

Planning and Highways Committee

Tuesday 28 March 2017 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

The 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. 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.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
28 MARCH 2017**

Order of Business

- 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 7 March 2017
- 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 - 32)
Report of the Interim Head of Planning
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 33 - 38)
Report of the Interim Head of Planning
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on 18 April 2018

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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 Audit and 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.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 7 March 2017

PRESENT: Councillors Chris Rosling-Josephs (Chair), Ian Auckland, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Alan Law, Zahira Naz, Joe Otten, Peter Price, Peter Rippon, Zoe Sykes and Cliff Woodcraft (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor David Baker and Councillor Cliff Woodcraft attended as the duly appointed substitute.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Alan Law declared an interest in an application for planning permission under Section 73 to withdraw condition 22 in respect of removing the requirement for the provision of affordable housing from planning permission Case No. 16/01169/OUT at Site Of Oughtibridge Mill Sheffield site, 22 to 24 Main Road, Wharncliffe Side (Case No. 16/04679/OUT) as he had spoken with the developers. Councillor Law did not speak or vote thereon and left the room prior to consideration of the item.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the previous meeting of the Committee, held on 14 February 2017, were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Interim Head of Planning, 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. CYCLE TRACKS ACT 1984 SECTION 3: CONVERSION TO SHARED FOOTPATH/CYCLETRACK OF PARTS OF FOOTPATHS SHE/270 AND SHE/271 AT HUTCLIFFE WOOD

The Head of Highway Maintenance submitted a report seeking authority to process a Cycle Track Order required for converting parts of Definitive Footpaths

numbered SHE/270 and SHE/271 to a shared footpath/cycle track at Hutcliffe Wood in the Beauchief area. The report stated that, at present, the footpaths were unsurfaced routes, but that it was proposed to convert parts of the footpaths to a shared footpath/cycle track and to construct a new section of footpath/cycle track linking the two footpaths. It was explained that the footpaths would be widened to 2.5m and constructed from crushed stone, with short lengths where the path meets Hutcliffe Wood Road and Abbey Lane, finished with a tarmac surface.

6.1 **RESOLVED:** That (a) no objections be raised to the proposed conversion of Definitive Footpaths numbered SHE/270 and SHE/271 at Hutcliffe Wood to a shared footpath/cycle track, as detailed in the report of the Head of Highway Maintenance and as shown coloured green on the plan now exhibited, subject to satisfactory arrangements being made with Statutory Undertakers in connection with regard to their mains and services that may be affected;

(b) authority be given to the Director of Legal and Governance to take all necessary action to convert the footpaths to a shared footpath/cycle track, under the powers contained within Section 3 of the Cycle Tracks Act 1984; and

(c) in the event of no objections being received, or all objections received being resolved, authority be given for the Order to be confirmed as an unopposed Order.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee 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) having heard an oral representation at the meeting from a representative of the Council for the Protection of Rural England objecting to the proposed condition being withdrawn and from the applicant's representative supporting the condition being withdrawn, an application for planning permission under Section 73 to withdraw condition 22, in respect of removing the requirement for the provision of affordable housing from planning permission Case No. 16/01169/OUT at Site Of Oughtibridge Mill Sheffield site, 22 to 24 Main Road, Wharnccliffe Side (Case No. 16/04679/OUT) be refused for the reasons detailed in the report now submitted;

(c) having noted (i) additional representations objecting to the development and the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) a response from the officer to two further written objections reported orally at the meeting, an application for planning permission for the retention of a boundary fence at 14 Mosborough Hall Drive (Case No. 16/04497/FUL) be granted, conditionally;

(d) having heard an oral representation at the meeting from a local resident

objecting to the proposed development, an application for planning permission for the installation of a biomass boiler, with a chimney flue extending 3.5 metres above the ridge height of the building, including installation of an associated drying unit and ducting to the western elevation for the drying of agricultural products and heating of a dwellinghouse, workshop and office buildings only at Prospect Farm Kirk Edge Road (Case No. 16/03932/FUL) be deferred pending a visit of inspection to the site; and

(e) having heard oral representations at the meeting from a local resident and a representative of The Loxley Valley Protection Society objecting to the proposed development and from the applicant's representative supporting the proposed development, an application for planning permission for the demolition of an existing garage and erection of a new dwellinghouse, on land to the rear of 45 to 47 Rodney Hill, Occupation Lane, Loxley (Case No. 16/02627/FUL) be refused for the reasons detailed in the report now submitted.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Interim Head of Planning 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.

9. DATE OF NEXT MEETINGS

- 9.1 It was noted that a special meeting of the Committee would be held on 28 March 2017 at 10.00am and the next scheduled meeting would be held on 28 March 2017 at 2.00pm.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Interim Head of Planning

Date: 28/03/2017

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Adam Chapman

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

Category of Report: OPEN

Application No.	Location	Page No.
17/00158/FUL (Formerly PP-05750984)	46 High Street Mosborough Sheffield S20 5AE	13
16/03932/FUL (Formerly PP-05499498)	Prospect Farm Kirk Edge Road Sheffield S6 6LJ	20

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 28/03/2017

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

NOTE Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

Case Number	17/00158/FUL (Formerly PP-05750984)
Application Type	Full Planning Application
Proposal	Application to allow extended opening hours (Application under Section 73 to vary condition 5 (Opening Hours) of planning permission 16/02435/FUL)
Location	46 High Street Mosborough Sheffield S20 5AE
Date Received	13/01/2017
Team	City Centre and East
Applicant/Agent	Mr Paul Higgins
Recommendation	Grant Conditionally

Time limit for Commencement of Development

Approved/Refused Plan(s)

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

Drawing Number PO2 B

Reason: In order to define the permission.

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

5. The building shall be used for the above-mentioned purpose only between 1100 and 2300 hours on Mondays to Fridays; between 1100 and 2330 hours on Saturdays; and between 1100 and 2200 hours on Sundays, except for 12 months from the date of this decision when the building shall be used for the above-mentioned purpose only between 1100 and 2330 on Mondays to Thursdays, between 1100 and 2400 hours on Fridays and Saturdays and between 1100 and 2230 hours on Sundays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property and to allow the impact of the revised hours to be monitored.

