public house given its semi-rural location would reasonably attract sufficient number of customers to make it financially viable without the inclusion of a restaurant/dining area.

Discussions held between the applicant and officers have led to a significant reduction in the size of the proposed development with the removal of the proposed full height two-storey side extension and second single-storey side extension. The main bulk of the new build would be located to the rear of the building, such that views of the single-storey rear extension from Middlewood Road North would be partly hidden behind the building with views restricted mostly to the northern side of the extension only.

In addition to this, officers consider that the topography of the site would help to reduce any impact of the new build, given the steep banking of the land immediately behind the building, the proposal to use a green roof along part of the roof terrace (stated in the agent's e-mail of 15/06/16) and also the opportunity to create an attractive landscaping bund to partially screen the car park from Middlewood Road North.

In further support of the proposal, officers consider weight should also be given to the location of the public house; given its location at the north-western end of a row of semi-detached dwellinghouses. Owing to this, it is considered that the building forms a continuation of these dwellinghouses along Middlewood Road North and not one that occupies an isolated or prominent location remote from the built form of the surrounding area and context.

Whilst accepting that the proposed amount of new build would represent a disproportionate addition over and above the existing building contrary to guidance contained in NPPF, officers are satisfied that there are a number of contributory

reasons of either sufficient benefit or mitigation that lends support to the development.

It is considered that these benefits, particular the opportunity to bring this semi-derelict building back into viable use represent very special circumstances to outweigh the presumption against inappropriate development in the Green Belt.

(ii) Highway Issues

Following the receipt of amended plans, the development is considered to be acceptable from a highway perspective with suitable parking and access arrangements to serve the public house/restaurant. Although the visibility is less than what would normally be sought given the speed along this part of the A6102, because the car park access is existing and has been in use previously and could be re-introduced in the future without any control, that the sight line shown on the amended drawing (2.4 metres x 29.4 metres) would be sufficient to improve the visibility to Middlewood Road North. It is also considered that the bend in Middlewood Road North would slow traffic down sufficiently to allow safe use of the access without it becoming necessary to reduce the speed limit (which is currently 50 mph outside Middlewood Tavern) to 40 mph.

Conditions seeking the car parking accommodation be provided in accordance with the approved plans, intervisibility splays being provided on both sides of the proposed means of access and all redundant accesses to be permanently stopped up and reinstated to kerb and footway are attached.

(iii) Design Issues - Effect on the character and appearance of the building and surrounding area

Middlewood Tavern is two-storey in height and is built in natural coursed stone with a slate effect pitched roof. The building is traditional in appearance (built late 19C), characterised by two chimneys symmetrical window proportions. To the front of the building is a single-storey structure with double bay windows and entrance canopy and to its side elevation (southern) is a single-storey extension toilet block. There is evidence to the rear of the property of a previous rear extension, since removed.

Permission is being sought to erect a 1 ½ storey dual pitched roof extension to the southern side of the building and a flat roofed single-storey extension that would project off the proposed side-storey extension and wrap around the back of the building. The proposed side extension would have an external footprint of 6m by 7.5m, with a height of 6.4m to its ridge. The extension would be lit by three ground-floor windows facing Middlewood Road and two square windows within its side elevation.

The proposed single-storey flat roofed rear extension would project out from the rear of the building by 8.5m and extend across much of the building's 'extended' rear elevation (14.5m). A clear glazed balustrade would be fixed around the perimeter of the flat roof terrace area. The external walls of the extension would be faced in natural stone with the single-storey extension roofed with artificial slates.

It is considered that the proposed alterations and extensions are acceptable design quality and would not unduly harm the character or appearance of the building. The proposed side extension is considered to be well-proportioned and would relate well to the existing form of building. The use of natural stone is welcomed.

(iv) Residential Amenity Issues

Following amendments received, and in particularly the removal of the proposed raised beer garden to the north of the public house, it is considered that any effect on the residential amenity of neighbouring properties would be minimal. The nearest property to the site (318 Middlewood Road North) is located about 14m away and has no main windows within its two-storey side wall. This separation distance is considered to be sufficient to avoid any significant harm resulting from the proposed use such as odours and noise disturbance. The scheme initially included a first-floor french window serving the living room with juliet balcony within the two-storey side extension.