6. No movement, sorting or removal of waste bottles, materials or other articles nor movement of bins shall be carried on outside the building between 2300 and 0700 hours on the following day Monday - Saturdays and between 2200 and 0900 hours on the following day Sundays and Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

7. No deliveries shall be made to the building between 2300 and 0700 hours on the following day Mondays to Saturdays and between 2200 and 0900 hours on the following day Sundays and Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers

8. At all times commercial refuse bins shall be stored to the rear of the property and shall at no time be stored on the adjoining public highway.

Reason: In the interests of the amenities of the locality

9. The building shall not be brought into use unless the external extraction flue ducting has been painted black.

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

Attention is Drawn to the Following Directives:

1. For the avoidance of doubt in line with National Planning Practice Guidance:

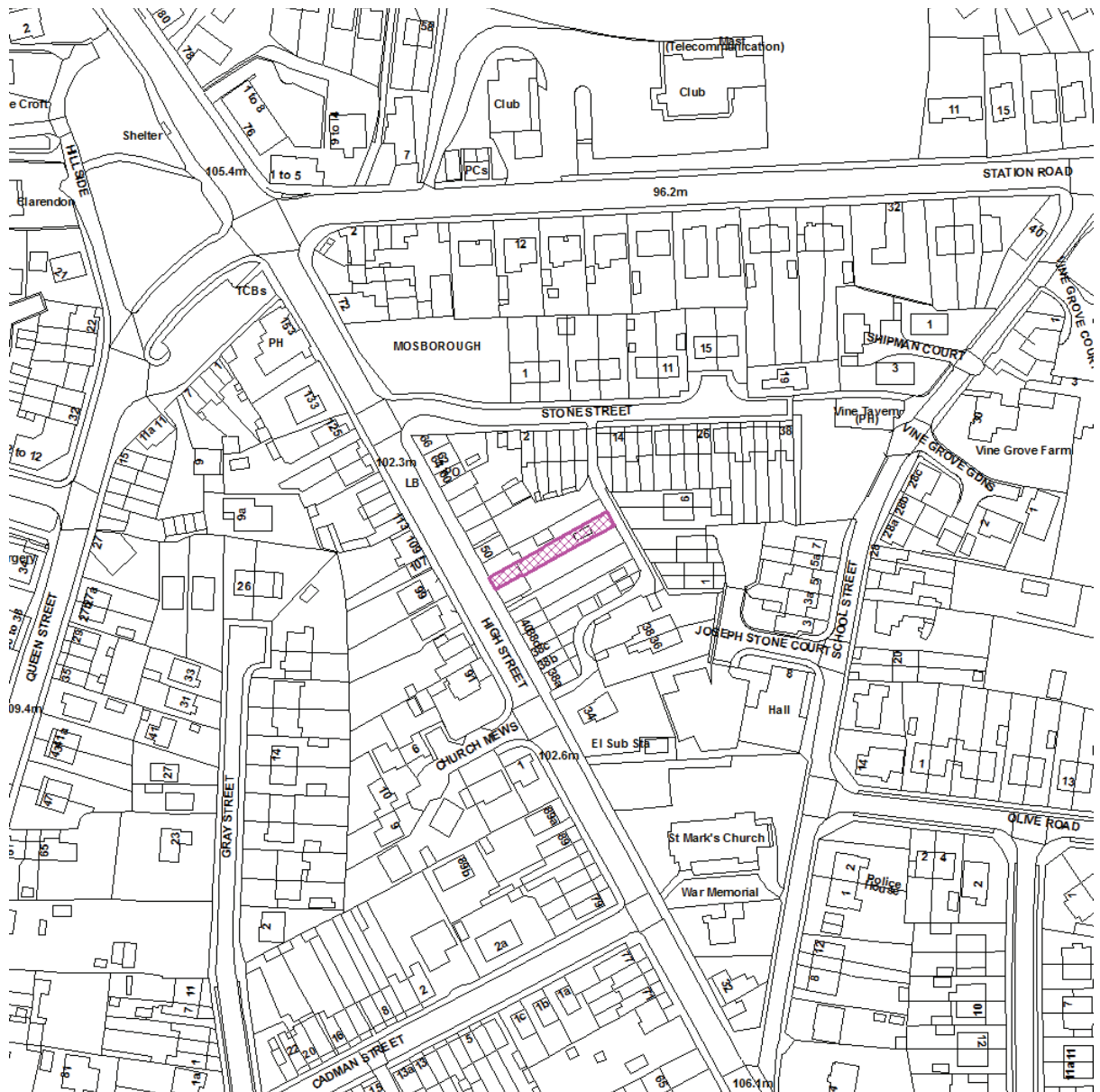
Conditions 6, 7, 8, 9 have been included on this Decision Notice for completeness and because they remain in force. No further information is required in relation to these conditions.

Conditions 3 and 4 have not been included on this Decision Notice. The details required by these conditions have already been agreed and discharged under condition application 16/02435/COND2; and no further information is required.

Condition 1 has been removed because the use has already commenced.

2. 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

This application relates to an existing hot food (kebab) takeaway located within an established parade of shops to the east side of High Street Mosborough and falling within a local shopping area as defined by Sheffield Unitary Development Plan. The immediate area is mixed commercial/residential environment.

Planning approval is sought to extend the approved opening hours of the hot food takeaway by an extra half an hour each day.

SUMMARY OF REPRESENTATIONS

A petition containing 23 signatures and 5 letters objecting to the proposal have been received. The issues raised are summarised as follows:

- The additional opening hours will impact on quality of life for local residents. High Street is also a residential area and the needs of the many people who live there should be paramount to anyone wanting to make extra profit
- The area has already seen an increase in rubbish, smells, traffic and noise
- Being open later will attract customers from local pubs causing anti-social behaviour and more noise and litter.
- Takeaways currently don't adhere to opening hours so likely this will open until after midnight as it is not policed.
- Consideration should be given to local residents rather than one business.
- Council Tax should be reduced to compensate local residents for clearing rubbish and experiencing a decrease in quality of life
- There has been limited publicity for the current application.
- If the application is approved other local takeaways will apply to have their hours extended.
- Council should show restraint and responsibility in addressing obesity epidemic by limiting opening hours
- The people who own the business and its customers do not have to live with all of its repercussions.

RELEVANT PLANNING HISTORY

Planning approval to use the building as a hot food takeaway was approved by Planning and Highways Committee on 30th August 2016 under application 16/02435/FUL subject to opening hours being restricted to between 1100-2300 on Mondays to Fridays, 1100-2330 hours on Saturdays and 1100-2200 hours on Sundays.

These opening hours were in line with the approved opening hours of the adjacent Indian Takeaway which were granted on appeal by the Planning Inspectorate in 2012.

PLANNING ASSESSMENT

The acceptability of the hot food takeaway has already been established by the grant of planning approval in August 2016 and it has been in operation since September 2016.

The planning application as originally submitted requested an extension of opening hours until midnight every night of the week to enable them to fairly compete with other hot food takeaways in the area which opened until this time. The applicant has subsequently agreed to amend the application to seek an additional half an hour each day (one hour on Fridays) which would result in closing at 11.30pm on Monday to Thursday, Midnight on Friday and Saturday and 10.30pm on Sundays.

Planning records indicate that the Admiral Fish Bar at 69 High Street was granted approval on appeal in 1995 to operate until 24.00 hours 7 days a week. It is noted that the Admiral Fish Bar now advertises as opening until 11.30 (Mondays to Fridays) Midnight (Thursdays to Saturday) and 11pm on Sundays.

The adjacent Indian Takeaway is understood to open an additional half an hour each evening beyond the opening hours which were granted on appeal. This is currently being investigated by Planning Enforcement. The breach of hours had not been previously brought to the attention of the Local Planning Authority and colleagues in Environmental Health have not received any complaints about the operation of the unit in respect of noise or odour nuisance.

Policy Issues

Policy S10: Conditions on Development in Shopping Areas, Section (b) seeks to ensure that that new developments or change of use applications will not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution & noise.

The planning approval in 2016 was conditional upon a suitable fume extraction system being installed. The system as installed has been checked by the Environmental Protection Service and is deemed suitable for use. No complaints have been received in respect of odours since the Kebab takeaway opened for business 6 months ago.

At the time of approval in 2016 it was acknowledged that there was the potential for customers using the premises to create some noise when entering and exiting the premises. The application site however is in a Local Shopping Area adjacent to a busy road where some evening time activity and traffic movement would be expected. There are also a number of other established evening time uses such as public houses in the area which generate their own activity until late at night which will continue irrespective of the outcome of this planning application.

Additional conditions were imposed on the 2016 planning approval restricting the time of deliveries and sorting and removal of waste materials and bins associated with the hot food takeaway. The conditions would remain as previously approved.

Environmental Health officers have raised no concerns with the extensions of hours as now proposed considering them to be in line with the opening hours to

other hot food takeaways in similar locations throughout the city which operate without nuisance to local residents.

As a way of controlling the additional opening hours it is considered reasonable to issue a 12 month temporary approval so that the situation can be monitored. If after the 12 month period the additional half hour opening has not given rise to problems in the local area then the applicant could apply to make the opening hours permanent.

It is considered that with a temporary approval to allow the site to be monitored that the limited increase in hours would be in compliance with S10 of the UDP

RESPONSE TO REPRESENTATIONS

The concerns of local residents have been largely addressed in the above report. There is no evidence to suggest that the increase in hours would increase or give rise to antisocial behaviour, which is a matter for the police.

The application was advertised in line with the Council's Statement of Community Involvement.

If the council is made aware that the HFTA doesn't adhere to its opening hours it can take enforcement action to ensure compliance.

Council tax and obesity issues are not planning considerations.

SUMMARY AND RECOMMENDATION

The application seeks approval to extend the opening hours of the existing hot food takeaway by an additional half hour each day of the week (and one hour on Fridays).

Taking account of the site location on a busy highway with a number of late night uses, the additional opening hours proposed will not be detrimental to the amenities of local residents to an extent that the proposal should be resisted. A 12 month temporary approval will ensure that the site can be monitored with a view to granting a permanent extension to the hours in the future.

The application is considered to be in line with policy requirements and is recommended for approval subject to the listed conditions.

Case Number	16/03932/FUL (Formerly PP-05499498)
Application Type	Full Planning Application
Proposal	Installation of a biomass boiler with chimney flue extending 3.5 metres above the ridge height of the building including installation of an associated drying unit and ducting to the western elevation for drying of agricultural products and heating of dwellinghouse, workshop and office buildings only - AMENDED DESCRIPTION
Location	Prospect Farm Kirk Edge Road Sheffield S6 6LJ
Date Received	18/10/2016
Team	West and North
Applicant/Agent	The Arley Consulting Company
Recommendation	Grant Conditionally

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. 16784/04 (Site Location Plan -Amended);
Drawing No. 16784/03 (Proposed Elevations);
Drawing No. B-GEN - MHH1 (Proposed Layout);

received on the 24 October 2016 and 4 November 2016;

Environmental Risk Assessment - (Arley Consulting Company Limited - Report No. 16784/1C - January 2017)

received on the 23 January 2017 from The Arley Consulting Company Limited.

Reason: In order to define the permission.

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

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

3. The Biomass boiler and drying unit plant and associated equipment shall be designed and operated so as 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 blue line site boundary adjacent to any nearby noise sensitive use.

Reason: In the interests of protecting the amenity of neighbouring properties.

4. The biomass boiler hereby approved shall be used for the following purposes only:-
 - The main source of heat for the farmhouses of Prospect Farm and Parkside, workshop and office buildings at Prospect Farm;
 - To dry farm products at the farm to include cattle bedding for 100 head of cattle, hay, haylage, wheat, oilseed rape, barley, oats and sawdust generated from on-farm activities to provide animal bedding; and
 - Drying woodchip feed for the boiler

The biomass boiler shall not be used other than for the purposes set out above unless first receiving the written express consent from the Local Planning Authority

Reason: In the interests of protecting the amenity of the surrounding area

5. The external flue shall be finished in a dark matt colour, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the flue shall be finished in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity

Other Compliance Conditions

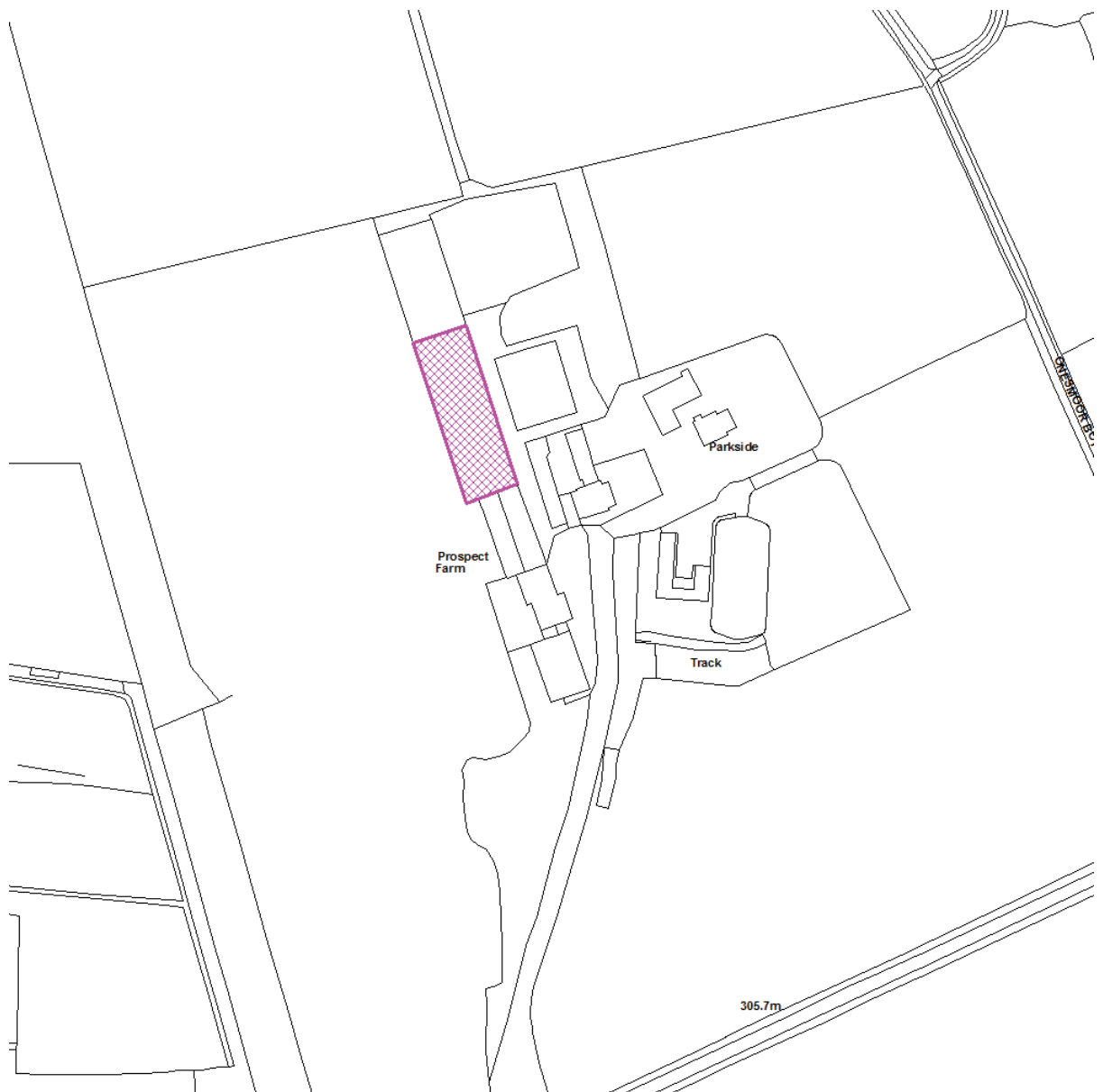
6. The biomass boiler, the woodchip store and the drying floor shall be housed and operated within the existing building, as shown on the site plan and as described in the Environmental Risk Assessment Report No 16784/1C submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenity of the locality and neighbouring properties

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.
2. The applicant is advised that the process applied for is prescribed for control under the Pollution Prevention and Control Act 1999 and therefore requires a separate Environmental Permit from Sheffield City Council. It is an offence to operate such a process without a permit. Further advice can be obtained from SCC Environmental Protection Service on Tel. (0114) 273 4651, or by email at eps.admin@sheffield.gov.uk.

Site Location



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INTRODUCTION

Members will recall that the application was deferred at the last Planning and Highways Committee to allow for a Members' site visit. Since the last committee report, three of the recommended conditions attached to the application have been re-worded to address inaccuracies/updated plans etc and a further condition has been added for reasons of preciseness in order to limit the use of the biomass boiler solely for the drying of agricultural products, and heating the site's two farmhouses, workshop and office buildings.

LOCATION AND PROPOSAL

The application relates to Prospect Farm, an agricultural holding and industrial enterprise that is situated along the northern side of Kirk Edge Road, near its junction with Burnt Hill Lane in High Bradfield. The application site is located in a fairly remote location with no immediate neighbouring properties. The Convent of Carmel of the Holy Spirit lies approximately 260m to the west of the site, Spitewinter Farm approximately 420m to the south-east, Burnt Hill Farm, some 560m to the east and Primrose Cottage, some 540m to the south-east. Bradfield School is situated approximately 1.3km to the east of the site.

The farm is accessed via a long shared driveway that also serves two dwellinghouses (Prospect Farmhouse and Parkside) that are also within the ownership of the applicant (MHH Biomass Boilers). The farm holding is made up of several buildings that include a 9.5m high shed, some 50m in length, workshop and office buildings and various animal pens and stalls that are used in connection with the applicant's farm and aggregate business. On site, evidence of the applicant's industrial business can be found with stock piles of stone and brick and other building materials.

The site is situated in the Green Belt and lies within an Area of High Landscape Value (AHLV). The site is also situated on the edge of the Sheffield Air Quality Management Area (AQMA).

Planning permission is being sought to install a biomass boiler with a 3.5m high chimney flue within the large shed. In connection with the biomass boiler, approval is being sought for a drying unit and ducting to the western elevation of the shed. The biomass boiler is being sought for the drying of agricultural products and the heating of dwellinghouse, workshop and office buildings. At the time of the officers' site visit in December 2016, the biomass boiler had been installed on site, although the biomass boiler was not operational. Prior to the officer site visit, the flue that had initially been erected had been dismantled.

The application is supported by an Environmental Risk Assessment (Report No. 16784/1C) prepared by Arley Consultants Ltd.