This has now been removed from the proposed scheme on the advice of officers' as it was considered that views from this room could present problems of overlooking of this neighbouring property. To avoid potential overlooking of 318 Middlewood Road North from the roof terrace, it is recommended that a 1.8m high privacy screened be fixed along its southern side facing this neighbouring property.

While the development includes an outdoor seating area, this area is situated on the northern side of the single-storey extension and therefore would not be visible from this neighbouring property. The distance from the outdoor seating area from this neighbouring property would be in excess of 20m, a distance that should be adequate to prevent noise emanating from the outdoor seating area causing any significant disamenity.

It is however recommended that conditions be attached to any approval restricting hours of use between 1000 and 2300 hours (Monday to Saturday) and between 1000 and 2230 (Sundays and Public Holidays), a restriction on amplified sound and live music and commercial deliveries.

(v) Landscaping Issues

Discussions have led to the retention of the majority of the mature trees along the site's frontage, which were initially at risk to provide intervisibility splays. The amended plans also shows the provision of a landscaping tree bund between the highway and the proposed car parking area that should create an attractive landscaped feature to the benefit of the site. It is recommended that a condition be attached that requires a comprehensive and detailed landscaping scheme to be submitted for approval and the site's existing trees to be retained.

(vi) Ground Conditions

Environmental Protection Services (EPS) has suggested the normal suite of ground contamination conditions be attached to any grant of planning. Although the



potential risks are likely to be low, there is a small risk that excavation works undertaken in the course of the development could uncover contaminants that require remediation.

## SUMMARY AND RECOMMENDATION

The application relates to Middlewood Tavern Public House. The public house is situated in the Green Belt and stands at the end of a row of pre-war semi-detached housing along Middlewood Road North. The building is in a semi-derelict state following its closure over 3 years ago and since then it has been neglected and been subject to vandalism and anti-social behaviour.

Full planning permission is being sought to reinstate the public house to form a new pub/restaurant. The proposed works involve alterations and extensions, including a 1- ½ storey side and single-storey side extensions to provide a new kitchen, function rooms and first-floor manger's living accommodation. The proposal involves demolishing the building's existing single-storey toilet block side and rear off-shots, and provide a new 30 space car park and outdoor seating area.

The scheme has been amended on the advice of officers following serious concerns in terms of the amount of new build as part of the reinstatement of the public house to a pub/restaurant. As amended, the proposal would increase the size of the original building by approximately 85.8%, an amount that would conflict with the qualifying requirements of Paragraph 89 of NPPF. However, officers are satisfied that the redevelopment of the building to provide a pub/restaurant can be justified for the reasons set out in the report and would allow this semi-derelict and former community asset to be brought back into viable use without resulting in any significant harm to the open character of the Green Belt.

Due consideration has been given to the siting of the extensions to mitigate their bulk and massing on the building and surrounding area, as well as the inclusion of landscaping enhancements including a landscaping bund to reduce views of the car park from the highway.

Improvements have also been sought from a highway perspective with improved visibility onto Middle Road North, whilst retaining the majority of site's mature boundary trees.

The separation distance between the building and neighbouring properties should avoid any significant loss of these properties' residential amenity. Conditions attached to any approval should include a restriction on hours of use, amplified sound and live music and commercial deliveries in the interests of protecting the amenities of neighbouring properties.

Conditions should also be attached that requires a landscaping bund as shown on the submitted plan and new tree planting to compensate for the trees lost to achieve the improved visibility splays and the provision of a green roof.

For these reasons outlined above, it is considered that, on balance, the proposal to reinstate the public house to form a new pub/restaurant can be justified. It is

considered that there are significant benefits to the scheme, particular the opportunity to bring this semi-derelict public house back into viable use and would represent very special circumstances to outweigh the presumption against inappropriate development in the Green Belt.