PLANNING PROCEDURE

The scope of the application has changed from that originally submitted in October 2016 following the applicant's decision to remove aggregate drying in connection with the installation of the biomass boiler. This is set out in the e-mail received on the 12/01/17

from the applicant's agent. Following this decision, the description of the development was amended, and all properties initially consulted were re-consulted as well as residents, who were not initially consulted but had previously made representations on the application.

RELEVANT PLANNING HISTORY

Prospect Farm has been subject to several planning applications as well as enforcement enquiries dating back to 1984. While none of the planning applications are considered to be specifically related to the application to install a biomass boiler on the site, an enforcement enquiry (15/00604/ENBC), in 2015 is considered to be relevant, which related to an allegation that the site was being used for the depositing and storage of materials in connection with the applicant's aggregates business. Following an investigation by officers, it was concluded that there was no apparent breach of planning on site with photographic evidence being shown to officers that the site had been used for an aggregates business for a period in excess of 10-20 years. This was further evidenced from historic aerial views taken from Google Earth of the site that Prospect Farm had been used for commercial activities associated with an aggregates business for a considerable period of time. It was accepted by officers that by virtue of the 10-year rule*, the industrial use of the site was lawful and therefore immune from enforcement action. *If operational development has been taking place for a period of 10 years without enforcement action having taken against the use, then it becomes lawful by virtue of s.171B(2) of the Town and Country Planning Act 1990. The applicant was advised by officers at that time to apply for a Lawful Development Certificate but this was never submitted.

SUMMARY OF REPRESENTATIONS

A number of representations have been received in response to this application. These have been received from Bradfield Parish Council, Loxley Valley Protection Society (LVPS) and the National Park Authority. Representations have also been received from residents of 24 properties, some of these have written in more than once. As detailed above, there have been two rounds of consultation, the second round following the applicant's decision to remove the drying of aggregates from the application. A summary of all the comments received are listed below:-

Objection (22)

- There are ample agricultural buildings at the farm to house any produce of the farm keeping it protected and dry thus further drying is not required.
- The amended scheme is a significant move from the scheme initially submitted and query whether the biomass boiler would not be used for the drying of aggregates as first submitted;
- Increased traffic and highway safety; The adjoining highway network is unsuitable for the movement of heavy vehicles (HGVs); It is advisable that the Council does some sort of monitoring of the heavy traffic on this road;
- Air pollution;
- Noise Issues;
- Ecology issues;
- The consultation carried out should have been wider;

- Prevailing winds will blow any dust/combustion particulate down valley towards Worrall/Bradfield School – health and quality of life issues for all residents in the those areas;
- No details provided of delivery times of vehicles that would serve the biomass boiler;
- No benefit to the local economy;
- Harmful to the open character of the Green Belt;
- Impact on wildlife;
- The Aga technical department has stated that they do not make/produce anything in their range of products that does or can be run by a Biomass boiler and that old Agas cannot be converted to run on biomass produced heat;
- The amount of aggregate being stored at Prospect Farm has increased over the years.
- There is a constant flow of Hague Plant and MHH lorries along the adjoining highways;
- Increased pollution from traffic;
- Industrial uses such as this should be confined to industrial sites in Sheffield and not in the Green Belt.

The residents of sixteen properties made further representation following the changes made to the application. The residents of these properties indicate that their objections initially submitted remain but also include the following:-

- Sceptical whether the biomass boiler would not be used for the drying of aggregates despite the applicant's agreement to limit the use of the biomass boiler for the drying of agricultural products and the heating of the dwellinghouses, workshop and office buildings;
- No need to have a 1 MW (999kW) heater, on for 75% of the year, to run on wood chips, for sporadic farm drying use, and some basic building heating. The size of the boiler installed strongly suggests practically full time industrial use;

One further representation has been received following on from the deferment of the application at the last committee. The representation is from a resident of a neighbouring property. He recommends that a condition be attached that restricts the biomass boiler to dry agricultural products that are generated on the farm and that any Grade A woodchip dried on site shall only be used with the biomass boiler, and shall not be for onward sale to third parties, or export to any location. Amongst others, he also suggests that conditions should be attached that the biomass boiler should not be used for the drying of aggregates or any other industrial material, the biomass boiler shall not be used to dry materials for the purposes of export from the site, truck movements into and out of the site shall not exceed 2 per day, and there should be no regular visible emissions from the chimney flue, the only emission allowable will be those related to the starting/stopping of the boiler in accordance with the boiler's operating manuals.

Bradfield Parish Council has made comments neither objecting to or supporting the planning application, although they state that the proposed activity will be industrial and not agricultural.

Loxley Valley Protection Society (LVPS) has raised an objection to the application stating that the amended proposal does not change their previous objection to the application.

- The applicant submitted two applications for biomass boilers to dry aggregate in tandem. The other, 16/03931/FUL at 402 Petre St was recently granted, giving capacity for this industrial activity in a more suitable setting. To now change the use of the boiler at Prospect Farm to agricultural has provoked some scepticism among some objectors;
- The required biomass boiler at Prospect Farm seems rather large to now just be used for the suggested building heating and possibly unsuitable for the drying of agricultural products, which are produced on the Farm;
- We seek reassurances that the use of the plant is conditioned so that the use will not result in large traffic movements of lorries on the local narrow road system, to bring in the chips or any other imported materials to be dried;
- It should not be allowed to revert to the first proposed industrial usage once granted for agricultural use;
- Concerns about air pollution, and possible reverting to an industrial usage remain.

The National Park Authority has stated that their comments are made on the basis that the site benefits from a lawful use for this purpose as detailed on the supporting application form. It is noted however that a number of representations state that the lawful use of the site is for agricultural purposes only. The significant external change is the flue, which would have a total height of 13m, which would extend 3.5m above the ridge height of the existing building. The proposed flue would be visible from the public footpath within the National Park, some 370m to the west of the site. However, it is considered that the visual impact of the flue would not be visible. Similarly, views looking towards the site and the National Park from the east (from the highway known as Onesmoor Bottom), the flue would be seen at distance and in the context of the existing buildings. Based on the above, the National Park Authority has no objection to the proposed development but would recommend that the flue is finished a dark matt colour to avoid reflections which could draw attention to it.

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) Visual Amenity Issues and impact on the openness of the Green Belt;
- (iv) Other Amenity Issues - Noise and Air Quality; and
- (v) Other Issues

(i) Principle of the Development – The Principle of Development – Policy and Land Use

As detailed above, during the course of the application, the applicant decided to amend the proposal not on the advice of officers but for reasons that the drying of aggregates seemed to be the greatest cause for concern amongst residents. As amended, the proposed biomass boiler is now being sought solely for the drying of agricultural products and the heating of dwellinghouse, workshop and office buildings at Prospect Farm and not

for aggregates. Although officers acknowledge the concerns raised by a number of residents that the true purpose of the biomass boiler is for the drying of aggregates in connection with the industrial use of the site, it is not appropriate to simply assume that this is what it will be used for. If this is the intended use of the biomass boiler, this would of course be subject to a separate application and not a matter that should be considered under this application. The application should therefore be based solely on the amended scheme and not what some people assume will happen. To do so would be inappropriate and likely to make the decision challengeable.

The applicant has stated that the biomass boiler would be used to dry agricultural products which are generated on the farm, which will include the following:

- Drying cattle bedding for 100 head of cattle housed on farm. Straw is baled at harvest time and stored outside and then dried off on the drying floor before being used;
- Drying hay as this is harvested at summer and can often be wet therefore it will be dried on the drying floor;
- Drying haylage which is harvested and stored in plastic outside over winter and dried on the drying floor before being fed to animals;
- Drying wheat at harvest time which is then stored in the barn over winter ;
- Drying oilseed rape at harvest time which is then stored in the barn over winter;
- Drying wheat at harvest time which is then stored in the barn over winter;
- Drying barley at harvest time which is then stored in the barn over winter;
- Drying oats at harvest time which is then stored in the barn over winter;
- Drying sawdust to provide animal bedding - this sawdust will be a useful agricultural by product of the imported woodchip as the sawdust will be segregated off from the woodchip loads brought to site then used as animal bedding after being dried;
- Drying woodchip feed for the boiler – imported woodchip will be dried before feeding into the boiler as the lower the moisture content the higher quality of the fuel and it will burn more efficiently

The biomass boiler will also replace the 4 existing oil fired boilers at the farm and run the AGAs in the farmhouses and will be the main source of heat for the farmhouses of Prospect Farm and Parkside. It will be the sole heat source for the workshop and office buildings at the farm.

The applicant has further asserted that the biomass boiler is a cleaner, more efficient way of generating energy than the oil fired boilers. The boiler is automatically controlled to minimise emissions and is fitted with an exhaust gas cyclone to remove particulates from the exhaust stream. Using waste wood is also considered a renewable energy source, reducing the usage on fossil fuels which contributes to the UK Government targets to reduce fossil fuel reliance and increase the use of renewable energy. These are the merits of the proposal and the applicant is concerned that they are being lost in concerns over the use of the drying floor for non-agricultural products, hence the reason for the restriction outlined above.

The details of the proposed boiler and associated drying unit are set out in the supporting Environmental Risk Assessment (Ref No 16784/1C) Arley Consulting Company, January 2017) that was commissioned by the applicant. The boiler would burn woodchip in a 999

kW Ariterm Boiler with a single flue that would project 3.5m above the building's ridge. The boiler has been supplied and installed by Barden Energy, who has a clean air exemption certificate.

In officers' opinion, based solely on its use for the drying of agricultural products and the buildings at Prospect Farm, the installation of the proposed biomass boiler is considered to be acceptable and would represent an appropriate means of generating energy in a sustainable manner in line with government guidance contained in NPPF. Paragraph 98 of NPPF details that when determining planning applications, LPAs should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Biomass boilers are considered to be an excellent form of sustainable energy and are viewed by many including the government to be a means of reducing the reliance on fossil fuels such as coal and oil.

(ii) Highway Issues

The supporting Environmental Risk Assessment (ERA) details that approximately 1 load of woodchip will be received each day. Following the amendment of the application to remove the drying of aggregates in connection with the biomass boiler, it is considered that the amount of additional vehicle movements specifically related to the operation of the boiler would be low and not significant that would result in any harm to highway safety. Concerns raised with the existing operations at Prospect Farm and the movement of aggregates is not considered to be material to the application and should be disregarded.

(iii) Visual Amenity Issues and impact on the openness of the Green Belt

The application site should be assessed against Policies GE2 and GE4 of UDP on account of the location of the site in the Green Belt.

Policy GE2 states that in the Green Belt, measures will be taken to maintain and enhance those areas with a generally high landscape value and improve poor landscapes in priority areas. Policy GE4 states that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it should 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 being their openness and their permanence.

It is considered that the only implication of the proposed biomass boiler on the open character of the Green Belt is the proposed flue extraction feeding off the biomass boiler. The plans and supporting ERA detail that the proposed flue would project 3.5m above the ridge height of the building; the height of the flue being determined by atmospheric dispersion modelling.

Officers acknowledge that the flue would be visible when looking back at the site in particularly from views from the east from Onesmoor Bottom and Old Lane. However, officers remain satisfied that any impact on the openness of the Green Belt would not be

significant that would warrant the application to be refused. The building on which the flue would be installed is situated some distance from the two neighbouring highways, measured at some 325m from Kirk Edge Road and 250m from Onesmoor Bottom. It is also considered that the flue would be seen in context with the existing buildings at Prospect Farm and would not appear isolated that would diminish the openness around and through the site. The height of the flue as detailed in the supporting ERA is fixed at 3.5m above ridge height to achieve the necessary dispersion, so while it would be preferable to lower its height, this is not achievable as it would prevent adequate dispersal of fumes. Officers would agree with the Parks Authority's views on muting the colour of the flue, and recommend that a condition be attached that requires the flue to be finished in a dark matt colour to avoid reflections that could draw attention to it. Subject to this condition being attached, it is considered that any impact on the openness of the Green Belt would be minimal. It is

(iv) Other Amenity Issues - Noise and Air Quality

As detailed above, the boiler would burn woodchip in a 99 kW Aritem Boiler with a single 3.5m high flue. The biomass is expected to operate for 6,570 hours per year, which equates to approximately 75% of the time. Stack emissions analysis conducted in August 2015 on a 999 kW Aritem Boiler identified that the substances emanating from the boiler that include carbon monoxide and oxides of nitrogen fell below DEFRA emissions limits. In the emissions report it was stated that there was no visible plume from the boiler flue. This is expected as the boiler has a DEFRA clean air exemption certificate which allows its use to burn unauthorised fuel, in this case wood in smoke control areas.