It is considered therefore recommended that the application be approved.

## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
19 July 2016

### 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 APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of first-floor side extension to dwellinghouse (re-submission of 15/02725/FUL) at Barnes Green House Elliot Lane Sheffield S35 8NR (Case No 16/00454/FUL)

### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for the demolition of existing outbuilding, conversion and extension of the existing garage into a one bedroom apartment and provision of a bike and bin store (re submission of (14/02748/FUL) at Grace Tebbutt House 9 Thornsett Road Sheffield S7 1NA (Case No 15/03519/FUL) has been dismissed.

#### Officer Comment:-

The main issues were (i) the effect of the development on the character and appearance of the Nether Edge Conservation Area; and (ii) whether future occupiers would have acceptable living conditions.

In respect of (i) the Inspector noted the leafy, residential, Victorian and Edwardian character of the area, and the prominent corner location of the site. He considered the development to be at odds with the main building, with the flat roof, small scale, and window arrangements all in stark contrast to those of the host building. The location of external bin and cycle stores within the garden would detract from the character of the area and be at odds with the established street scene. It would therefore harm, not preserve the character and appearance of the Conservation Area. Although the harm would be less than substantial, in terms of the NPPF, the public benefit of one additional residential unit in a sustainable location would not be sufficient to outweigh the harm.

He therefore agreed with the Council that it would conflict with the aims of

UDP policies BE5, BE16 and H14, and CS74 of the Core Strategy and the NPPF.

In terms of (ii) he agreed with the Council that the development would not provide satisfactory living conditions owing to the outlook being onto parking and bin storage areas, the close proximity of the site entrance causing noise and disturbance, and poor quality amenity provision. As such he agreed it would be contrary to UDP policies H5 and H14.

The appellant had argued the UDP should be given little weight due to their age, but the Inspector afforded them due weight on the basis that they are consistent with the National Planning Policy Framework.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for the conversion of double garage with 2-bedroom flat over to create 3-bedroom dwellinghouse with associated car parking at the curtilage Of 41 Hurlfield Road Sheffield S12 2SD (Case No 15/04226/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the proposed ridge dormers are not characteristic of the area and would give rise to an unbalanced appearance for the proposed dwelling, causing harm to the character of the area, being incongruous in the street scene. For this reason he dismissed the appeal as being contrary to UDP Policy H14 and the National Planning Policy Framework.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for single-storey rear extension to dwellinghouse at 5 College Court Sheffield S4 7FN (Case No 15/03793/FUL) has been dismissed.

Officer Comment:-

The main consideration here was the effect of the proposed extension on the living conditions of the occupiers of the adjoining property (No. 7 College Court) with particular reference to outlook.

The proposed extension would project 5 metres from the rear of the property and directly adjoin the boundary with No. 7. It would also have a lean-to roof with an eaves level of 2.5 metres and a ridge height of 4 metres. There is a 1.5 metre fence along the boundary and the Inspector was of the view that a good deal of the extension would project above the fence.

No. 7 has french doors close to the boundary with a window beyond these.. they are in close proximity to the proposed extension which would project rearwards for a considerable distance along the boundary, well in excess of the guideline in the Councils SPG. The extension would be a substantial and unduly dominant feature. The overbearing visual impact would result in an unacceptable level of outlook for the occupiers on No. 7 that would be detrimental to their living conditions.

The Inspector took into account that the extension would provide suitable facilities for 2 disabled children and that para. 159 of the NPPF requires local authorities to address the need for all types of housing. This weighed in the appellants favour.

The Inspector also considered the requirements of the Human Rights Act 1998 but was mindful of the fact that the appellant's right for respect for private and family life must be weighed against other factors including the wider public interest. In the Inspectors view, the legitimate aim of granting permission where buildings would not be harmful to neighbouring living conditions could only be adequately safeguarded by the refusal of permission.

Accordingly, the appeal was dismissed.

## 5.0 RECOMMENDATIONS

That the report be noted

Mike Hayden  
Head of Planning

19 July 2016

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