The Environmental Risk Assessment (ERA) details that odours from the boiler is not considered to be a hazard as there are no sources of odour identified. The risk of atmospheric pollution from point source from emissions was deemed to be high on account of the site's location within an AQMA. Atmospheric dispersion modelling has been carried out to inform the necessary flue height of 3.5m above ridge for adequate dispersion. The risks from other sources of dust and from noise and vibration were assessed as low due to the use of the building for storage and boiler housing. The ERA concludes that the risks presented by operation of the biomass boiler with waste wood can be controlled through management and mitigation to reduce the impact on the surrounding environment, so that all residual risks are low.

Environmental Protection Service has stated that the biomass boiler installation will be subject to regulatory control under an Environmental Permit issued in accordance with Environmental Permitting Regulations, which will be administered by EPS. The Environmental Permit will be the primary route to manage any air quality issues, visible emissions, or issues around dust and particulate emissions from the process EPS has recommended a single condition that requires the biomass boiler and drying unit to be housed and operated as described in the Environmental Risk Assessment Report. The Council's Air Quality Officer has confirmed that the submitted AQA is acceptable and that there are no air quality grounds to resist the application.

EPS are assured by the inclusion of both of the nearest 'on site' properties, as the full mitigation of all amenity impacts for these addresses would be difficult. EPS are also satisfied that the site is sufficiently distanced from other properties outside the confines of Prospect Farm for noise not to be a serious issue off site. Any amenity impacts at

Prospect Farm or, to a lesser degree, at Parkside due to noise, will be a matter for the applicant, but is not likely to be of a severity that would be deemed a health risk.

As previously stated, air quality considerations including boiler emissions from the stack and fugitive dust emissions are subject to control via the Environmental Permit. The installation site does not fall within SCC's Clean Air Act designated Smoke Control Area, though the appliance is listed as certified exempt for use with an unauthorised fuel (wood chippings) in such an area. Visible smoke emissions are therefore not anticipated outside the initial light up period of the appliance's operation.

The Council's Air Quality Officer carried out an assessment of the application, by means of Airviro dispersion modelling and with particular regards to the likely impact of the fine particulate matter (PM₁₀) and nitrogen dioxide (NO₂) emissions on local air quality. He has confirmed that the predicted ground level concentrations, of these pollutants: PM₁₀ (<0.3ug.m⁻³) and NO₂ (<1.7ug.m⁻³) at the highest points within the vicinity of the Boiler building, are sufficiently low not to warrant a resistance to the application. Furthermore, given that the background concentrations of these pollutants in the vicinity of the proposed Biomass Boiler is less than 21ug.m⁻³, well below their health-based national annual average concentrations and EU limit values of 40ug.m⁻³, he details that there is no further reason to object to this application.

(v)Other Issues

Some concerns have been raised that the proposed development would have impact on ecology. While these comments are noted there is little evidence to suggest that the operations of the biomass boiler would result in any harm to ecology or wildlife. SCC Ecology Unit was consulted on the application and has stated that they have no objection with the proposed installation of the biomass boiler.

SUMMARY AND RECOMMENDATION

For the reasons set out in the report and taking in account all other matters, it is considered that the proposal to install a biomass boiler at Prospect Farm represents an appropriate form of development and would be in general accordance with UDP Policies GE2 and GE4 and Core Strategy CS66.

Although several concerns have been raised with regard to the application, some of which relating to whether the biomass boiler would be used in connection with the drying of aggregates at Prospect Farm, which by doing so could result in the intensification of industrial activities on site, officers remain satisfied that the installation of the biomass boiler would not result in any significant impact on air quality or noise disturbance that would be harmful to the residential amenity of neighbouring properties. Officers also remain satisfied that any additional vehicles associated with the development would not result in any significant harm on the highway network or road safety. It is accepted that the erection of a 3.5m high flue above the existing ridge of the building would have some impact on the openness of the Green Belt, but given that the proposal is for a single flue only, the distance of the flue from the surrounding highways being in excess of 250m and that the flue would be seen in context with the site's existing buildings, it is considered that any harm to the surrounding open countryside would be minimal. As suggested by the National Parks Authority, it is recommended that a condition be attached that requires the

flue to be finished in a dark matt colour to avoid reflections which could draw attention to it.

It is therefore recommended that planning permission be granted subject to the conditions listed.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Interim Head of Planning

Date: 28 March 2017

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
28 MARCH 2017

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 Enforcement Notice served by the City Council in respect of erection of a flue and use of premises as a hot food takeaway at 126 Birley Spa Lane (Case No 16/00314/ENUD)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to attic space to form 2x self-contained flats (Use Class C3) at 36 Priory Road Sharrow Sheffield S7 1LX (Case No 16/04163/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for the retention of a non-illuminated banner sign on the north facing gable at Woodseats Launderette 819 Chesterfield Road Sheffield S8 0SQ (Case No 15/03985/ADV)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations and two-storey rear extension to building to form 8 bedroom house in multiple occupation (HMO) at 355A Glossop Road Sheffield S10 2HP (Case No 16/04145/FUL)

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for free standing double sided internally illuminated digital advertising panel at Opposite Sheffield Midland Station Sheaf Street Sheffield S1 2BP (Case No 16/04174/HOARD)

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Advertisement Consent for internally illuminated 48 sheet digital LED hoarding at 673 Abbeydale Road Sheffield S7 2BE (Case No 16/03265/HOARD)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for change of use of part of existing Market (adjacent Working Mens Club) to create area for hand car washing business, 2 no. storage containers, site office, canopy, fencing, entrance gates and associated works at Market Market Place Chapeltown Sheffield S35 2UU (Case No 16/03222/FUL) has been dismissed.

Officer Comment:-

The main issues were considered by the Inspector to be i) the living conditions of occupiers of neighbouring properties ii) highway safety iii) the vitality and viability of the market and iv) the character and appearance of the area.

- i) The Inspector considered that, as use would be taking place 7 days per week and up to 18.00 hours weekdays and from 08.00 to 18.30 on Sundays and public holidays, the use of jet washers, vacuums etc. would harm living conditions for nearby residents and especially at times when noise levels would be lower than during the working week contrary to UDP Policy S10
- ii) Market Place is a busy thoroughfare and the proximity of the entrance to the roundabout would cause drivers to slow on the highway which may not be readily anticipated by other drivers. In addition, the potential for the pedestrian crossing to funnel pedestrians towards and across the access would cause conflict between cars using the car wash and pedestrians. The access off Market Place would be detrimental to highway safety. The egress of cars onto Smith Street would be impeded by parked cars along this heavily parked street. The Inspector concluded that a safe and suitable ingress/egress had not been demonstrated and this was contrary to UDP Policy S10
- iii) The Inspector considered that the location of the car wash would result in conflict between cars and pedestrians. It would also be incompatible with a shopping environment. This would jeopardise the future vitality and viability of the market contrary to paragraph 23 of the NPPF
- iv) The Inspector considered that the immediate surroundings are of a mixed character and the car wash use would not have a detrimental impact on the character and appearance of the area.

The lack of harm to the character of the area was not considered to outweigh the harm caused relating to living conditions, highway safety and the vitality and viability of the market and so the appeal was dismissed.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for erection of single-storey front extension/porch including canopy and provision of an access ramp at 25 Burngreave Street Sheffield S3 9DQ (Case No 16/03039/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the proposal on the character and appearance of the area.

The appeal property is part of a terrace with some architectural merit and exhibits a pleasant uniformity and the terrace is largely free from alterations or extensions. The proposal would result in the loss of the curved bay window and the proposed porch, square bay and canopy would cover most of the front elevation and be at odds with the design and proportions of the house and the wider terrace, appearing as incongruous in the street scene. In addition the proposed ramp would take up much of the front yard and be in stark contrast with the boundary treatments on this part of Burngreave Street appearing as incongruous and obtrusive.

The Inspector took into account the requirement to provide improved access for the appellant who is disabled but considered that, although of great weight, this did not outweigh the permanency of the harm caused to the character and appearance of the area.

(iii) An appeal against the delegated decision of the Council to refuse planning consent for the retention of tree-house in rear garden (retrospective application) (Amended scheme to 15/03806/FUL) at 3 Crescent Road Sheffield S7 1HJ (Case No 16/01545/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the tree house on the living conditions of neighbours, and on the character and appearance of the Nether Edge Conservation Area.

He noted the tree house provided clear views into and across the gardens of neighbouring houses and their rear elevations. He agreed with the Council that this substantially reduces the level of privacy enjoyed by those occupiers and results in significant harm to their living conditions. He did not consider the appellants proposed screening of access steps would mitigate this and the proposal conflicted with UDP Policy H14.

Given its location however, within the rear garden and hidden from public view, he considered that it did not cause harm to the character and appearance of the Conservation Area.

He therefore dismissed the appeal on the basis of the first consideration, of living conditions.

(iv) To report that an appeal against a Enforcement Notice served in respect of the erection of a tree house at 3 Crescent Road Sheffield S7 1HJ (Case No 15/00256/ENUHD) has been dismissed.

Officer Comment:-

This relates to the refusal of retrospective planning permission noted in 3.0 (iii) above. The enforcement appeal was made on ground a) – that planning permission should be granted; and ground g) that the period for compliance with the enforcement notice is too short.

The Inspector considered the ground a) appeal within his assessment of the

refusal of planning permission appeal in 3.0 (iii) above and had dismissed that appeal.

On ground g) the appellant argued the specified period of 28 days to remove the tree house was too short because time was needed to consider options for the tree (removal, pruning, replacing with a wildlife platform) all of which may require the Council's consent.

The Inspector did not consider these reasons to be convincing but did consider that to extend the period for compliance to two months would be reasonable.

The enforcement notice was therefore varied accordingly.

(v) An appeal against the delegated decision of the Council to refuse Advertisement Consent for siting of freestanding illuminated 48sheet LED advertising unit (Re-submission of 16/02298/HOARD) at Cambridge Service Station 300 Penistone Road Owlerton Sheffield S6 2FU (Case No 16/03600/HOARD) has been dismissed.

Officer Comment:-

The main issues in this appeal were felt to be the effect of the proposal on the character and appearance of the area and on highway safety.

With regard to the impact on the character and appearance, the Inspector noted that this proposal would be seen in conjunction with a similar illuminated hoarding some 100 metres to the north-west. Because of this relationship, the Inspector concluded that the size siting and design of the proposed hoarding would result in an excessive clutter of illuminated signage harmful to the character and appearance of the area.

In respect of the impact on highway safety, the Inspector considered that Penistone Road is a wide straight road at this point and motorists would be able to see the hoarding from such a distance as to enable them to assimilate any advertisements without significantly increasing the risk of accidents happening..

Whilst not prejudicing public safety, it was considered that the harm caused to the character and appearance of the area outweighed this and so the Inspector dismissed the appeal.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for demolition of storage building and erection of bungalow with associated car parking and garden area at Land And Building Adjacent Slackfields Farm Slack Fields Lane Sheffield S35 0DU (Case No 15/04377/FUL) has been allowed subject to conditions.

Officer Comment:-

The main issues in this appeal were considered to be i) whether the proposed development is inappropriate development in the Green Belt, ii) the effect on the character and appearance of the area, including an Area of High Landscape Value and iii) if the proposal is inappropriate, whether the harm caused is outweighed by other considerations so as to amount to very special circumstances.

i) Paragraph 89 of the NPPF asserts that the construction of new buildings in the Green Belt is inappropriate subject to certain exceptions which include the complete redevelopment of previously developed sites where there would not be a greater impact on the openness of the Green Belt. This means that UDP policies GE3 and GE5 are not consistent with the NPPF and so these policies were given little weight. The proposed dwelling was not considered to have a greater impact on the openness of the Green Belt than the existing building and so was considered to be appropriate development.

ii) The Inspector considered that the proposed dwelling would reflect the appearance of nearby buildings at Slackfields Farm. The design and use of appropriate materials would assist in the assimilation of the building into the landscape. Planting would also reduce its prominence. It was felt that the proposal would not have an unacceptable impact on the character and appearance of the area.

iii) As it was found that the development was not inappropriate development and would not have an adverse effect on the character and appearance of the area, it was not necessary to assess whether very special circumstances exist to justify the proposal. Accordingly, the Inspector allowed the appeal subject to conditions.

5.0 RECOMMENDATIONS

That the report be noted

Flo Churchill
Interim Head of Planning

28 March 2017